## Volume 2

# STATUTES OF CALIFORNIA

## AND DIGESTS OF MEASURES

## 1974

Constitution of 1879 as Amended

Measures Submitted to Vote of Electors,
Special Election, June 4, 1974,
and General Election, November 5, 1974

General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature

**1973–74 Regular Session**
**and**
**1973–74 Second Extraordinary Session**

*Compiled by*
GEORGE H. MURPHY
*Legislative Counsel*

80—3659

# CHAPTER 1182

*An act to amend Section 11653 of the Education Code, relating to average daily attendance, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 11653 of the Education Code is amended to read:

11653. Whenever the average daily attendance of any school district during any fiscal year has been materially decreased during any fiscal year because of:

(a) Fire,

(b) Flood,

(c) Impassable roads,

(d) An epidemic,

(e) The imminence of a major safety hazard as determined by the local law enforcement agency,

(f) A strike involving transportation services to pupils provided by a nonschool entity, or

(g) An order provided for in Section 17553; such fact shall be established to the satisfaction of the Superintendent of Public Instruction by affidavits of the members of the governing board of the school district and the county superintendent of schools. The average daily attendance of the district for the fiscal year shall be estimated by the Superintendent of Public Instruction in such manner as to credit to the school district for determining the apportionments to be made to the district from the State School Fund approximately the total average daily attendance which would have been credited to the school district had the emergency not occurred or had the order not been issued.

The provisions of this section shall apply to any average daily attendance which occurs during any part of a school year.

SEC. 2. Items (e) and (f) of Section 11653 of the Education Code, as amended by Section 1 of this act, shall be deemed to have been operative for the entire 1973–74 and 1974–75 fiscal years.

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

The facts constituting such necessity are:

In order to avoid the reduction of the average daily attendance of certain school districts which would occur because of matters entirely beyond the control of school districts, it is necessary that this act take effect immediately.

# CHAPTER 1183

*An act to amend Sections 626, 626.2, 626.4, 626.6, and 626.8 of the Penal Code, relating to schools.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 626 of the Penal Code, as amended by Chapter 431 of the Statutes of 1972, is amended to read:

626. (a) As used in this chapter:

(1) "State university" means the University of California, and includes any affiliated institution thereof and any campus or facility owned, operated, or controlled by the Regents of the University of California.

(2) "State college" means any California state university or college, and includes any campus or facility owned, operated, or controlled by the Trustees of the California State University and Colleges.

(3) "Community college" means any school established pursuant to Chapter 3 (commencing with Section 25500) of Division 18.5 of the Education Code.

(4) "School" means any elementary school, junior high school, four-year high school, senior high school, adult school or any branch thereof, opportunity school, continuation high school, regional occupational center, evening high school, or technical school.

(5) "Chief administrative officer" means:

(i) The president of a state university or college, Chancellor of the California State University and Colleges, or the officer designated by the Regents of the University of California or pursuant to authority granted by the Regents of the University of California to administer and be the officer in charge of a campus or other facility owned, operated, or controlled by the Regents of the University of California, or the superintendent of a community college district or a school district maintaining a community college.

(ii) For a school: the principal of the school; or a person who possesses a standard supervision credential or a standard administrative credential and who is designated by the principal; or a person who carries out the same functions as a person who possesses such a credential and who is designated by the principal.

(b) For the purpose of determining the penalty to be imposed pursuant to this chapter, the court may consider a written report from the Bureau of Criminal Identification and Investigation containing information from its records showing prior convictions; and the communication is prima facie evidence of such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

SEC. 2. Section 626.2 of the Penal Code is amended to read:

626.2. Every student or employee who, after a hearing, has been suspended or dismissed from a community college, state college, state university, or school for disrupting the orderly operation of the campus or facility of such institution, and as a condition of such suspension or dismissal has been denied access to the campus or facility, or both, of the institution for the period of the suspension or in the case of dismissal for a period not to exceed one year; who has been served by registered or certified mail, at the last address given by such person, with a written notice of such suspension or dismissal and condition; and who willfully and knowingly enters upon the campus or facility of the institution to which he has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

Knowledge shall be presumed if notice has been given as prescribed in this section. The presumption established by this section is a presumption affecting the burden of proof.

SEC. 3. Section 626.4 of the Penal Code is amended to read:

626.4. (a) The chief administrative officer of a campus or other facility of a community college, state college, state university, or school, or an officer or employee designated by him to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

(b) Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, such officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer. Such report shall contain

all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in his absence, a person designated by him for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in his absence, the person designated by him, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(c) Consent shall be reinstated by the chief administrative officer whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. Such written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than seven days from the date of receipt of such request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(d) Any person who has been notified by the chief administrative officer of a campus or other facility of a community college, state college, state university, or school, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(e) This section shall not affect the power of the duly constituted authorities of a community college, state college, state university, or school, to suspend, dismiss, or expel any student or employee at such university, college, or school.

(f) Any person convicted under this section shall be punished as

follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

(g) This section shall not affect the rights of representatives of employee organizations to enter, or remain upon, school grounds while actually engaged in activities related to representation, as provided for in Article 5 (commencing with Section 13080) of Chapter 1, Division 10, Part 2, of the Education Code.

SEC. 4. Section 626.6 of the Penal Code is amended to read:

626.6. In any case in which a person who is not a student or officer or employee of a community college, state college, state university, or school, and who is not required by his employment to be on the campus or any other facility owned, operated or controlled by the governing board of any such community college, state college, state university, or school, enters such campus or facility, and it reasonably appears to the chief administrative officer of such campus or facility or to an officer or employee designated by him to maintain order on such campus or facility that such person is committing any act likely to interfere with the peaceful conduct of the activities of such campus or facility or has entered such campus or facility for the purpose of committing any such act, the chief administrative officer or officer or employee designated by him to maintain order on such campus or facility may direct such person to leave such campus or facility, and if such person fails to do so or if such person willfully and knowingly reenters upon such campus or facility within 72 hours after being directed to leave, he is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days

or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

For purposes of this section, a representative of a school employee organization engaged in activities related to representation, as provided for in Article 5 (commencing with Section 13080) of Chapter 1, Division 10, Part 2, of the Education Code, shall be deemed a person required by his employment to be in a school building or on the grounds of a school.

SEC. 5. Section 626.8 of the Penal Code is amended to read:

626.8. (a) Any person who comes into any school building or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful business thereon, and whose presence or acts interfere with the peaceful conduct of the activities of such school or disrupt the school or its pupils or school activities, and who remains there, or who reenters or comes upon such place within 72 hours, after being asked to leave by the chief administrative official of that school or, in the absence of the chief administrative official, the person acting as the chief administrative official, or by a member of the security patrol of the school district who has been given authorization, in writing, by the chief administrative official of that school to act as his agent in performing this duty, is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

(b) As used in this section, "lawful business" means a reason for

being present upon school property which is not otherwise prohibited by statute, by ordinance, or by any regulation adopted pursuant to statute or ordinance.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

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## CHAPTER 1184

*An act to add Chapter 1.5 (commencing with Section 6300) to Division 5 of, to add Article 2.5 (commencing with Section 10266) to Chapter 2 of Division 7 of, and to repeal Chapter 1.5 (commencing with Section 6300) of Division 5 of, the Elections Code, relating to the presidential primary.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Chapter 1.5 (commencing with Section 6300) of Division 5 of the Elections Code is repealed.

SEC. 2. Chapter 1.5 (commencing with Section 6300) is added to Division 5 of the Elections Code, to read:

### CHAPTER 1.5. DEMOCRATIC PRESIDENTIAL PRIMARY

### Article 1. General Provisions

6300. This chapter shall be known and may be cited as the "Alquist Open Presidential Primary Act".

6301. The provisions of this chapter apply to the Democratic Party.

6302. The provisions of this code relating to the direct primary apply to the presidential primary insofar as the former do not conflict with the latter.

6303. This chapter applies both to the election of delegates and alternates pledged to the candidacy of a particular candidate and to the election of delegates and alternates not expressing a preference for a particular candidate.

Article 2. Number and Certification of Delegates and Alternates

6304. The chairperson of the Democratic State Central Committee shall notify the Secretary of State on or before the first day of March immediately preceding the presidential primary as to the number of delegates and alternates to represent the state in the next national convention of the Democratic Party.

The chairperson shall also notify the Secretary of State at such time as to the number of delegates which each congressional district may elect at the presidential primary. The number of delegates which each congressional district may elect shall be based on a formula which apportions 75 percent of the total delegation allocated to the state by the Democratic National Committee (rounded to the nearest whole integer) among the congressional districts in a manner which gives equal weight to the average of the vote in each district for Democratic candidates in the two immediately preceding presidential elections and to the Democratic Party registration in each district on January 1 of the presidential primary year. The number of delegates allocated to each congressional district shall be rounded off to the highest percentage. The remaining delegates and the alternates shall be elected pursuant to Article 13 (commencing with Section 6380.4) of this chapter.

6305. The notification of the number of delegates and alternates shall be in substantially the following form:

Statement of Number of Delegates and Alternates to Democratic National Convention and of Number of Delegates to Be Elected by Each Congressional District

To the Secretary of State
Sacramento, California

You are hereby notified that the number of delegates and alternates to represent the State of California in the next national convention of the Democratic Party is _____.

You are hereby notified that the number of delegates which each congressional district may elect as a part of the delegation to the national convention of the Democratic Party is as follows:

| Congressional District No | Number of delegates |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Dated this _____day of _____,19____.

_____
Chairperson of the State Central
Committee of the Democratic Party

6306. If the chairperson of the Democratic State Central Committee fails to file the notice required by Section 6304 with the

Secretary of State, the Secretary of State shall ascertain the total number of delegates from the call for the national convention issued by the National Committee of the Democratic Party and shall compute the number of delegates which each congressional district may elect from the formula specified in Section 6304.

6307. The Secretary of State shall, on or before the 10th day of March of the year of the presidential primary, certify to the county clerk of each county the number of delegates to be elected in each congressional district which is located in whole or in part in such county.

6308. The certification to the county clerk of the number of delegates shall be in substantially the following form:

Certificate of Secretary of State as to Number of Delegates to Democratic National Convention

To the County Clerk of _____ County.

I hereby certify to you that the number of delegates which the

_____ Congressional District may elect is
(applicable number)
_____.

Dated at Sacramento, California, this _____ day of _____, 19____.

_____
(SEAL) Secretary of State

Article 3. Selection of Candidates by the Secretary of State

6309. This article shall apply to the designation of candidates by the Secretary of State for placement only on the presidential preference portion of the presidential primary ballot.

6310. The Secretary of State shall place the name of a candidate upon the presidential preference portion of the presidential primary ballot when the Secretary of State shall have determined that such a candidate is generally advocated for or recognized in the news media throughout the United States or California as actively seeking the nomination of the Democratic Party for President of the United States.

On or before February 1 immediately preceding a presidential primary election the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he intends to place on the presidential preference portion of the ballot at the following presidential primary election. Following this announcement he may add candidates to his selection, but he may not delete any candidate whose name appears on the announced list.

6311. When the Secretary of State decides to place the name of

a candidate on the presidential preference portion of the ballot pursuant to Section 6310, he shall notify the candidate that his name will appear on the presidential preference portion of the ballot of this state in the presidential primary election.

The secretary shall also notify the candidate that he may withdraw his name from the presidential preference portion of the ballot by filing with the Secretary of State an affidavit pursuant to Section 6312, no later than the 64th day before that election.

6312. If a selected candidate or a nonselected candidate files with the Secretary of State, no later than the 64th day before the presidential primary, an affidavit stating without qualification that he is not now a candidate for the office of President of the United States at the forthcoming presidential primary election, his name shall be omitted from the list of names certified by the Secretary of State to the county clerks for the presidential preference portion of the ballot and his name shall not appear on the presidential preference portion of the ballot, and no delegates pledged to his candidacy may be placed on the delegate selection portion of the presidential primary ballot.

## Article 4. Qualification of Candidates

6313. This article shall apply to the qualification for placement on only the presidential preference portion of the presidential primary ballot of candidates who are not selected candidates as referred to in Section 6310. Such additional candidates who qualify under this article shall hereinafter be referred to as unselected candidates.

6314. Any unselected candidate desiring to have his name placed on the presidential preference portion of the presidential primary ballot shall have nomination papers circulated in his behalf. In order to qualify his name for placement on the presidential preference portion of the presidential primary ballot, the candidate's nomination papers shall be signed by voters registered as affiliated with the Democratic Party equal in number to not less than 1 percent of the number of persons registered as members of the Democratic Party on January 1 of the presidential primary year.

## Article 5. Qualification for the Election of Delegates

6320. This article shall apply to the qualification of delegates pledged to candidates and uncommitted delegations for placement on the delegate selection portion of the presidential primary ballot in each congressional district.

6321. Each unselected candidate and each group, consisting of at least five voters of the state who are registered as affiliated with the Democratic Party, proposing the election of delegates expressing no preference for a candidate for President, hereinafter referred to as an "uncommitted delegation," desiring to have delegates qualify for placement on the delegate selection portion of the presidential

primary ballot in one or more congressional districts shall have nomination papers circulated in each such congressional district. In order that delegates of an unselected candidate, or an uncommitted delegation may qualify for placement on the delegate selection portion of the presidential primary ballot within a congressional district, the nomination papers shall be signed by voters registered as affiliated with the Democratic Party equal in number to at least 1 percent of the number of persons registered as members of the Democratic Party on January 1 of the presidential primary year. No such nomination papers need be filed with respect to delegates pledged to a selected candidate in order to qualify such delegates for the delegate selection primary.

## Article 6. Steering Committees

6325. Each selected candidate and each candidate who seeks to qualify under Article 4 (commencing with Section 6313) of this chapter and each group proposing an uncommitted delegation shall appoint a steering committee of five members.

6326. Each steering committee shall elect a chairperson who shall perform the duties required of him by this chapter.

6327. Each steering committee shall be responsible for the circulation of nomination papers of candidates who seek to qualify under Article 4 (commencing with Section 6313) of this chapter and groups proposing uncommitted delegations, including the appointment of verification deputies. Each steering committee shall perform the duties required of it by this chapter.

6328. The chairperson of a steering committee, at least 85 days prior to the presidential primary, shall file with the Secretary of State a statement containing the names and addresses of the members of the committee.

## Article 7. Nomination Papers

6330. This article shall govern the circulation of nomination papers to qualify unselected candidates and delegates for placement on both the presidential preference portion of the presidential primary ballot and the delegation selection portion of the presidential primary ballot.

6331. Nomination papers to be circulated pursuant to Sections 6314 and 6321 shall be prepared, circulated, signed and verified between the 120th day and 85th day prior to the presidential primary.

They shall be left for examination with the county clerk of the county in which they are circulated at least 85 days prior to the presidential primary.

6332. Upon the filing of nomination papers pursuant to Section 6314 signed by the required number of voters, the candidate named in the papers shall be voted upon in the presidential preference

portion of the ballot.

6333. Upon the filing of nomination papers pursuant to Section 6321, each candidate and each group proposing an uncommitted delegation shall be entitled to have votes cast for delegates on the delegate selection portion of the ballot in each congressional district in which nomination papers were signed by the required number of voters in such congressional district. The names of the delegates submitted by the steering committee of each candidate and each group proposing an uncommitted delegation to the Secretary of State pursuant to Section 6377 shall be printed in the delegate selection portion of the ballot in each congressional district.

6334. Nomination papers for the presidential preference portion of the ballot and for the delegate selection portion of the ballot may be consolidated.

6335. Upon receipt of a sufficient number of signatures for the presidential preference portion of the ballot, the Secretary of State shall notify the chairperson of the steering committee of each unselected candidate of that fact and advise him that no more signatures will be received.

Upon receipt of a sufficient number of signatures for the delegate selection portion of the ballot in a particular congressional district, the Secretary of State shall notify the chairperson of each steering committee of that fact.

6336. Each signer of a nomination paper may sign only one paper. He shall declare his intention to support the candidate or delegation, add his place of residence, and give his street and number if any. He shall write the date of his signature at the end of the line just after his residence. If the nomination paper pertains to delegate selection, he shall also write the number of his congressional district.

6337. Any nomination paper may be presented in sections. Each section shall contain the name of the candidate or chairperson of the steering committee in the case of uncommitted delegations. Each section shall bear the name of the county in which it is circulated.

In the case of nomination papers for the delegate selection portion of the ballot, each section shall state the number of the congressional district for which the nomination papers are applicable and shall also state that delegates for such district are not being proposed in the nomination paper, but rather are to be selected subsequent to the filing of the nomination papers.

In the case of nomination papers for the presidential preference portion of the ballot, only voters of the county registered as intending to affiliate with the Democratic Party are competent to sign. In the case of nomination papers for the delegate selection portion of the ballot, only voters of both the county and the applicable congressional district registered as intending to affiliate with the Democratic Party are competent to sign.

6338. Each section shall be prepared with the lines for signatures numbered, and shall have attached the affidavit of the verification deputy who obtained signatures to it, stating that all the signatures

to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be. No other affidavit is required. The affidavit of any verification deputy shall be verified free of charge by any officer authorized to administer oaths.

6339. A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters, until it is otherwise proved by comparison of the signatures with the affidavits of registration in the office of the county clerk.

6340. The nomination paper for the presidential preference portion of the ballot shall be in substantially the following form:

Section of Nomination Paper Signed by Voter on Behalf of a Presidential Candidate

Section _____ Page _____

County of _____. Nomination paper of a candidate for the presidential preference portion of the presidential primary ballot.

State of California
County of _____ } ss.

Signer's Statement

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the Democratic Party. I hereby nominate _____ for the presidential preference portion of the ballot for the presidential primary to be held on the _____ day of _____, 19__. I have not signed the nomination paper of any other candidate or of candidates for delegate pledged to any other candidate or uncommitted delegation, and I further declare that I intend to support the candidate named herein.

| Number | Signature | Residence | Date |
|---|---|---|---|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| Etc. | | | |

Verification Deputy's Affidavit

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of a candidate for the presidential preference portion of the presidential primary ballot named in the signer's statement above; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____
Verification deputy

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

_____
(SEAL) Notary public (or other official)

6341. The nomination paper for the delegate selection portion of the ballot shall be in substantially the following form:

Section of Nomination Paper Signed by Voter on Behalf Delegate Candidates

Section _____ Page _____

County of _____; _____ Congressional District.

Nomination paper of candidates for election as delegates pledged to the candidacy of _____ as presidential nominee or expressing no preference, as the case may be.

State of California }
County of _____ } ss.

Signer's Statement

I, the undersigned, am a voter of the County of _____, State of California, and of the _____ Congressional District, and am registered as intending to affiliate with the Democratic Party. I hereby nominate delegates who will be selected from my congressional district at a later date for placement on the delegate selection portion of the presidential primary ballot to be held on _____ day of June, 19__, who support the following candidate or who were selected by the steering committee of an uncommitted delegation of which the chairperson is the following individual: _____ (candidate or chairperson of a steering committee in the case of an uncommitted delegation). I have not signed the nomination paper of any other candidate or of delegates pledged to

any other candidate or uncommitted delegation, and I further declare that I intend to support the candidate or uncommitted delegation referred to herein.

| Number | Signature | Residence | Date | Congressional district |
|---|---|---|---|---|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| Etc. | | | | |

Verification Deputy's Affidavit

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the delegate candidates supporting the candidate or chairperson of an uncommitted delegation, as the case may be, named in the signer's statement above that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____
Verification deputy

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

_____
(SEAL) Notary public (or other official)

6342. In the event that nomination papers for both the presidential preference and delegate selection portions of the ballot are to be circulated on behalf of a candidate and on behalf of delegates pledged to such candidate, the nomination paper forms may be consolidated to incorporate the substantial form of nomination papers specified in Section 6340 and Section 6341.

Article 8. Verification Deputies

6345. Each steering committee organized pursuant to this chapter, or its duly authorized representatives, may arrange for the appointment of verification deputies to serve within the county in which the deputies reside in securing signatures to the nomination paper proposed by the steering committee. The verification deputies thus appointed are the duly authorized verification deputies to secure signatures to the nomination paper in that county. The form on which the verification deputies are appointed shall be filed with

the county clerk of the county in which the verification deputies reside, at or before the time the nomination paper is left with the county clerk for examination. Additional verification deputies may be appointed in the same manner as the original verification deputies were appointed.

6346. The verification deputies may be appointed by the steering committee, or its duly authorized representatives, on a form which shall be substantially as follows:

Appointment of Verification Deputies by Steering Committee, or Its Duly Authorized Representatives

We, the undersigned, members of the _____ steering committee (or duly authorized representatives of the _____ steering committee), do hereby appoint the following voters of the County of _____ as verification deputies to obtain signatures, in that county, to nomination papers for the qualification of a candidate for the presidential preference or delegate selection portion of the presidential primary ballot or an uncommitted delegation for the delegate selection portion of the presidential primary (as appropriate).

Verification Deputies

| Name | Residence |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| Etc. | Etc. |

Committee or Its Duly Authorized Representatives

(Signed)

| Name | Residence |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| Etc. | Etc. |

Filed in the office of the County Clerk of _____ County, this _____ day of _____, 19__.

_____, County Clerk

By _____ , Deputy

6347. Verification deputies may obtain signatures to the nomination paper for which they were appointed, at any time not more than 120 nor less than 85 days prior to the presidential primary.

6348. The verification of signatures to nomination papers shall not be made by a county clerk, a deputy county clerk, or within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

Article 9. Arrangement and Examination of Nomination Papers

6350. Each section of a nomination paper, after being verified, shall be returned by the verification deputy who circulated it to the steering committee, or to its duly authorized representatives, by whom the verification deputy was appointed. If a nomination paper is consolidated pursuant to Section 6334, each section thereof shall be signed only by individuals registered within the same congressional district. All the sections circulated in any county shall be collected by the steering committee, or its duly authorized representatives, and they shall arrange and leave the sections with the county clerk for examination.

6351. Prior to filing, the sections of a nomination paper shall be numbered in order.

6352. Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination papers signed by voters in different counties shall not be thus fastened together.

6353. The county clerk shall examine all nomination papers left with him for examination and shall disregard and mark "not sufficient" the name of any voter of his county which does not appear in the same handwriting on an affidavit of registration in the office of the county clerk. He shall also disregard and mark "not sufficient" the name of any voter of his county who has not stated his intention to affiliate with the Democratic Party.

6354. Within four days after any nomination papers are left with him for examination, the county clerk shall:

(a) Examine and affix to them a certificate reciting that he has examined them and stating (1) the number of names which have not been marked "not sufficient," and (2) if the nomination papers pertain to the delegate selection primary in any congressional district, the number of names of individuals registered within such congressional district which have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

6355. The county clerk's certificate to nomination papers shall be in substantially the following form:

County Clerk's Certificate to Nomination Papers

To the Secretary of State:

I, County Clerk of the County of _____, hereby certify that I have examined the nomination papers to which this certificate is attached, of the candidate or uncommitted delegation, as the case

may be, for purposes of qualifying for placement on the presidential preference or delegate selection portion of the ballot at the ensuing presidential primary, that the number of names which I have not marked "not sufficient" is _____, and that the number of names of individuals registered within the _____ Congressional District which I have not marked "not sufficient" is _____.

Dated this _____ day of _____, 19__.

_____, County Clerk

(SEAL) By _____ , Deputy

6356. No filing fee shall be required from any person in order to file nomination papers.

Article 10. Notification of Qualification From Secretary of State

6360. At least 78 days before a presidential primary, the Secretary of State shall notify each steering committee whether or not it has qualified a candidate for placement on the presidential preference portion of the ballot pursuant to Section 6313. In addition, he shall notify the steering committee of each candidate who is an unselected candidate and the steering committee of each uncommitted delegation of those congressional districts in which it has qualified to have delegates placed on the delegate selection portion of the ballot.

The secretary at the time of notifying each steering committee shall also notify each county clerk of such of the above information as relates to the clerk's preparation of the ballot in his county.

Article 11. Formation of Delegate Slates

6375. Each steering committee shall meet not later than 64 days before the presidential primary for the purpose of selecting those persons whose names shall appear as candidates for delegates on the delegate selection portion of the ballot in each congressional district in which a steering committee is qualified to have delegates elected.

6376. The persons selected by each steering committee as candidates for delegates may be any persons whom the steering committee chooses.

A steering committee shall not be required to select either any or the full number of candidates for delegates which it is entitled to select in a particular congressional district for placement upon the delegate selection portion of the ballot.

6377. Each steering committee shall notify the Secretary of State of its candidates for delegates not later than 64 days before the presidential primary.

6378. (a) The notification required by Section 6377 shall be accompanied by an affidavit of the chairperson of the steering committee which shall state that the endorsement of all such delegates by the person preferred by the steering committee as a candidate for presidential nominee has been secured.

(b) The names of the candidates for delegates shall not be placed on the delegate selection portion of the ballot unless this affidavit has been properly filed.

(c) The notification shall also be accompanied by pledges of support to a candidate signed by each delegate selected by a steering committee.

(d) This section shall not apply to a steering committee proposing an uncommitted delegation.

6379. The pledges of support required by Section 6378 shall state that the delegate shall support the candidate until released by the candidate or until the candidate fails to receive at least 15 percent of the vote on any ballot wherein his name is placed before the convention for nomination. Such pledge shall not be binding in the event the candidate dies or becomes unable to accept or hold office if nominated and elected.

The pledge of support shall be in substantially the following form:

Affidavit of Candidate for Delegate

State of California }
County of _____ } ss.

I, _____, reside and am registered to vote at No. _____ Street, in the City (or town) of _____, in the County of _____, in the _____ Congressional District, State of California.

I personally prefer _____ as nominee of the Democratic Party for President of the United States, and hereby declare to the voters of the Democratic Party in the State of California that if elected as a delegate to their national party convention, I shall support _____ as nominee of my party for President of the United States until released by him or until he fails to receive at least 15 percent of the vote on any ballot wherein his name is placed before the convention in nomination.

(Signed) _____

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

_____

Notary Public (or other official)

Article 12. Certified List of Candidates, Notice of Election

6380. At least 59 days before a presidential primary, the Secretary of State shall transmit to each county clerk a certified list containing the names of the candidates who are entitled to be voted for on the presidential preference portion of the ballot at the presidential primary and the names of candidates for delegates who are entitled to be voted for in each congressional district on the delegate selection portion of the ballot at the presidential primary.

The certified list shall be in substantially the following form:

Certified List of Candidates

To the County Clerk of _____ County:

I, _____, Secretary of State, do hereby certify that the following list contains the name of each person who is entitled to be voted for as a candidate of the Democratic Party at the presidential preference primary to be held on the _____ day of June, 19__.

I, _____, Secretary of State, do also hereby certify that the following list contains the name of each person selected by a steering committee who is entitled to be voted for on the delegate selection portion of the ballot as candidate for delegate of the Democratic Party at the presidential primary to be held on the _____ day of June, 19__.

List of Candidates for Presidential Preference of Democratic Party

Mary Adams Joe Black John P. Monroe

List of Candidates for Delegate

| Candidates pledged to Mary Adams | Candidates pledged to Joe Black | Unpledged delegation Frank Smith, Chairman |
|---|---|---|
| _____ Congressional District | | |
| 1 ..... | 1 ..... | 1 ..... |
| 2 ..... | 2 ..... | 2 ..... |
| 3 ..... | 3 ..... | 3 ..... |
| _____ Congressional District | | |
| 1 ..... | 1 ..... | |
| 2 ..... | 2 ..... | |
| 3 ..... | 3 ..... | |

Dated at Sacramento, California, this _____ day of _____, 19__

(SEAL) Secretary of State

6380.1. Immediately after the county clerk receives the certified list of candidates from the Secretary of State, he shall publish it in a presidential primary notice, under the proper party designation. The notice shall also contain:

(a) The date of the election.

(b) The hours during which the polls will be open.

6380.2. The publication of the presidential primary notice shall be made in the county pursuant to Section 6061 of the Government Code.

6380.3. The notice of the list of candidates published by the county clerk shall be in substantially the following form:

Notice by County Clerk of Time and Place of Presidential Primary Election, and Names of Democratic Candidates.

Notice is hereby given that the presidential primary election is to be held in the County of _____ on the _____ day of June, 19__, and that hereinafter there is stated the name of each person who is entitled to be voted for, at the election, on the presidential preference portion of the ballot and the name of each person who is entitled to be voted for, at the election, on the delegate selection portion of the ballot as a candidate for delegate under the name of the candidate to whom a delegate is pledged or under the name of the chairperson of a steering committee of an unpledged delegate. The candidates for delegate named have filed a statement pursuant to Section 6379 of the Elections Code:

List of Candidates for Presidential Preference Primary of Democratic Party

Mary Adams Joe Black John P. Monroe

List of Candidates for Delegate

| Candidates pledged to Mary Adams | Candidates pledged to Joe Black | Unpledged delegation Frank Smith, Chairman |
|---|---|---|
| _____ Congressional District | | |
| 1 ..... | 1 ..... | 1 ..... |
| 2 ..... | 2 ..... | 2 ..... |
| 3 ..... | 3 ..... | 3 ..... |

Notice is also hereby given that at the presidential primary the polls will be open from the hour of 7 o'clock a.m. to the hours of 8 o'clock p.m. on the day thereof.

Dated this _____ day of _____, 19__.

_____, County Clerk

Article 13. Postprimary Selection and Apportionment of Delegation

6380.4. On the first Saturday following the presidential primary election, the delegates elected shall meet in convention at the time and place specified by the chairperson of the Democratic State

Central Committee in consultation with the chairperson of each steering committee, to select the remaining delegates and all of the alternates. The chairperson of the Democratic State Central Committee shall serve as chairperson of the convention until the selection process is completed. The delegation so formed shall thereafter select a chairperson of the delegation, select convention committee members, select national committee members, and proceed with such other business as they may choose to conduct. To the extent consistent with this chapter, the convention shall be conducted in accordance with rules adopted by the Democratic State Central Committee.

6380.5. The remaining delegates and all of the alternates shall be selected by separate caucuses of the elected delegates who are pledged to the various candidates or who are members of an uncommitted delegation. The chairperson of each caucus shall be the chairperson of the steering committee which selected the delegates at such caucus. Each such caucus shall be entitled to select that same percentage of the remaining delegates and of the total number of alternates to be selected as the number of delegates in the caucus was of the total number of delegates elected at the primary. The number of delegates and alternates which each caucus may select shall be rounded off to the highest percentage.

6380.6. The remaining delegates and all of the alternates so selected shall reflect the division of presidential candidate preference and uncommitted status of the delegates elected at the primary. In the event the presidential candidate to whom an elected delegate is pledged is no longer a candidate at the time of the selection of the remaining delegates and the alternates, then for the purposes of the preceding sentence the elected delegate's preference shall be deemed to be as expressed by him at the time of the selection of the remaining delegates and the alternates.

6380.7. A delegate who is to be absent from, or resigns prior to, the national convention of the party shall select from among the alternates of his congressional district, if possible, the particular alternate of the same candidate preference or the same unpledged status who shall take his place. If, due to death or disability, a delegate is unable to select the alternate to take his place, that selection shall be made by the delegation in a manner which assures that the alternate will be of the same presidential preference or unpledged status and, if possible, congressional district as the delegate replaced.

6380.8. A vacant alternate position shall be filled by the delegation, and the replacement shall be of the same presidential preference or unpledged status and from the same congressional district.

6380.9. At no stage of the delegate selection process shall there be permitted a rule under which the entire vote of the delegation shall be cast as a unit as determined by a majority vote.

6381. Within 10 days after the convention held pursuant to Section 6380.5, the chairperson of the delegation shall notify the

Secretary of State of the names and addresses of the remaining delegates and alternates who were added to the delegates after the presidential primary by the separate caucuses of elected delegates, and he shall file with the Secretary of State affidavits executed by all such delegates and alternates in substantially the following form:

Affidavit of Delegate or Alternate

State of California }
County of _____ } ss.

I, _____, reside and am registered to vote at No. _____ Street, in the City (or town) of _____, in the County of _____, in the _____ Congressional District, State of California.

I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of the Democratic Party in the State of California that as delegate or alternate to their national party convention, I shall support _____ as nominee of my party for President of the United States, until released by him or until he fails to receive at least 15 percent of the vote on any ballot wherein his name is placed before the convention in nomination. Such a pledge shall not be binding in the event the candidate dies or becomes unable to accept or hold office if nominated and elected. (This statement of preference shall be omitted where the candidate for delegate or alternate is part of a group expressing no preference as to a particular candidate.)

I express no preference as to a particular candidate. The chairman of my group is _____. (This statement shall be omitted where the candidate for delegate or alternate is part of a group preferring a particular candidate.)

(Signed)_____

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

_____

Notary Public (or other official)

6382. The notification required by Section 6381 shall be accompanied by an affidavit of the chairperson of each delegate caucus held pursuant to Section 6380.5. The notification shall state that all delegates and alternates selected by the caucus have secured the endorsement of the person preferred by such caucus as a candidate for presidential nominee. This section shall not apply with respect to a caucus of an uncommitted delegation.

Article 14. Canvass of Returns and Certificate of Election

6385. The Secretary of State shall, not later than the 21st day after the election, compile and file in his office a statement of the canvassed returns filed with him by the county clerks.

The compiled statement shall show for each candidate the total of

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the votes received, and the votes received in each county.

The compiled statement shall also show the total of the votes received in each congressional district for each candidate for delegate and state to which candidate the candidate for delegate is pledged or whether he is unpledged.

6386. The Secretary of State shall issue a certificate of election to each candidate for delegate elected in each congressional district, such person thereby being elected as delegate or alternate to the Democratic Party national convention.

The Secretary of State shall also issue a certificate of election to each person selected as a delegate or an alternate delegate by the elected delegates pursuant to Section 6380.4.

6387. No fee shall be required of any person as a condition of receiving a certificate of election as a delegate or an alternate.

Article 15. Write-In Candidates

6390. Notwithstanding any other provision of law, a space shall be provided on the presidential preference portion of the presidential primary ballot for a voter to write in the name of a candidate for President of the United States.

6391. Any person who believes his name may be used as a write-in candidate for President of the United States shall, not later than eight days before the primary election, file for endorsement of his write-in candidacy with the Secretary of State, or no votes shall be counted for him.

SEC. 3. Article 2.5 (commencing with Section 10266) is added to Chapter 2 of Division 7 of the Elections Code, to read:

Article 2.5. Democratic Presidential Primary

10266. The provisions of this article shall be applicable to the primary ballot of the Democratic Party only.

10267. The ballot to be used at the presidential primary shall conform to the provisions of this article and to the consistent provisions of Article 3 (commencing at Section 10290) of this chapter.

10268. The ballot shall be divided into a presidential preference portion and a delegate selection portion. The names of the selected and unselected candidates shall be arranged upon the ballot of the party in a column 2½ inches wide.

10269. At the right of the name of each candidate there shall be a voting square three-eighths of an inch square.

10270. There shall also be provided a space for a write-in vote for the name of a person preferred by the voter as a candidate for nomination for President.

10271. At the top of the ballot shall be printed "Official Democratic Presidential Preference Ballot," and the instructions to voters shall be as follows: "To express your preference for a candidate

for nomination for President, stamp a cross (+) in the square opposite the name of the candidate. Your vote in this portion of the ballot is advisory only. Delegates to the Democratic national convention will be elected in the delegate selection portion of the ballot which lists the candidates for delegates in your congressional district."

10272. There shall be printed in heavy-face 12-point, gothic type, across the page above the names of the presidential candidates, the words, "Preference for Presidential Nominee. Vote for one candidate only."

10280. The ballot shall be printed substantially in the following form:

OFFICIAL DEMOCRATIC PRESIDENTIAL PREFERENCE BALLOT
FIFTY–SEVENTH ASSEMBLY DISTRICT

June __, 19__

To express your preference for a candidate for nomination for President, stamp a cross (+) in the square opposite the name of the candidate. Your vote in this portion of the ballot is advisory only. Delegates to the Democratic National Convention will be elected in the delegate selection portion of the ballot which lists the candidates for delegates in your congressional district.

| PREFERENCE FOR PRESIDENTIAL NOMINEE | Vote for one candidate only |
|---|---|
| MARY ADAMS | |
| JOE BLACK | |
| JOHN P. MONROE | |

10281. Beneath the presidential preference portion of the ballot shall be printed "Official Democratic Presidential Delegate Selection Primary Ballot," and the instructions to voters shall be as follows: "To vote for candidates for delegate to the national convention of the Democratic Party, stamp a cross (+) in the square opposite the name of the candidate for delegate. You are not required to cast all of your votes for candidates pledged to the same presidential candidate. You may distribute your votes among individual candidates for delegates pledged to different presidential candidates or you may cast all your votes for candidates pledged to the same presidential candidate."

10282. There shall be printed in heavy-face 12-point, gothic type,

across the page above the names of the persons preferred by the groups of candidates for delegates, the words, "Vote for ____ delegates" (the number of delegates allocated to the congressional district pursuant to § 6304). The groups of candidates for delegates shall be listed in alphabetical order under the name of the presidential candidate to whom they are pledged or the chairman of an uncommitted delegation. Each such group shall be listed in the alphabetical order of the presidential candidates or chairman of uncommitted delegations.

10283. The ballot shall be printed substantially in the following form:

OFFICIAL DEMOCRATIC PRESIDENTIAL DELEGATE SELECTION PRIMARY BALLOT—CONGRESSIONAL DISTRICT

To vote for candidates for delegate to the national convention of the Democratic Party, stamp a cross (+) in the square opposite the name of the candidate for delegate.

You are not required to cast all of your votes for candidates pledged to the same presidential candidate. You may distribute your votes among individual candidates for delegates pledged to different presidential candidates or you may cast all your votes for candidates pledged to the same presidential candidate.

Vote for _____ Delegates

| Candidates Pledged to Mary Adams | | Candidates Pledged to Joe Black | | Unpledged Delegation Frank Smith, Chairman | |
|---|---|---|---|---|---|
| Delegates | Vote | Delegates | Vote | Delegates | Vote |
| 1. Name | ____ | 1. Name | ____ | 1. Name | ____ |
| 2. Name | ____ | 2. Name | ____ | 2. Name | ____ |
| 3. Name | ____ | 3. Name | ____ | 3. Name | ____ |
| 4. Name | ____ | 4. Name | ____ | 4. Name | ____ |
| 5. Name | ____ | 5. Name | ____ | 5. Name | ____ |

# CHAPTER 1185

*An act to amend Section 1252 of, and to add Section 1253.5 to, the Unemployment Insurance Code, relating to unemployment.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 1252 of the Unemployment Insurance Code is amended to read:

1252. An individual is "unemployed" in any week during which he performs no services and with respect to which no wages are payable to him, or in any week of less than full-time work if the wages payable to him with respect to that week are less than his weekly benefit amount, or in any week for which, except for the requirements of subdivision (d) of Section 1253, he would be eligible for benefits under Section 1253.5. Authorized regulations shall be prescribed making such distinctions as may be necessary in the procedures applicable to unemployed individuals as to total unemployment, part-total employment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work. For the purpose of this section only the term "wages" includes any and all compensation for personal services whether performed as an employee or as an independent contractor or as a juror or as a witness.

SEC. 2. Section 1253.5 is added to the Unemployment Insurance Code, to read:

1253.5. Notwithstanding the provisions of subdivision (c) of Section 1253, if an individual is, in all other respects, eligible for benefits under this part, and such individual becomes unable to work due to a physical or mental illness or injury for one or more days during such week, he shall be paid unemployment compensation benefits at the rate of one-seventh the weekly benefit amount payable for that week for each day which he is available for work and able to work. The amount of benefits payable, if not a multiple of one dollar ($1), shall be computed to the next higher multiple of one dollar ($1). The individual shall not be entitled to unemployment compensation benefits for any day during such week which he is unable to work due to such physical or mental illness or injury.

SEC. 3. The Legislature hereby finds and declares that any expense incurred by local agencies pursuant to this act will be nominal and slight and the state government should not be burdened for the additional cost. Therefore, no appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

## CHAPTER 1186

*An act to add Section 69801 to the Government Code, relating to courts.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 69801 is added to the Government Code, to read:

69801. (a) The Board of Supervisors of San Bernardino County may, with the concurrence of the majority of the judges of the superior court in the county and the Director of the Department of Corrections, lease a portion of any institution of the department located within the county to establish a pilot project for the purpose of holding extra sessions of the superior court in a facility located upon the grounds of the institution. The lease agreement shall be entered into pursuant to Section 14670 of this code for a period up to 50 years. The facility for housing the superior court shall be constructed so that it is separate and apart from any existing facilities of the department. The extra sessions shall not be held until the facility housing the superior court is completed and available for occupancy by the court and sufficient funds are made available for the operation of the court. The costs of the construction of any facility constructed for such purpose shall be borne by the county.

(b) The court sessions held pursuant to subdivision (a) shall not contravene any limitations imposed on the place such court sessions may be held.

(c) The Judicial Council shall report to the Legislature on the operation of any court which is holding extra sessions pursuant to subdivision (a). The report shall be filed not later than the end of the second calendar year during which the extra sessions have been held.

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## CHAPTER 1187

*An act to add Section 16676 to the Education Code, relating to public schools.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 16676 is added to the Education Code, to read:

16676. (a) Any person who is not a student of the public school, a parent or guardian of a student of the public school, or an officer

or employee of the school district maintaining the public school, or who is not required by his employment to be in a public school building or on the grounds of the public school, and who has entered any public school building or the grounds of any public school, during school hours, and who is requested either by the principal of the public school or by the designee of the principal to leave a public school building or public school grounds, shall promptly depart therefrom and shall not return thereto for at least 48 hours. A request that a person depart from a public school building or public school grounds shall be made by the principal or his designee exclusively on the basis that it appears reasonable to the principal or his designee to conclude that the continued presence of the person requested to depart would be disruptive of, or would interfere with, classes or other activities of the public school program.

(b) Any person who fails to leave a public school building or public school grounds promptly upon request of the principal of the public school or the designee of the principal made pursuant to subdivision (a) or who, after leaving a public school building or public school grounds pursuant to a request of the principal of the public school or the designee of the principal made pursuant to subdivision (a), returns thereto, except pursuant to subdivision (d), within 48 hours, is guilty of a misdemeanor and shall be punished pursuant to Section 626.8 of the Penal Code.

(c) Any person who is requested pursuant to subdivision (a) to leave a public school building or school grounds may appeal to the superintendent of the school district in which the public school is located. Such an appeal shall be made not later than the second succeeding schoolday after the person has departed from the public school building or public school grounds. The superintendent shall, after reviewing the matter with the principal or his designee and the person seeking ingress to the public school during school hours, render his decision within 24 hours after the appeal is made, and such decision shall be binding upon both parties. A decision of the superintendent may be appealed by the person seeking ingress to the public school during public school hours to the governing board of the school district in which the public school is located. Such an appeal shall be made not later than the second succeeding schoolday after the superintendent has rendered his decision. The governing board of the school district shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting, and the decision of the governing board shall be final.

(d) Where the office of the superintendent of the school district or the office of the governing board of the school district is situated in the public school building or on the grounds of the public school from which a person has been requested, pursuant to subdivision (a), to depart, the person may enter the public school building or the grounds of the public school solely for the purpose of, and only to the extent necessary for, personally making at the office of the superintendent or the office of the governing board an appeal

pursuant to subdivision (c).

(e) The governing board of every school district shall cause to have posted at every entrance to each school and grounds of the district a notice which shall set forth "school hours," which are hereby defined for the purposes of this section as the period commencing one hour before classes begin and one hour after classes end at any school, or as otherwise defined by the governing board of the school district.

(f) For the purposes of subdivision (a), a representative of a school employee organization engaged in activities related to representation, as defined by Section 13084, shall be deemed to be a person required by his employment to be in a school building or on the grounds of a school.

(g) Nothing in this section shall be construed as preempting any ordinance of any city, county, or city and county.

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

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## CHAPTER 1188

*An act to amend Sections 1480, 1481, 1481.1, 1481.2, 1481.3, 1482, 1484, and 1485 of, and to add Sections 1480.1, 1484.1, 1484.2, 1484.3, and 1484.4 to, the Health and Safety Code, relating to paramedics.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 1480 of the Health and Safety Code is amended to read:

1480. Any general acute care hospital operated by, or contracting with, a county may conduct a pilot program which provides services utilizing mobile intensive care paramedics for the delivery of emergency medical care to the sick and injured at the scene of an emergency, during transport to a general acute care hospital, while in the emergency department of the general acute care hospital until care responsibility is assumed by the regular staff of the general acute care hospital,, and during training within the facilities of the sponsoring general acute care hospital.

SEC. 2. Section 1480.1 is added to the Health and Safety Code, to read:

1480.1. The training of mobile intensive care paramedics may only be conducted by a community college, college, university, or hospital that has a certificate of approval for its curriculum and training program from the county health officer of the county in which it is located.

SEC. 3. Section 1481 of the Health and Safety Code is amended to read:

1481. As used in this article:

(a) "Mobile intensive care paramedics" means personnel who have been trained in the provision of emergency cardiac and noncardiac care in a training program certified by the county health officer of the county giving certification or a certified training program in another county that has been evaluated and approved by the county health officer of the county giving certification, and who pass the performance and written examinations required for certification by the officer as qualified to render the services enumerated in this article in the county giving such certification.

(b) "Mobile intensive care nurse" means a registered nurse who has been certified by a county health officer as qualified in the provision of emergency cardiac care and noncardiac care and the issuance of emergency instruction to mobile intensive care paramedics.

(c) "Mobile intensive care units" means any emergency vehicles staffed by mobile intensive care paramedics or mobile intensive care nurses and equipped to provide remote intensive care or cardiac care to the sick or injured at the scene of medical emergencies or during transport to general acute care hospitals.

(d) "Emergency department" means any department or separate area within a general acute care hospital which is staffed and equipped to provide emergency medical care to the sick or injured.

SEC. 4. Section 1481.1 of the Health and Safety Code is amended to read:

1481.1. The training program for mobile intensive care paramedics shall consist of a minimum of 200 hours of didactic training, a minimum of 100 hours of clinical experience, and a field internship of at least 200 hours.

However, all or any portion of the required training program for a mobile intensive care paramedic may be waived by the county health officer of the county giving certification if the applicant passes the performance and written examinations required for certification or the appropriate portion of the performance examination.

SEC. 5. Section 1481.2 of the Health and Safety Code is amended to read:

1481.2. Each county conducting a pilot program pursuant to this article shall submit an annual report to the Legislature and to the State Department of Health, not later than January 31 of each calendar year, evaluating any such pilot program conducted at any general acute care hospital operated by the county or under contract with the county. The report shall include an evaluation of the

competency and effectiveness of the performance by the mobile intensive care paramedics in their duties in staffing rescue units and in the rendering of medical and nursing care pursuant to this article. The report may include recommendations relating to the extension or modification of the provisions of this article.

SEC. 6. Section 1481.3 of the Health and Safety Code is amended to read:

1481.3. Any county conducting a pilot program under this article may provide courses of instruction and training leading to certification as a mobile intensive care paramedic. Where such instruction and training is provided to public employees other than employees of the county or employees of a fire protection district within the county, a fee may be charged sufficient to defray the cost of such instruction and training. Where such instruction and training is provided to any other persons such fee shall be charged. However, such fee may be reduced to the extent of any federal funds obtained by the county for the purpose of providing such instruction and training.

SEC. 7. Section 1482 of the Health and Safety Code is amended to read:

1482. Notwithstanding any other provision of law mobile intensive care paramedics may do any of the following:

(1) Render rescue, first aid and resuscitation services.

(2) Perform cardiopulmonary resuscitation and defibrillation.

(3) During training and while caring for patients in the sponsor general acute care hospital under the direct supervision of a physician or registered nurse, or while at the scene of a medical emergency where voice contact or a telemetered electrocardiogram is monitored by a physician or a certified mobile intensive care nurse where authorized by a physician, and where direct communication is maintained, upon order of such physician or such nurse:

(a) Administer intravenous saline, glucose or volume expanding agents or solutions.

(b) Perform gastric suction by intubation.

(c) Perform pulmonary ventilation by use of esophageal airway.

(d) Obtain blood for laboratory analysis.

(e) Apply rotating tourniquets.

(f) Administer parenterally, orally or topically any of the following classes of drugs or solutions:

(i) Antiarrhythmic agents.

(ii) Vagolytic agents.

(iii) Chronotropic agents.

(iv) Analgesic agents.

(v) Alkalinizing agents.

(vi) Vasopressor agents.

(vii) Narcotic antagonists.

(viii) Diuretics.

(ix) Anticonvulsants.

(x) Ophthalmic agents.

(xi) Oxytocic agents.
(xii) Antihistaminics.
(xiii) Bronchodilators.
(xiv) Emetics.
(g) Assist in childbirth.

SEC. 8. Section 1484 of the Health and Safety Code is amended to read:

1484. (a) This article shall remain in effect only until July 1, 1976, and shall have no force or effect after that date.

(b) On or before July 1, 1975, the State Department of Health shall submit to the Legislature a comprehensive report on emergency medical services in California. Such report shall include a thorough review and evaluation of the mobile intensive care paramedic pilot program authorized by this article and shall make specific recommendations on the following:

(1) Development of statewide coordination of emergency medical service systems, including appropriate communications systems and equipment;

(2) Development of manpower certification standards for all types of emergency medical service personnel to include specifically the training and scope of practice requirements for the categories of ambulance personnel (E.M.T. I) and paramedics (E.M.T. II);

(3) Standards for local paramedic programs including location, qualifications for appropriate teaching institutions, performance standards, and the curriculum necessary for state accreditation of the local program; and

(4) Standards for the staffing and equipping of hospital emergency rooms.

(c) In developing such report, the department shall solicit the advice and recommendations of the Advisory Committee on Emergency Medical Services.

SEC. 9. Section 1484.1 is added to the Health and Safety Code, to read:

1484.1. During the clinical internship portion of the training program specified in Section 1481.1, mobile intensive care paramedic interns shall be supervised continuously by a physician or registered nurse.

During the field internship portion of the training program specified in Section 1481.1, mobile intensive care paramedic trainees may perform all the services enumerated in this article, provided that they are supervised and accompanied by a certified mobile intensive care paramedic, a physician, or a mobile intensive care nurse.

SEC. 10. Section 1484.2 is added to the Health and Safety Code, to read:

1484.2. The county health officer shall establish criteria necessary to maintain certification as a mobile intensive care paramedic or a mobile intensive care nurse including, but not limited to:

(a) A formal program of continuing education.

(b) Continuous service as a mobile intensive care paramedic or a certified mobile intensive care nurse.

(c) Retesting at two-year intervals, which shall include a performance examination and may include written examinations and oral examinations.

SEC. 11. Section 1484.3 is added to the Health and Safety Code, to read:

1484.3. No agency, public or private, shall advertise or disseminate information to the public that the agency provides paramedic rescue or paramedic ambulance service unless that agency does, in fact, provide mobile intensive care units on a continuous 24-hours-per-day basis. If advertising or information regarding the agency's paramedic rescue or paramedic ambulance service appears on any vehicle it may only appear on those mobile intensive-care-unit vehicles utilized solely to provide service on a continuous 24-hours-per-day basis.

SEC. 12. Section 1484.4 is added to the Health and Safety Code, to read:

1484.4. It shall be a misdemeanor for ambulance personnel to impersonate or refer to themselves as paramedics unless the person has been certified as a mobile intensive care paramedic and currently maintains that certification.

SEC. 13. Section 1485 of the Health and Safety Code is amended to read:

1485. This article shall be known and may be cited as the Wedworth-Townsend Paramedic Act. It is the intent of this article to respond to the critical shortage of professionally trained medical and nursing personnel for the fast, efficient medical care of the sick or injured at the scene of a medical emergency, during transport to a general acute care hospital, and in the emergency department of the general acute care hospital until care responsibility is assumed by the regular staff of the general acute care hospital. Improved emergency medical service is required to reduce the mortality and morbidity rates during the initial treatment phases of the onset of an acute illness or following an accident. Within the goals of this act is the provision of the best and most efficient and economical delivery of emergency medical care.

SEC. 14. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor any obligation created for the reimbursement of any local agency for any costs incurred because the legislation was requested by a local agency and any additional duties will be covered by normal operating costs.

## CHAPTER 1189

*An act to amend Section 8823.5 of the Elections Code, relating to the Democratic Party.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 8823.5 of the Elections Code is amended to read:

8823.5. Notwithstanding the provisions of this article, each county central committee by resolution may provide for the election of all or a portion of central committee members to represent individual central committee districts. The member shall reside in the district he represents but shall be elected at large within the Assembly district in which the county central committee district he represents is located.

The county central committee shall reapportion itself at least every 10 years, prior to the June primary election of that year. Each district shall be apportioned on the basis of the number of registered Democrats for the June primary in each even-numbered year, with no more than a 10-percent deviation from the average. Each district shall be compact, contiguous, and utilize any natural and neighborhood boundaries. The district boundaries shall not cut across any precinct district's lines as drawn by the county clerk for the last general or consolidated election.

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## CHAPTER 1190

*An act to add Chapter 8 (commencing with Section 1800) to Division 2 of the Fish and Game Code, relating to fish and game.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Chapter 8 (commencing with Section 1800) is added to Division 2 of the Fish and Game Code, to read:

### CHAPTER 8. CONSERVATION OF WILDLIFE RESOURCES

#### Article 1. Definitions

1800. As used in this chapter "wildlife" means birds, mammals, and reptiles not raised in captivity.

Article 2. Policy

1801. It is hereby declared to be the policy of the state to encourage the conservation and maintenance of wildlife resources under the jurisdiction and influence of the state. This policy shall include the following objectives:

(a) To maintain sufficient populations of all species of wildlife and the habitat necessary to achieve the objectives stated in subdivisions (b), (c), and (d).

(b) To provide for the beneficial use and enjoyment of wildlife by all citizens of the state.

(c) To perpetuate all species of wildlife for their intrinsic and ecological values, as well as for their direct benefits to man.

(d) To provide for aesthetic, educational, and nonappropriative uses of the various wildlife species.

(e) To maintain diversified recreational uses of wildlife, including the sport of hunting, as proper uses of certain designated species of wildlife, subject to regulations consistent with the maintenance of healthy, viable wildlife resources, the public safety, and a quality outdoor experience.

(f) To provide for economic contributions to the citizens of the state, through the recognition that wildlife is a renewable resource of the land by which economic return can accrue to the citizens of the state, individually and collectively, through regulated management. Such management shall be consistent with the maintenance of healthy and thriving wildlife resources and the public ownership status of the wildlife resources.

(g) To alleviate economic losses or public health or safety problems caused by wildlife to the people of the state either individually or collectively. Such resolution shall be in a manner designed to bring the problem within tolerable limits consistent with economic and public health considerations and the objectives stated in subdivisions (a), (b) and (c).

(h) It is not intended that this policy shall provide any power to regulate natural resources or commercial or other activities connected therewith, except as specifically provided by the Legislature.

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## CHAPTER 1191

*An act to add Section 6312 to the Public Resources Code, and to amend Section 18 of the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970), relating to lands.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 6312 is added to the Public Resources Code, to read:

6312. Neither the state, nor any political subdivision thereof, shall take possession of lawful improvements on validly granted or patented tidelands or submerged lands without the tender of a fair and just compensation for such lawful improvements as may have been made in good faith by the grantee or patentee or his successors in interest pursuant to any express or implied license contained in the grant or patent.

Nothing herein contained shall be deemed to prevent the parties to a grant or patent of tidelands from agreeing, as a part of such grant or patent, that there shall be no compensation paid for any improvement made on those tidelands to which such agreement relates.

Nothing herein contained is intended to increase, diminish, or affect the title of any person in any validly granted or patented tidelands or submerged lands.

This section shall not be construed to require compensation for any change in the use of tidelands or submerged lands as a result of governmental regulation that prohibits, restricts, delays, or otherwise affects the construction of any planned or contemplated improvement.

As used in this section, the term "grant" or "granted" shall not be construed to apply to legislative grants in trust to local governmental entities.

SEC. 2. Section 18 of the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970) is amended to read:

Sec. 18. Upon the establishment of the district, the Cities of Eureka and Arcata may convey to the district all their right, title and interest in and to such tidelands and submerged lands, together with any improvements or facilities therein or thereon, upon and subject to such terms and conditions as shall be mutually agreed upon by the district and the cities, including reasonable commitments by the district to pay to the cities the cost of maintenance or improvement of such tidelands and submerged lands during such time as the same were subject to the jurisdiction and control of the cities. Nothing herein contained shall be construed to impose any obligation upon the district to accept the conveyance of any tidelands or submerged lands from the Cities of Eureka and Arcata. There is hereby granted to the district as of the date of the establishment of the district all the right, title, and interest of the State of California held by virtue of its sovereignty in and to any ungranted tidelands and submerged lands, whether filled or unfilled, situated within Humboldt Bay, as defined in subdivision (f) of Section 3 of this act. The district shall hold such lands in trust for the uses and purposes and subject to the terms and conditions which are set forth in this act.

SEC. 3. The State of California, acting by and through the State Lands Commission, shall forthwith assign and transfer to the Humboldt Bay Harbor, Recreation, and Conservation District, at no cost to the Humboldt Bay Harbor, Recreation, and Conservation District, all leases, permits, and agreements now held by the State of California or the State Lands Commission affecting or pertaining to any ungranted tidelands and submerged lands, whether filled or unfilled, situated within Humboldt Bay, as defined in subdivision (f) of Section 3 of the Humboldt Bay Harbor, Recreation, and Conservation District Act, effective as of the date of the establishment of the Humboldt Bay Harbor, Recreation, and Conservation District, together with all rents and other moneys collected thereon or thereunder from and after the date of the establishment of the Humboldt Bay Harbor, Recreation, and Conservation District.

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## CHAPTER 1192

*An act to amend Section 73526 of, and to add Section 68514 to, the Government Code, relating to courts.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 68514 is added to the Government Code, to read:

68514. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in any county with a population of more than 500,000 and less than 557,000, as determined by the 1970 federal census. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period;

(2) The fees charged and the fees collected for such transcripts;

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts;

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the

compensation received for this purpose; and

(5) Such other information as the Judicial Council may require.

SEC. 2. Section 73526 of the Government Code is amended to read:

73526. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be as follows:

For each such regular official reporter employed by the county and who performs the duties required of him by law, the salaries shall be as follows:

| | Monthly | Annually |
|---|---|---|
| 1st year | $1,264 | $15,168 |
| 2nd year | $1,310 | $15,720 |
| 3rd year | $1,357 | $16,284 |
| 4th year | $1,403 | $16,836 |
| 5th and succeeding years | $1,451 | $17,412 |

In addition to new employees, the salaries herein provided for shall be applicable to regular official reporters employed by the county on the effective date of this section and for the purpose of determining the salaries to be paid after this section becomes effective, all years of service rendered by such reporters to the county prior to the effective date of this section shall be counted in determining the salary to which they are entitled under the salary schedule above mentioned.

The compensation of official reporters pro tempore in the county shall be at the rate of sixty dollars ($60) a day or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. In addition, he shall render stenographic or clerical assistance, or both, to the judge or judges of the municipal court as such judge or judges may direct.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local governmental entity or entities which desired legislative authority to act to carry

out the program specified in this act.

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## CHAPTER 1193

*An act to amend Sections 51, 52, and 53 of the Civil Code, relating to discrimination.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 51 of the Civil Code is amended to read:

51. This section shall be known, and may be cited, as the Unruh Civil Rights Act.

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, or national origin are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

This section shall not be construed to confer any right or privilege on a person which is conditioned or limited by law or which is applicable alike to persons of every sex, color, race, religion, ancestry, or national origin.

SEC. 2. Section 52 of the Civil Code is amended to read:

52. Whoever denies, or who aids, or incites such denial, or whoever makes any discrimination, distinction or restriction on account of sex, color, race, religion, ancestry, or national origin contrary to the provisions of Section 51 of this code, is liable for each and every such offense for the actual damages, and two hundred fifty dollars ($250) in addition thereto, suffered by any person denied the rights provided in Section 51 of this code.

SEC. 3. Section 53 of the Civil Code is amended to read:

53. (a) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing, or mortgaging of such real property to any person of a specified sex, race, color, religion, ancestry, or national origin, is void and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's sex, race, color, religion, ancestry, or national origin is void.

(b) Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's, or occupier's sex, race, color, religion, ancestry, or national origin is void.

(c) In any action to declare that a restriction or prohibition specified in subdivision (a) or (b) of this section is void, the court

takes judicial notice of the recorded instrument or instruments containing such prohibitions or restrictions in the same manner that it takes judicial notice of the matters listed in Section 452 of the Evidence Code.

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## CHAPTER 1194

*An act to amend Sections 12809 and 13202 of the Vehicle Code, relating to vehicles.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 12809 of the Vehicle Code is amended to read:

12809. The department may refuse to issue or renew a driver's license to any person:

(a) If the department is satisfied that the applicant is not entitled to the license under this code.

(b) If the applicant has failed to furnish the department the information required in the application or reasonable additional information requested by the department.

(c) If the department determines that the applicant has made or permitted unlawful use of any driver's license.

(d) If the department determines that such person has knowingly used a false or fictitious name in any application for a license or has impersonated another in making application or in taking any test, or has knowingly made a false statement or knowingly concealed a material fact, or otherwise committed any fraud in any such application.

(e) If the department determines that the applicant is a negligent or incompetent operator of a motor vehicle.

(f) If the applicant is convicted of any offense involving the transportation for purpose of sale, or the transportation for compensation, of a controlled substance under Division 10 (commencing with Section 11000) of the Health and Safety Code, and the commission of such offense involved the use or operation of a motor vehicle.

If, however, the driving privilege of the applicant is on probation for a cause related to the use or possession of a narcotic controlled substance, the department may refuse to issue or renew a driver's license to such applicant if the applicant is subsequently convicted of any offense involving the use or possession of a narcotic controlled substance, whether or not the commission of such offense involved the use or operation of a motor vehicle.

The maximum period of time for which the department may

refuse to issue or renew a driver's license to any person pursuant to this subdivision shall be three years from the date of conviction.

(g) If the applicant fails or refuses to surrender to the department, upon its lawful demand, a nonresident minor's certificate which has been canceled.

SEC. 2. Section 13202 of the Vehicle Code is amended to read:

13202. (a) A court may suspend or order that the department revoke in which case the department shall revoke the privilege of any person to operate a motor vehicle upon conviction of any narcotic controlled substance offense as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code when the use of a motor vehicle was involved in, or incidental to, the commission of the offense.

(b) A court shall order that the department revoke and the department shall revoke the privilege of any person to operate a motor vehicle upon conviction of a violation of Section 11350, 11351, 11352, 11353, 11357, 11359, 11360, or 11361 of the Health and Safety Code when a motor vehicle was involved in, or incidental to, the commission of such offense.

(c) The period of time for suspension or the period after revocation during which the person may not apply for a license shall be determined by the court, but in no event shall such period exceed three years from the date of conviction.

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## CHAPTER 1195

*An act to add Sections 25005.5, 25124, 25125, 25126, 25127, 25128, 25129, 25320, 25321, and 25322 to the Public Resources Code, and to amend Section 1001 of the Public Utilities Code, relating to energy resources.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 25005.5 is added to the Public Resources Code, to read:

25005.5. The Legislature further finds and declares that information should be acquired and analyzed by the State Energy Resources Conservation and Development Commission in order to ascertain future energy problems and uncertainties, including, but not limited to:

(a) The state's role in production of oil from domestic reserves, especially within Petroleum Administration for Defense District V.

(b) The production of Alaskan North Slope oil and its projected use in the state.

(c) Plans of the federal government for development of oil in the

Outer Continental Shelf adjacent to the state.

(d) Impacts of petroleum price increases and projected conservation measures on the demand for energy and indirect effects on the need for offshore oil development and Alaskan oil delivery into the state.

(e) Potential shipment of Alaskan oil through the state.

(f) Proposals for processing petroleum outside the state to supply the needs within the state.

(g) The impact on the state of national energy policies, including Project Independence.

SEC. 1.5. Section 25124 is added to the Public Resources Code, to read:

25124. "Major oil producer" means any person who produces oil in amount determined by the commission as having a major effect on energy supplies.

SEC. 2. Section 25125 is added to the Public Resources Code, to read:

25125. "Major natural gas producer" means any person who produces natural gas in amounts determined by the commission as having a major effect on energy supplies.

SEC. 3. Section 25126 is added to the Public Resources Code, to read:

25126. "Major marketer" means any person who sells natural gas or oil in amounts determined by the commission as having a major effect on energy supplies.

SEC. 4. Section 25127 is added to the Public Resources Code, to read:

25127. "Refiner" means any person who owns, operates, or controls the operations of one or more refineries.

SEC. 5. Section 25128 is added to the Public Resources Code, to read:

25128. "Refinery" means any industrial plant, regardless of capacity, processing crude oil feedstock and manufacturing oil products.

SEC. 6. Section 25129 is added to the Public Resources Code, to read:

25129. "Foreign" means any area exclusive of the 50 states and the District of Columbia.

SEC. 7. Section 25320 is added to the Public Resources Code, to read:

25320. (a) By April 1, 1975, and every three months thereafter, each electric utility, gas utility, and major natural gas producer, major marketer of natural gas, major oil producer, refiner, and major marketer of petroleum and petroleum products doing business within this state shall submit the information described in this section to the commission for analysis. Such information shall be based on actual records or projections and shall include data from the prior quarter and estimates for the period ending one year from the reporting date. Such information shall be used by the commission in

order, among other things, that it may properly assess the nature and extent of any energy shortage, the economic and environmental impacts of any energy shortage, and obtain information in a manner which will enable the state to take actions to meet or mitigate any energy shortage.

Any such information which is also required to be reported to other governmental agencies may be submitted to the commission in fulfillment of the requirements of this section. The commission may require additional information if necessary to carry out the provisions of this section.

(b) Each major oil producer, each refiner, and each major marketer shall submit information to the commission specifying, by month, the sources and amounts of oil supplies available within the state, including imports of foreign and out-of-state oil, the amounts of output from refineries and refining capacities in terms of barrels per day for all major oil refined products, as designated by the commission, the stock and inventory quantities of crude oil and major oil refined products, the potential for adjusting the output of each refined product, and the amounts of oil and refined products used within the state or exported from the state.

(c) Each natural gas producer shall submit information to the commission specifying, by month, the amount of gas produced, stored or withdrawn from storage, the available supply, and the amounts of gas supplied to classes of major uses, as designated by the commission.

(d) Each gas utility shall submit information to the commission specifying, by month, the utility's sources and amounts of supply, the amounts of demand and amounts supplied to all major uses, both firm and interruptible, as designated by the commission, and amounts of gas stored or withdrawn from storage, and exchanges, imports into the state, and exports from the state of gas supplies.

(e) Each electric utility shall submit information to the commission specifying, by month, the utility's amount of electricity generated and generating capacity by type of generation, amounts of exchanges and transfers of electricity, amounts of oil and gas required to generate electricity, indicating the source of supply, including inventory on hand, and the amounts of electricity supplied for all major uses, as designated by the commission.

SEC. 8. Section 25321 is added to the Public Resources Code, to read:

25321. Information to be presented to the commission pursuant to Section 25320 that is a marketing or trade secret shall be aggregated by the commission to the extent necessary to assure confidentiality. Upon a petition by any person, the commission shall, by a written decision setting forth its reasons, make a determination whether specific information submitted to it is a marketing or trade secret and should not be publicly disclosed. The commission shall not consider information to be a marketing or trade secret if it has been knowingly revealed by the petitioner or publicly available to any

competitor of the petitioner. In making its determination, the commission may consult with the Attorney General.

SEC. 9. Section 25322 is added to the Public Resources Code, to read:

25322. The commission shall summarize the information submitted to it pursuant to Section 25320 and shall publish such summaries within 30 days of the submittal of such information. Any person may submit comments in writing regarding the accuracy or sufficiency of the information, and the commission may hold hearings to determine the accuracy or sufficiency of the information submitted. The summaries prepared by the commission shall be part of its report to the Governor and to the Legislature.

SEC. 10. Section 1001 of the Public Utilities Code is amended to read:

1001. No railroad corporation whose railroad is operated primarily by electric energy, street railroad corporation, gas corporation, electrical corporation, telegraph corporation, telephone corporation, water corporation, or sewer system corporation shall begin the construction of a street railroad, or of a line, plant, or system, or of any extension thereof, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction.

This article shall not be construed to require any such corporation to secure such certificate for an extension within any city or city and county within which it has theretofore lawfully commenced operations, or for an extension into territory either within or without a city or city and county contiguous to its street railroad, or line, plant, or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business. If any public utility, in constructing or extending its line, plant, or system, interferes or is about to interfere with the operation of the line, plant, or system of any other public utility or of the water system of a public agency, already constructed, the commission, on complaint of the public utility or public agency claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants, or systems affected as to it may seem just and reasonable.

The commission, as a basis for granting any certificate pursuant to the provisions of this section shall give consideration to the following factors:

(a) Community values.
(b) Recreational and park areas.
(c) Historical and aesthetic values.
(d) Influence on environment.

With respect to any thermal powerplant or electrical transmission line for which a certificate is required pursuant to the provisions of Division 15 (commencing with Section 25000) of the Public Resources Code, no certificate shall be granted pursuant to this

section without such other certificate having been obtained first, and the decision granting such other certificate shall be conclusive as to all matters determined thereby and shall take the place of the requirement for consideration by the commission of factors (a), (b), (c), and (d) specified in this section.

SEC. 11. This act shall become operative on January 7, 1975.

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## CHAPTER 1196

*An act to amend Section 5001.5 of, and to add Chapter 1 3 (commencing with Section 5093.30) to Division 5 of, the Public Resources Code, relating to wilderness.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 5001.5 of the Public Resources Code is amended to read:

5001.5. All units which are or shall become a part of the California state park system, except those units or parts of units designated by the Legislature as wilderness areas pursuant to Chapter 1.3 (commencing with Section 5093.30) of this division, shall be classified by the State Park and Recreation Commission into one of the following categories:

(a) State wildernesses, which, in contrast with those areas where man and his own works dominate the landscape, are hereby recognized as areas where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. A state wilderness is further defined to mean an area of relatively undeveloped state-owned or -leased land which has retained its primeval character and influence or has been substantially restored to a near natural appearance, without permanent improvements or human habitation, other than semi-improved campgrounds and primitive latrines, and which is protected and managed so as to preserve its natural conditions and which:

(1) Appears generally to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.

(2) Has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

(3) Has at least 5,000 acres of land, either by itself or in combination with contiguous areas possessing wilderness characteristics, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition.

(4) May also contain ecological, geological, or other features of

scientific, educational, scenic, or historical value.

State wildernesses may be established within the boundaries of other state park system units.

(b) State reserves, which consist of areas embracing outstanding natural or scenic characteristics of statewide significance. The purpose of a state reserve is to preserve its native ecological associations, unique faunal or floral characteristics, geological features and scenic qualities in a condition of undisturbed integrity. Resource manipulation shall be restricted to the minimum required to negate the deleterious influences of man.

Improvements undertaken shall be for the purpose of making the areas available, on a day-use basis, for public enjoyment and education in a manner consistent with the preservation of their natural features. Living and nonliving resources contained within state reserves shall not be disturbed or removed for other than scientific or management purposes.

State reserves may be established in the terrestrial or underwater environments of the state.

(c) State parks, which consist of relatively spacious areas of outstanding scenic or natural character, oftentimes containing also significant historical, archaeological, ecological, geological, or other such values. The purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of such ecological regions of California as the Sierra Nevada Mountains, northeast volcanic, great valley, coastal strip, Klamath-Siskiyou Mountains, southwest mountains and valleys, redwoods, foothills and low coastal mountains, and desert and desert mountains.

Each state park shall be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established.

Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Improvements may be undertaken to provide for such recreational activities as, but not limited to, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as such improvements involve no major modification of lands, forests, or waters. Improvements which do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within state parks.

State parks may be established in either the terrestrial or underwater environments of the state.

(d) State recreation units, which consist of areas selected, developed, and operated to provide outdoor recreational

opportunities. Such units shall be designated by the State Park and Recreation Commission by naming, in accordance with the provisions of this article relating to classification.

In the planning of improvements to be undertaken within state recreation units, consideration shall be given to compatibility of design with the surrounding scenic and environmental characteristics.

State recreation units may be established in the terrestrial or underwater environments of the state and shall include:

(1) State recreation areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet other than purely local needs. Such areas shall be selected for their having terrain capable of withstanding extensive human impact and for their proximity to large centers of population, major routes of travel, or proven recreational resources such as man-made or natural bodies of water. Areas containing ecological, geological, or scenic resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural preserves.

Improvements may be undertaken to provide for such recreational activities as, but not limited to, camping, picnicking, swimming, hiking, bicycling, horseback riding, boating, waterskiing, winter sports, fishing, and hunting.

Improvements to provide for urban or indoor formalized recreational activities shall not be undertaken within state recreation areas.

(2) Underwater recreation areas, consisting of areas in the underwater environment selected and developed to provide surface and subsurface water-oriented recreational opportunities, while preserving basic resource values for present and future generations.

(3) State vehicular recreation areas, consisting of areas where topographic features and associated recreational vehicle opportunities are the primary values. Such areas shall be chosen to insure that no substantial natural values are lost and that no adjoining properties incur adverse effects from the operation and maintenance of vehicular recreation areas. When important natural or scenic values are found to be present within the boundaries of a state vehicular recreation area they shall be defined within a natural preserve in accordance with the provisions of subdivision (f). The development of facilities shall be aimed at making full public use of the recreational opportunities present, and the natural and cultural elements of the environment may be managed or modified to enhance the recreation experiences. Under all circumstances, conditions of accelerated and unnatural erosion shall be anticipated and prevented to the extent possible. Where the occurrence of such erosion is unanticipated, every measure shall be taken to restore the area.

(4) State beaches, consisting of areas with frontage on the ocean, or bays designed to provide swimming, boating, fishing, and other beach-oriented recreational activities. Coastal areas containing

ecological, geological, or scenic resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural preserves.

(5) Wayside campgrounds, consisting of relatively small areas suitable for overnight camping and offering convenient access to major highways.

(e) Historical units, to be named appropriately and individually, which consist of areas established primarily to preserve objects of historical and scientific interest, and places commemorating important persons or historic events. Such areas should be of sufficient size, where possible, to provide a significant proportion of the landscape associated with the historical objects. The only facilities provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval by the State Park and Recreation Commission, lands outside the primary historic zone may be selected or acquired, developed, or operated to provide camping facilities within appropriate historical units. Certain agricultural, mercantile, or other commercial activities may be permitted, provided those activities are a part of the history of the individual unit and developments retain or restore historical authenticity. Historical units shall be named to perpetuate the primary historical theme of the individual units.

(f) Natural preserves, which consist of distinct areas of outstanding natural or scientific significance established within the boundaries of other state park system units. The purpose of natural preserves shall be to preserve such features as rare or endangered plant and animal species and their supporting ecosystems, representative examples of plant or animal communities existing in California prior to the impact of civilization, geological features illustrative of geological processes, significant fossil occurrences or geological features of cultural or economic interest, or topographic features illustrative of representative or unique biogeographical patterns. Areas set aside as natural preserves shall be of sufficient size to allow, where possible, the natural dynamics of ecological interaction to continue without interference, and to provide, in all cases, a practicable management unit. Habitat manipulation shall be permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations which constitute the basis for the establishment of the natural preserve.

SEC. 1.5. Section 5001.5 of the Public Resources Code, as amended by Section 2 of Senate Bill No. 907 of the 1973–74 Regular Session, is amended to read:

5001.5. All units which are or shall become a part of the California state park system, except those units or parts of units designated by the Legislature as wilderness areas pursuant to Chapter 1.3 (commencing with Section 5093.30) of this division, shall be classified by the State Park and Recreation Commission into one of the following categories:

(a) State wildernesses, which, in contrast with those areas where man and his own works dominate the landscape, are hereby recognized as areas where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. A state wilderness is further defined to mean an area of relatively undeveloped state-owned or -leased land which has retained its primeval character and influence or has been substantially restored to a near natural appearance, without permanent improvements or human habitation, other than semi-improved campgrounds and primitive latrines, and which is protected and managed so as to preserve its natural conditions and which:

(1) Appears generally to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.

(2) Has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

(3) Has at least 5,000 acres of land, either by itself or in combination with contiguous areas possessing wilderness characteristics, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition.

(4) May also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

State wildernesses may be established within the boundaries of other state park system units.

(b) State reserves, which consist of areas embracing outstanding natural or scenic characteristics of statewide significance. The purpose of a state reserve is to preserve its native ecological associations, unique faunal or floral characteristics, geological features and scenic qualities in a condition of undisturbed integrity. Resource manipulation shall be restricted to the minimum required to negate the deleterious influences of man.

Improvements undertaken shall be for the purpose of making the areas available, on a day-use basis, for public enjoyment and education in a manner consistent with the preservation of their natural features. Living and nonliving resources contained within state reserves shall not be disturbed or removed for other than scientific or management purposes.

State reserves may be established in the terrestrial or underwater environments of the state.

(c) State parks, which consist of relatively spacious areas of outstanding scenic or natural character, oftentimes containing also significant historical, archaeological, ecological, geological, or other such values. The purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of such ecological regions of California as the Sierra Nevada Mountains, northeast volcanic, great valley, coastal strip, Klamath-Siskiyou Mountains, southwest mountains and valleys, redwoods, foothills and

low coastal mountains, and desert and desert mountains.

Each state park shall be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established.

Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Improvements may be undertaken to provide for such recreational activities as, but not limited to, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as such improvements involve no major modification of lands, forests, or waters. Improvements which do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within state parks.

State parks may be established in either the terrestrial or underwater environments of the state.

(d) State recreation units, which consist of areas selected, developed, and operated to provide outdoor recreational opportunities. Such units shall be designated by the State Park and Recreation Commission by naming, in accordance with the provisions of this article relating to classification.

In the planning of improvements to be undertaken within state recreation units, consideration shall be given to compatibility of design with the surrounding scenic and environmental characteristics.

State recreation units may be established in the terrestrial or underwater environments of the state and shall include:

(1) State recreation areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet other than purely local needs. Such areas shall be selected for their having terrain capable of withstanding extensive human impact and for their proximity to large centers of population, major routes of travel, or proven recreational resources such as manmade or natural bodies of water. Areas containing ecological, geological, or scenic resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural preserves.

Improvements may be undertaken to provide for such recreational activities as, but not limited to, camping, picnicking, swimming, hiking, bicycling, horseback riding, boating, waterskiing, diving, winter sports, fishing, and hunting.

Improvements to provide for urban or indoor formalized recreational activities shall not be undertaken within state recreation areas.

(2) Underwater recreation areas, consisting of areas in the underwater environment selected and developed to provide surface

and subsurface water-oriented recreational opportunities, while preserving basic resource values for present and future generations.

(3) State vehicular recreation areas, consisting of areas where topographic features and associated recreational vehicle opportunities are the primary values. Such areas shall be chosen to insure that no substantial natural values are lost and that no adjoining properties incur adverse effects from the operation and maintenance of vehicular recreation areas. When important natural or scenic values are found to be present within the boundaries of a state vehicular recreation area they shall be defined within a natural preserve in accordance with the provisions of subdivision (f). The development of facilities shall be aimed at making full public use of the recreational opportunities present, and the natural and cultural elements of the environment may be managed or modified to enhance the recreation experiences. Under all circumstances, conditions of accelerated and unnatural erosion shall be anticipated and prevented to the extent possible. Where the occurrence of such erosion is unanticipated, every measure shall be taken to restore the area.

(4) State beaches, consisting of areas with frontage on the ocean, or bays designed to provide swimming, boating, fishing, and other beach-oriented recreational activities. Coastal areas containing ecological, geological, or scenic resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural preserves.

(5) Wayside campgrounds, consisting of relatively small areas suitable for overnight camping and offering convenient access to major highways.

(e) Historical units, to be named appropriately and individually, which consist of areas established primarily to preserve objects of historical and scientific interest, and places commemorating important persons or historic events. Such areas should be of sufficient size, where possible, to provide a significant proportion of the landscape associated with the historical objects. The only facilities provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval by the State Park and Recreation Commission, lands outside the primary historic zone may be selected or acquired, developed, or operated to provide camping facilities within appropriate historical units. Certain agricultural, mercantile, or other commercial activities may be permitted, provided those activities are a part of the history of the individual unit and developments retain or restore historical authenticity. Historical units shall be named to perpetuate the primary historical theme of the individual units.

(f) Natural preserves, which consist of distinct areas of outstanding natural or scientific significance established within the boundaries of other state park system units. The purpose of natural preserves shall be to preserve such features as rare or endangered

plant and animal species and their supporting ecosystems, representative examples of plant or animal communities existing in California prior to the impact of civilization, geological features illustrative of geological processes, significant fossil occurrences or geological features of cultural or economic interest, or topographic features illustrative of representative or unique biogeographical patterns. Areas set aside as natural preserves shall be of sufficient size to allow, where possible, the natural dynamics of ecological interaction to continue without interference, and to provide, in all cases, a practicable management unit. Habitat manipulation shall be permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations which constitute the basis for the establishment of the natural preserve.

(g) State seashores. State seashores consist of relatively spacious coastline areas with frontage on the ocean, or on bays open to the ocean, including water areas seasonally connected to the ocean, possessing outstanding scenic or natural character and significant recreational, historical, archaeological, or geological values. State seashores may include underwater areas within them, but may not be established solely in the underwater environment.

The purpose of state seashores shall be to preserve outstanding natural, scenic, cultural, ecological, and recreational values of the California coastline as an ecological region and to make possible the enjoyment of coastline and related recreational activities which are consistent with the preservation of the principal values and which contribute to the public enjoyment, appreciation, and understanding of those values.

Improvements undertaken within state seashores shall be for the purpose of making the areas available for public enjoyment, recreation, and education in a manner consistent with the perpetuation of their natural, scenic, cultural, ecological, and recreational value. Improvements which do not directly enhance the public enjoyment of the natural, scenic, cultural, ecological, or recreational values of the seashore, or which are attractions in themselves, shall not be undertaken in state seashores.

SEC. 2. Chapter 1.3 (commencing with Section 5093.30) is added to Division 5 of the Public Resources Code, to read:

## CHAPTER 1.3. CALIFORNIA WILDERNESS PRESERVATION SYSTEM

5093.30. This chapter shall be known and may be cited as the California Wilderness Act.

5093.31. In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas on state-owned lands within California, leaving no areas designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the State of California to secure for present and future generations the benefits of an enduring resource of wilderness.

5093.32. As used in this chapter:

(a) "Roadless area" means a reasonably compact area of undeveloped land which possesses the general characteristics of a wilderness, as described in subdivision (c) of Section 5093.33, and within which there is no improved road that is suitable for public travel by motorized vehicles intended primarily for highway use.

(b) "Secretary" means the Secretary of the Resources Agency.

(c) "System" means the California wilderness preservation system.

(d) "Wilderness areas" means component areas of the system as described in Section 5093.33.

5093.33. (a) There is hereby established a California wilderness preservation system to be composed of state-owned areas designated by the Legislature as "wilderness areas" and units of the state park system classified as "state wildernesses" by the State Park and Recreation Commission pursuant to Section 5001.5, and these shall be administered for the use and enjoyment of the people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, provide for the protection of such areas, preserve their wilderness character, and provide for the gathering and dissemination of information regarding their use and enjoyment as wilderness. No state-owned areas shall be designated as "wilderness areas" except as provided for in this chapter or by subsequent legislative enactment.

(b) Notwithstanding the inclusion of an area within the system, a wilderness area shall continue to be subject to the jurisdiction of the state agency or agencies having jurisdiction thereover immediately prior to its inclusion in the system. The secretary shall adopt guidelines for the management of wilderness areas. Each state agency or agencies having jurisdiction over a wilderness area shall adopt regulations for the management of such areas consistent with the guidelines adopted by the secretary and the objectives of this chapter.

(c) A wilderness area, in contrast to those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. A wilderness area is further defined to mean an area of relatively undeveloped state-owned land which has retained its primeval character and influence or has been substantially restored to a near natural appearance, without permanent improvements or human habitation, other than semi-improved campgrounds and primitive latrines, and which is protected and managed so as to preserve its natural conditions and which:

(1) Appears generally to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.

(2) Has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

(3) Has at least 5,000 acres of land, either by itself or in combination with contiguous areas possessing wilderness characteristics, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition.

(4) May also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

5093.34. (a) The following areas are hereby designated as components of the system:

(1) Santa Rosa Mountains State Wilderness, consisting of that portion of Anza-Borrego Desert State Park in San Diego County within the area encompassed by Townships 9 and 10 South and Ranges 4, 5, 6, 7, and 8 East, San Bernardino Base and Meridian, except that the State Park and Recreation Commission shall establish the precise boundary.

(2) Mount San Jacinto State Wilderness in Mount San Jacinto State Park in Riverside County consisting of approximately 9,800 acres and including all of Sections 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, and 31, Township 4 South, Range 3 East, and all of Section 6, Township 5 South, Range 3 East, except the SW ¼ NW ¼, NW ¼ SW ¼, NE ¼ SW ¼, SW ¼ SW ¼, and SE ¼ SE ¼, San Bernardino Base and Meridian.

(b) The following state school lands, currently under the jurisdiction of the State Lands Commission, shall become components of the system on January 1, 1977, unless exchanged with the federal government for other lands pursuant to existing law prior to that date:

(1) Approximately 640 acres in Monterey County within the Ventana Wilderness, consisting of Section 16, Township 19 South, Range 2 East, Mount Diablo Base and Meridian.

(2) Approximately 40 acres in Monterey County within the Ventana Wilderness, consisting of the NE ¼ NE ¼ of Section 36, Township 19 South, Range 3 East, Mount Diablo Base and Meridian.

(3) Approximately 80 acres in Monterey County within the Ventana Wilderness, consisting of the SE ¼ NW ¼ and the SW ¼ NE ¼ of Section 36, Township 19 South, Range 2 East, Mount Diablo Base and Meridian.

(4) Approximately 40 acres in Santa Barbara County within the San Rafael Wilderness, consisting of the SE ¼ NW ¼ of Section 16, Township 7 North, Range 27 West, San Bernardino Base and Meridian.

(5) Approximately 80 acres in Siskiyou County within the Marble Mountain Wilderness, consisting of the E ½ and the NW ¼ of Section 16, Township 41 North, Range 12 West, Mount Diablo Base and Meridian.

(6) Approximately 640 acres in Tehama County within the Yolla Bolla Middle Eel Wilderness, consisting of Section 36, Township 27 North, Range 10 West, Mount Diablo Base and Meridian.

Nothing herein shall preclude the State Lands Commission from effecting exchanges of any such land described in subdivision (b)

with the federal government on or after January 1, 1977, for the purpose of including the exchanged land in the national wilderness preservation system. Upon completion of any such exchange, any such land described in subdivision (b) shall no longer be part of the system.

5093.35. (a) On or before January 1, 1978, the secretary, in cooperation with each department within the Resources Agency, shall review state-owned roadless areas under his jurisdiction as of January 1, 1975, including, but not limited to, lands within the state park system, state forests, and fish and game refuges, reserves, sanctuaries, and other areas designated for the protection of wildlife, but not including tide and submerged lands lying below the mean high tide line, and shall report to the Legislature his recommendations as to the suitability or nonsuitability of each such area for preservation as state wilderness.

(b) On or before January 1, 1976, the State Lands Commission shall review state-owned roadless areas under its jurisdiction which have been identified as possessing significant environmental values pursuant to Section 6370.2, and shall report to the Legislature its recommendations as to the suitability or nonsuitability of each such area for preservation as wilderness.

(c) Additional reviews and reports as to suitability or nonsuitability for preservation as wilderness shall be made by the secretary and the State Lands Commission for the following areas:

(1) State-owned roadless areas under their respective jurisdictions and within or contiguous to federal wilderness areas designated by the Congress after January 1, 1975, within one year after such designation.

(2) State-owned roadless areas under their respective jurisdictions which are acquired after January 1, 1975, within three years of such acquisition.

(d) The secretary and the State Lands Commission, prior to submitting any recommendations with respect to the suitability of any area for preservation as a wilderness area, shall:

(1) Give such public notice of the proposed action as deemed appropriate, including publication in one or more newspapers of general circulation in each county within which the affected area is located, and mailed to every person who has filed a request for notice of hearing. If the notice of hearing is published in a weekly newspaper, it must appear therein on at least two different days of publication, and, if in a newspaper published more often, there must be at least five days from the first to the last day of publication, both days included. The content of the notice of hearing shall substantially comply with the requirements of Section 11424 of the Government Code.

(2) Hold a public hearing or hearings in the City of San Diego, City of Los Angeles, City and County of San Francisco, or City of Sacramento, whichever is closest to the area affected, not less than 30 days, nor more than 60 days, after the last date of publication of

the notice. The hearing shall be conducted in the manner specified in Section 11425 of the Government Code.

(3) Advise, at least 30 days before the date of a hearing, the board of supervisors of each county in which the lands are located, and federal, state, and local agencies concerned, and invite such officials and agencies to submit their views on the proposed action at the hearing or within a specified period thereafter.

(e) Any view submitted under the provisions of subdivision (d) with respect to any area shall be included with any recommendations to the Legislature with respect to such area.

(f) Any modification or adjustment of boundaries of any wilderness area designated by the Legislature shall be recommended to the Legislature by the secretary or the State Lands Commission after public notice of such proposal and public hearing or hearings as provided in subdivision (d).

(g) Nothing contained herein shall be construed to lessen the present statutory authority of any state agency with respect to the maintenance of roadless areas.

(h) Privately owned areas within or contiguous to state-owned areas shall not preclude the review of the state-owned areas as provided in this section.

5093.36. (a) Except as otherwise provided in this chapter, each state agency with jurisdiction over any area designated as a wilderness area shall be responsible for preserving the wilderness character of the wilderness area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this chapter, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

(b) Except as specifically provided for in this chapter, and subject to private rights existing as of January 1, 1975, there shall be no commercial enterprise and no permanent road within any wilderness area and, except as necessary in emergencies involving the health and safety of persons within the wilderness area, there shall be no temporary road, no use of motor vehicles, motorized equipment, or motorboats, no landing or hovering of aircraft, no flying of aircraft lower than 5,000 feet above the ground, no other form of mechanical transport, and no structure or installation within any wilderness area.

(c) The following special provisions are hereby made:

(1) Within wilderness areas, such measures may be taken as may be necessary for the control of fire, insects, and diseases, subject to such conditions as the state agency or agencies having jurisdiction over such wilderness areas may deem desirable.

(2) Nothing in this chapter shall prevent any activity by any public agency within a wilderness area, including prospecting, for the purpose of gathering information about mineral or other resources, which the state agency or agencies having jurisdiction

over such wilderness area have determined will be carried on in a manner compatible with the preservation of the wilderness environment.

(3) The state agency or agencies having jurisdiction over wilderness areas may authorize the collection of hydrometeorological data and the conduct of weather modification activities, including both atmospheric and surface activities and environmental research, which are within, over, or may affect wilderness areas and for such purposes may permit access, installation, and use of equipment which is specifically justified and unobtrusively located. Maximum practical application of miniaturization, telemetry, and camouflage shall be employed in conducting weather modification activities. In granting permission for the conduct of data collection and weather modification activities, the appropriate state agency may prescribe such operating and monitoring conditions as it deems necessary to minimize or avoid long-term and intensive local impact on the wilderness character of the wilderness areas affected.

(4) Within wilderness areas, the grazing of livestock, where established prior to January 1, 1975, may be permitted to be continued by the present lessee or permittee subject to such limitation on term and regulations as are deemed necessary by the state agency or agencies having jurisdiction over such wilderness areas.

5093.37. (a) In any case where privately owned land is completely surrounded by wilderness areas, the private owner may acquire from the state a reasonable means of ingress and egress across wilderness areas from highways and roads to such land and from such land to highways and roads.

(b) Application from such a private owner for ingress and egress shall be made to the administering state agency. When application for ingress and egress is received, the administering state agency shall determine whether any reasonable access exists outside the boundaries of the wilderness area or could be economically constructed.

(c) Where reasonable access does not exist or cannot be economically constructed outside the boundaries of the wilderness area, the administering state agency shall grant a permit for right-of-way across the wilderness area over such route, and subject to such conditions and construction and maintenance specifications, as the administering state agency may determine will cause minimum alteration to the physical features of the wilderness area and minimum interference with the use of the wilderness area by the public.

(d) The permittee shall, at his own expense, construct and maintain the means of ingress and egress in accordance with the terms and conditions set forth in the permit, noncompliance with which in any part shall be due cause for revocation of the permit.

(e) The administering state agency may require a permittee to

allow the use of such means of ingress and egress by other applicants whose lands are similarly situated. The administering state agency shall grant a permit for such use under terms and conditions imposed upon existing users, upon payment of a reasonable compensation for construction and maintenance of the road, by the applicant to the existing permittee.

(f) Subject to the appropriation of funds by the Legislature, the state agency or agencies having jurisdiction over such wilderness areas may acquire privately owned land within the perimeter of any area designated by this chapter as a wilderness area.

(g) The state agency or agencies having jurisdiction over such wilderness areas may accept gifts or bequests of land within or contiguous to wilderness areas. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this chapter, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

5093.38. Nothing in this chapter shall affect the jurisdiction or responsibility of the state with regard to fish and wildlife. Hunting and fishing may be permitted on lands and waters administered as parts of the system under applicable state or federal laws and regulations.

5093.39. The secretary shall, no later than December 1, 1975, and on or before December 1st of each year thereafter, report to the Governor and to the Legislature on the status of the system, including a list and descriptions of the wilderness areas within the system, guidelines and regulations in effect, and recommendations for additions to the system.

5093.40. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 907 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 5001.5 of the Public Resources Code, and this bill is chaptered after Senate Bill No. 907, that Section 5001.5 of the Public Resources Code, as amended by Section 2 of Senate Bill No. 907, be further amended on the effective date of this act in the form set forth in Section 1.5 of this act to incorporate the changes in Section 5001.5 proposed by this bill. Therefore, if this bill and Senate Bill No. 907 are both chaptered and become effective on or before January 1, 1975, and Senate Bill No. 907 is chaptered before this bill and amends Section 5001.5, Section 1.5 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative.

## CHAPTER 1197

*An act to amend Section 12021 of the Penal Code, relating to concealed weapons.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 12021 of the Penal Code is amended to read:

12021. (a) Any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both.

(b) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment; or

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars ($1,000), or received both such punishments.

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## CHAPTER 1198

*An act to add Section 6254.8 to the Government Code, relating to public records.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 6254.8 is added to the Government Code, to read:

6254.8. Every employment contract between a state or local agency and any public official or public employee is a public record which is not subject to the provisions of Sections 6254 and 6255.

# CHAPTER 1199

*An act to amend Section 987.8 of the Penal Code, relating to legal counsel, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 987.8 of the Penal Code is amended to read:

987.8. (a) In any case in which a defendant is furnished counsel, either through the public defender or private counsel appointed by the court, upon conclusion of the criminal proceedings in the trial court, the court shall, after a hearing, make a determination of the present ability of the defendant to pay all or a portion of the cost of counsel. At the hearing, the defendant shall be entitled to have, but shall not be limited to, the opportunity to be heard in person, to present witnesses and other documentary evidence, and to confront and cross-examine adverse witnesses; disclosure of the evidence against him, and a written statement of the findings of the court. If the court determines that the defendant has the present ability to pay all or part of the cost, it shall order him to pay the sum to the county in any installments and manner which it believes reasonable and compatible with his financial ability. Execution may be issued on the order in the same manner as on a judgment in a civil action. The order shall not be enforced by contempt.

(b) Prior to the furnishing of counsel in the trial court, the court shall give notice to the defendant that, upon the conclusion of the criminal proceedings in the trial court, the court shall, after a hearing, make a determination of the present ability of the defendant to pay all or a portion of the cost of counsel. The court shall also give notice that, if the court determines that the defendant has such present ability, the court shall order him to pay all or part of such cost. The notice shall inform the defendant that the order shall have the same force and effect as a judgment in a civil action and shall be subject to execution.

SEC. 2. It is the intent of the Legislature in this act to codify the requirements of due process of law which have been stated by recent court decisions to be applicable to the proceedings to which this act applies. It is not the intent of the Legislature in specifying any requirement as applicable in such proceedings to foreclose the application of any other right which is required to provide due process of law to the defendant.

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

Recent decisions by appellate courts in this state have cast doubt

upon the validity of the provision of law which permits counties to be reimbursed for costs of appointed counsel. In order to remedy the defects in this provision of law to insure continued reimbursement of these costs, it is necessary that this act go into immediate effect.

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## CHAPTER 1200

*An act to add Section 1155.7 to the Health and Safety Code, relating to mosquito abatement.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 1155.7 is added to the Health and Safety Code, to read:

1155.7. Notwithstanding Section 1155, the county board of supervisors may, upon concurrence of the county officer providing such services, transfer all or any portion of the function of providing vector control services to any mosquito abatement district or vector control district formed pursuant to Chapter 5 (commencing with Section 2200) of Division 3. A county which chooses to transfer such services shall continue to receive funds appropriated for the purposes of this article if it complies with all other minimum standards and if the vector control program is maintained at a level which meets the minimum standards set by the State Department of Health.

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## CHAPTER 1201

*An act to add Section 68515 and Article 12.8 (commencing with Section 70136) to Chapter 5 of Title 8 of, and Section 73691 to, the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 68515 is added to the Government Code, to read:

68515. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in any county with a

population of more than 120,000 and less than 130,000, as determined by the 1970 federal census. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period;

(2) The fees charged and the fees collected for such transcripts;

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts;

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose; and

(5) Such other information as the Judicial Council may required.

SEC. 1.5. Article 12.8 (commencing with Section 70136) is added to Chapter 5 of Title 8 of the Government Code, to read:

Article 12.8. Official Reporters and Fees in Counties With a Population of 120,000 to 130,000

70136. (a) Notwithstanding any other provision of law, the monthly salary of each full-time official reporter of the Superior Court in Santa Cruz County shall be as follows:

| | |
|---|---|
| Step 1: | $1,194 |
| Step 2: | $1,253 |
| Step 3: | $1,312 |
| Step 4: | $1,374 |
| Step 5: | $1,440 |

The initial hiring rate for each position shall be step 1. However, the judges of the superior court may appoint any such court reporter at a higher initial step if, in the opinion of the judges of the superior court, an individual to be appointed has such experience and qualifications to entitle that individual to such higher initial step. A person may advance to the next higher step upon completion of a year of service at the lower step.

In addition to the compensation provided in this article, each full-time reporter of the superior court shall be entitled to, and shall receive the same vacation, sick leave, and similar privileges and benefits as are now or may hereafter be provided for the employees of the county.

(b) Compensation for each official reporter pro tempore shall be fifty-five dollars ($55) a day for each day such reporter pro tempore is on duty under order of the court. Each reporter pro tempore shall



4 1580 26 10 395 903

receive from the county the necessary traveling and other expenses when necessarily called from other counties.

70137. Fees for transcription of testimony and proceedings in the court shall be paid by the litigant to full-time official reporters or to official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the General Fund, including fees for transcription of testimony of proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, of this code, which shall be paid from the county treasury.

70138. (a) The official reporter shall perform the duties required by law. When not actually engaged in the performance of any other duty imposed by law, the official reporter shall render stenographic or clerical assistance, or both, to the judge or judges of the department to which such reporter is assigned as such judge or judges may direct.

(b) The official reporter in each department shall be selected by and serve directly under the authority and control of the judge thereof, provided, however, that whenever the services of an official reporter are not required in the actual prosecution of the business of his department, the presiding judge of the superior court may temporarily assign any such reporter to act as an official reporter for another department of the superior court or as an official reporter of a municipal court within the same county.

70139. (a) In order to help defray the cost of reporting services, in addition to fees required by other laws for the filing of the first paper in a civil action or special proceeding, there shall be an additional charge of twelve dollars ($12) for each party, or jointly by parties appearing jointly.

(b) In addition to any fee otherwise required, in civil cases that last longer than five judicial days, a fee per day equal to the per diem rate for official reporters pro tempore shall be charged to the parties for the services of an official reporter for the sixth and each successive day a reporter is required.

(c) In addition to any fee otherwise required, in a civil case in which a court orders a daily transcript necessitating the services of two phonographic reporters, the party requesting the daily transcript shall pay a fee per day equal to the per diem rate for official reporters pro tempore for the services of the second reporter for the first and each successive day.

SEC. 2. Section 73691 is added to the Government Code, to read:

73691. A majority of the judges may appoint seven full-time court reporters to serve at the pleasure of the judges and to be paid an annual salary of fifteen thousand dollars ($15,000) each.

Each such reporter shall accrue and be entitled to receive 3.6924 hours of sick leave credit for each pay period of actual service, or major fraction thereof, up to an accrued total of 144 working days. He shall also accrue and receive vacation at the same rate as the

judges of the court, but not to exceed 21 working days a year or a total of 42 days. He may take vacation at any time approved by the judges to which he is assigned.

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

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

In order to employ and maintain qualified full-time superior court reporters in Santa Cruz County and municipal court reporters in Fresno County at a salary competitive with other counties of similar size and resources, it is necessary that this act go into immediate effect at the earliest possible time.

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## CHAPTER 1202

*An act to amend Section 1771 of the Labor Code, relating to public works.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 1771 of the Labor Code is amended to read:

1771. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in this chapter, shall be paid to all workmen employed on public works.

This section is applicable only to work performed under contract, and is not applicable to work carried out by a public agency with its own forces. This section is applicable to contracts let for maintenance work.

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

## CHAPTER 1203

*An act to amend Sections 8661 and 8773 of the Elections Code and Section 34459 of the Government Code, relating to elections.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 8661 of the Elections Code is amended to read:

8661. Each delegate to the state convention shall appoint to membership on this committee two voters of the same sex as the delegate and three voters of the opposite sex, which appointments when so made shall be absolute.

SEC. 2. Section 8773 of the Elections Code is amended to read:

8773. This committee may select from its membership an executive committee to which it may grant all or any portion of its powers and duties. If this committee grants any portion of its powers to an executive committee, it shall provide for the election to its executive committee of two members, one of each sex, from each senatorial district delegation. A senatorial district delegation shall consist only of those state central committee members who reside within that senatorial district as reapportioned in 1973 and within the election district of the delegate to the state convention by whom such member of the state central committee was appointed.

SEC. 3. Section 34459 of the Government Code is amended to read:

34459. The charter of any city may be amended or repealed by proposals submitted by the governing body on its own motion or by petition signed by 15 percent of the registered electors, or both.

The charter of a city and county may be amended or repealed by proposals submitted by the governing body or by a petition signed by 10 percent of the qualified electors of the city and county, computed upon the total number of votes cast in the city and county for all candidates for Governor at the last general election at which a Governor was elected, or both. Such proposals shall be submitted to the electors at either a special election called for that purpose or at any general or special election.

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## CHAPTER 1204

*An act to amend Sections 100061, 100113, and 100124 of, to add Section 100171 to, to add Articles 7 (commencing with Section 100180) and 8 (commencing with Section 100200), 9 (commencing with Section 100250) to Chapter 5, Part 12, Division 10 of, and to add Chapter 7 (commencing with Section 100400) to Part 12,*

*Division 10 of, the Public Utilities Code, and to amend Sections 7252 and 10782 of, and to add Section 7272.5 to, the Revenue and Taxation Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 100061 of the Public Utilities Code is amended to read:

100061. The board of supervisors, annually, at the first meeting in January, shall elect a chairman who shall preside at all meetings. The board of supervisors shall also, at such meeting, elect a vice chairman, who in the event of the chairman's absence or inability to act, shall act as chairman, and while so acting, shall have all of the authority of the chairman.

SEC. 2 Section 100113 of the Public Utilities Code is amended to read:

100113. The district shall not levy any tax unless a majority of the electors voting on the measure vote to authorize the levy of the tax at a special election called for that purpose by the board of supervisors.

Whenever a bond election is held to authorize incurring bonded indebtedness pursuant to Section 100400, the ordinance calling the election shall include a statement of the tax or taxes to be levied or continued to be levied and used, to the extent such taxes are required to pay principal of and interest on the bonds as the same become due, to provide any sinking fund payments required therefor, or to create or maintain any reserve fund required therefor. A vote in favor of the issuance of the bonds shall authorize the board to levy and collect such taxes. The ordinance levying such taxes shall not be repealed until all bonds payable from the revenues derived from such taxes have been fully paid or provision has been made for their payment in full.

SEC. 3. Section 100124 of the Public Utilities Code is amended to read:

100124. The district may insure against any accident or destruction of the system or any part thereof. The district may insure against loss of revenues from any cause whatsoever. It may provide, in the proceedings authorizing the issuance of any bonds, for the carrying of insurance in such amount and of such character as may be specified and for the payment of premiums thereon. The district may also provide insurance as provided in Part 6 (commencing with Section 989) of Division 3.6 of Title 1 of the Government Code.

SEC. 4. Section 100171 is added to the Public Utilities Code, to read:

100171. The district shall have the power to obtain temporary transfers of funds in accordance with the last paragraph of Section 25 of Article XIII of the California Constitution.

SEC. 5. Article 7 (commencing with Section 100180) is added to Chapter 5, Part 12, Division 10 of the Public Utilities Code, to read:

Article 7. Property Taxation

100180. The district may levy and collect, or cause to be collected, property taxes for any lawful purpose of the district. No property tax shall be levied or collected, other than for purposes of Article 8 (commencing with Section 100200) of this chapter, unless a majority of the electors voting on the question at an election called for such purpose approve the levy of such tax by the district.

100182. Each election shall be called and conducted by the district in the same manner as provided by law for the conduct of special elections by a county. The board may delegate to the appropriate county officials the authority to conduct the election on behalf of the district.

100183. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

| | | |
|---|---|---|
| Shall the Santa Clara County Transit District be authorized to levy a property tax at an annual rate which shall not exceed _____ cents ($0._____) on each one hundred dollars ($100) of assessed valuation within the district? | YES | |
| | NO | |

100184. The board shall avail itself of the assessments made by the county assessor and the assessments made by the State Board of Equalization for the county, and shall take such assessments as the basis for district property taxation, and have its property taxes collected by the county tax collector.

100185. The county auditor shall, on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district.

100186. The board shall, on or before the first day of September, fix the rate or rates of taxes, designating the number of cents upon each one hundred dollars ($100) of assessed value, and use as a basis the value of property transmitted to the board by the county auditor, which rate of taxation shall be sufficient to raise the amount previously fixed by the board.

100187. The board shall, immediately after fixing the rate or rates of taxes, transmit to the county auditor a statement of the rate of taxes fixed by the board.

100188. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected, the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

100189. Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurer in the proportion which the tax due to the district bears to the total tax for which the property was sold.

100190. All taxes levied under this article are a lien on the property on which they are levied. The enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this article so far as applicable.

SEC. 6. Article 8 (commencing with Section 100200) is added to Chapter 5, Part 12, Division 10 of the Public Utilities Code, to read:

Article 8. Property Taxation for Bond Redemption Purposes

100200. The district may levy and collect, or cause to be collected, property taxes for bond redemption purposes.

100201. (a) Except as otherwise provided in subdivision (b), if from any cause the revenues of the district are, or are expected to be, inadequate in any year to pay the principal of, interest on, or sinking fund payments for bonds of the district as they become due, or to establish or maintain any reserve fund therefor, the board shall levy for district purposes and collect upon all property in the district taxable for county purposes a tax sufficient, together with revenues already collected and available therefor, to pay the interest on the bonds as they will become due and such part of the principal thereof, including any sinking fund installments required by any of the district's agreements with its bondholders, that will become due before the proceeds of a tax levied at the next general tax levy will be available for such purpose, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with its bondholders.

(b) If the ordinance calling the election on the issuance of bonds provides that all or any portion of the retail transaction and use tax authorized by Article 9 (commencing with Section 100250) be levied and used to the extent required to pay principal of and interest on the bonds, the board, in order to provide for any sinking fund payments required therefor and to create or maintain any reserve fund required therefor, shall estimate the revenues of the district which are expected to be available for such purposes and the amount to be raised by such a tax as is required to be levied and used for such purposes in order to provide for the payment of all such obligations when due. The board may, in its regular annual budget, or in a special

budget which may be prepared at any time, show the amounts needed for such purposes, estimate the revenue available therefor, and thereafter fix the rates of and levy and collect, or provide for the collection of, such a tax as will provide, together with other revenues available therefor, at least all sums necessary for such purposes insofar as such levies do not exceed the maximum rates of such a tax stated in the ordinance calling the bond election.

If from any cause the revenues of the district are, or are expected to be, inadequate to pay the principal of and interest on the bonds and sinking fund payments as they become due, and establish or maintain any reserve fund required therefor, and if the proceeds of such tax levied at the maximum rates authorized, together with such revenues, are still estimated to be insufficient for such purposes, the board shall levy and collect upon all property in the district taxable for county purposes a tax at least sufficient, with the revenues already collected and available therefor, together with the anticipated proceeds of the special tax, to pay the interest on the bonds that will become due and such part of the principal thereof, including any sinking fund payments, that will become due before the proceeds of a tax levied at the time of the next general tax levy will be available for such purposes, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with its bondholders.

SEC. 7. Article 9 (commencing with Section 100250) is added to Chapter 5, Part 12, Division 10 of the Public Utilities Code, to read:

## Article 9. Retail Transaction and Use Tax

100250. A retail transactions and use tax ordinance may be adopted by the board in accordance with the provisions of Part 1.6 (commencing with Section 7251), Division 2 of the Revenue and Taxation Code, provided that a majority of the electors voting on the measure vote to authorize its enactment at a special election called for that purpose by the board.

100251. Any transactions and use tax ordinance adopted shall be operative on the first day of the first calendar quarter commencing not less than 180 days after adoption of the ordinance.

100252. The district may contract with the State Board of Equalization for its service in the preparations necessary to administer a transaction and use tax ordinance. The costs to be covered by the contract are to be for services of the types described in Section 7272.5 of the Revenue and Taxation Code for preparatory work up to the date of the adoption of the ordinance. Any disputes as to the amount of the costs shall be resolved in the same manner as provided in that section.

100253. Prior to the operative date of the transaction and use tax ordinance, the district shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the ordinance.

100254. If the district shall not have contracted with the State Board of Equalization prior to the operative date of its transaction and use tax ordinance, it shall nevertheless so contract, and, in such case, the operative date shall be the first day of the first calendar quarter following the execution of the contract.

100255. Repeal of the transactions and use tax ordinance shall not be operative earlier than the first day of the first calendar quarter following the adoption of the ordinance of repeal.

100256. Whenever a bond election is held to authorize a bonded indebtedness pursuant to Section 100400, the ordinance calling the election may include a statement that the transaction and use taxes, or a stated portion thereof, shall be levied, or continued to be levied, and used to the extent required to pay the principal of, and interest on, the bonds as they become due, to provide any sinking fund payments required therefor, and to create or maintain any reserve fund required therefor.

A vote in favor of the issuance of the bonds shall authorize the use of such taxes for such purposes. The transactions and use tax ordinance shall not be repealed until all bonds payable from the revenues derived from such taxes have been fully paid or provision has been made for their payment in full.

SEC. 8. Chapter 7 (commencing with Section 100400) is added to Part 12, Division 10 of the Public Utilities Code, to read:

## CHAPTER 7. BONDS AND OTHER EVIDENCES OF INDEBTEDNESS

### Article 1. Authorization and Issuance of General Obligation Bonds

100400. Whenever the board deems it necessary for the district to incur a bonded indebtedness for the acquisition, construction, or repair of any or all improvements, works, property or facilities, authorized by this part or necessary or convenient for the carrying out of the powers of the district, or for any other purpose authorized by this part, it shall, by ordinance, adopted by a vote of two-thirds of all members of the board, so declare and call an election to be held in the district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district, provided the total amount of bonds issued and outstanding pursuant to this article shall not exceed 15 percent of the assessed value of the taxable property of the district as shown by the last equalized assessment roll of the County of Santa Clara. The ordinance shall state:

(a) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to or connected with the accomplishment of such purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant, and other fees; bond and other reserve funds; working capital; bond interest estimated to accrue during the

construction period and for a period not to exceed three years thereafter; and expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(b) The estimated cost of accomplishing those purposes.

(c) The amount of the principal of the indebtedness.

(d) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 50 years from the date thereof or the date of each series thereof.

(e) The maximum rate of interest to be paid, which shall not exceed 7 percent per annum.

(f) The proposition to be submitted to the voters, which may include one or more purposes.

(g) The date of the election.

(h) The manner of holding the election and the procedure for voting for or against the measure.

(i) The ordinance may also contain, as provided in subdivision (b) of Section 100201, a statement that the retail transaction and use tax mentioned in Article 9 (commencing with Section 100250), Chapter 5 of this part, or a stated portion thereof, shall be levied, or continued to be levied, and used to the extent required to pay principal of and interest on the bonds as they become due, to provide for any sinking fund payments required therefor or to create or maintain any reserve fund required therefor.

(j) The ordinance may also contain any other matters authorized by this part or any other law.

100401. Notice of holding of the election shall be given by publishing, pursuant to Section 6066 of the Government Code, the ordinance calling the election in at least one newspaper published in the district. No other notice of the election need be given. Except as otherwise provided in the ordinance, the election shall be conducted as other district elections.

100402. If any proposition is defeated by the electors, the board shall not call another election on a substantially similar proposition to be held within six months after the prior election. If a petition requesting submission of such a proposition, signed by 15 percent of the district electors, as shown by the votes cast for all candidates for governor within the district at the last gubernatorial election, is filed with the board, it may call an election before the expiration of six months.

100403. If a majority of the electors voting on the proposition vote for it, then the board may, by resolution, at such time or times as it deems proper, issue bonds of the district for the whole or any part of the amount of the indebtedness so authorized and may from time to time, by resolution, provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. The full amount of bonds may be divided into two or more series and different dates and different dates of payment fixed for the bonds of each series. A bond need not mature on an anniversary of its date. The maximum term the bonds

of any series shall run before maturity shall not exceed 50 years from the date of each series respectively. In such resolution or resolutions, the board shall prescribe the form of the bonds (including, without limitation, registered bonds and coupon bonds) and the form of any coupons to be attached thereto, the registration, conversion, and exchange privileges, if any, pertaining thereto, and fix the time when the whole or any part of the principal shall become due and payable.

100404. The bonds shall bear interest at a rate or rates not exceeding 7 percent per annum, payable semiannually, except that the first interest payable on the bonds or any series thereof may be for any period not exceeding one year as determined by the board. In the resolution or resolutions providing for the issuance of the bonds, the board may also provide for call and redemption of the bonds prior to maturity at such times and prices and upon such other terms as it may specify, but no bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon. The denomination or denominations of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one thousand dollars ($1,000). The principal of and interest on the bonds shall be payable in lawful money of the United States at the office of the treasurer of the district or at such other place or places as may be designated, or at either place or places at the option of the holders of the bonds. The bonds, or such series thereof, shall be dated and numbered consecutively and shall be signed by the chairman of the board and the treasurer, countersigned by the secretary and the official seal of the district attached. The interest coupons of such bonds shall be signed by the treasurer. All such signatures, countersignatures, and seal may be printed, lithographed, or mechanically reproduced, except that one of such signatures or countersignatures on the bonds shall be manually affixed. If any officer whose signature or countersignature appears on bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office.

100405. The bonds may be sold as the board determines by resolution but for not less than par. Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

100406. Delivery of any bonds may be made at any place either inside or outside the state, and the purchase price may be received in cash or bank credits.

100407. All accrued interest and premiums received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds and the remainder of the

proceeds of the bonds shall be placed in the treasury to the credit of the proper improvement fund and applied exclusively to the purposes for which the debt was incurred (which purposes shall be in conformity with an approved general transit plan or element thereof then in effect); provided, however, that when such purposes have been accomplished any moneys remaining in such improvement fund (a) shall be transferred to the fund to be used for the payment of principal of and interest on the bonds, or (b) shall be placed in a fund to be used for the purchase of outstanding bonds of the district from time to time in the open market at such prices and in such manner, either at public or private sale or otherwise, as the board may determine. Bonds so purchased shall be canceled immediately.

100408. After the expiration of three years after a bond election the board may determine, by ordinance adopted by a vote of two-thirds of all the members of the board, that any or all of the bonds authorized at the election remaining unsold shall not be issued or sold. When the ordinance takes effect, the authorization to issue such bonds shall become void.

100409. Whenever the board deems that the expenditure of money for the purposes for which the bonds were authorized by the voters is impractical or unwise, it may, by ordinance adopted by a vote of two-thirds of all members of the board, so declare and call an election to be held in the district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of such bonds for some other purposes or, in the case where bonds have been sold, the proposition to use the proceeds for some other purposes. The procedure, so far as applicable, shall be the same as when a bond proposition is originally submitted.

100410. The board may provide for the issuance, sale, or exchange of refunding bonds to redeem or retire any bonds issued by the district upon the terms, at the times, and in the manner which it determines. Refunding bonds may be issued in a principal amount sufficient to pay all or any part of the principal of such outstanding bonds, the interest thereon, and the premiums, if any, due upon call and redemption thereof prior to maturity and all expenses of such refunding. The provisions of this article for issuance and sale of bonds apply to the issuance and sale of such refunding bonds, except that (a) no election need be called or held for the purpose of authorizing the issuance of refunding bonds, and (b) when refunding bonds are to be exchanged for outstanding bonds, the method of exchange shall be as determined by the board.

100411. The provisions of Article 4 (commencing with Section 53500), Chapter 3, Part 1, Division 2, Title 5 of the Government Code are applicable to the district.

100412. Any bonds which shall be issued under the provisions of this article shall be legal investment for all trust funds; for the funds of insurance companies, banks, both commercial and savings, and trust companies; and for state school funds. Whenever any money or

funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or other districts within the State of California, such money or funds may be invested in the bonds issued under this part. Whenever bonds of cities, cities and counties, counties, school districts, or other districts within this state may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the bonds issued under this part may be so used. The provisions of this article shall be in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

100413. If bonds are authorized that contain a provision for special taxes under subdivision (i) of Section 100400, the board may enter into such convenants as may be deemed proper to provide for issuance of additional parity bonds and the priority and pledge of special taxes; and such other covenants as are customary or desirable in the issuance of any bonds payable out of special funds or as are necessary, convenient, or desirable to secure the bonds or tending to make them more marketable, subject to the provisions of the ordinance calling the bond election.

## Article 2. Revenue Bonds

100450. The district may issue bonds, payable from revenue of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the Revenue Bond Law of 1941, Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code, all of the provisions of which are applicable to the district.

100451. The district is a local agency within the meaning of the Revenue Bond Law of 1941, Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code. The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include the system or any or all transit facilities and all additions, extensions, and improvements thereto authorized to be acquired, constructed, or completed by the district. The district may issue revenue bonds under the Revenue Bond Law of 1941, for any one or more transit facilities authorized to be acquired, constructed, or completed by the district or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction, and completion of any one of such transit facilities. Nothing in this article shall prevent the district from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the transit facilities authorized hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the board may determine.

## Article 3. Equipment Trust Certificates

100460. The district shall have power to purchase transit equipment such as cars, trolley buses, and motor buses, or rolling equipment; and may execute agreements, leases and equipment trust certificates in the forms customarily used by private corporations engaged in the transit business appropriate to effect such purchase and leasing of transit equipment and may dispose of such equipment trust certificates upon such terms and conditions as the board may deem appropriate. Payment for such equipment, or rentals therefor, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates payable from any source or sources of funds specified in such certificates that are or will be legally available to the district. Title to such equipment shall not rest in the district until the equipment trust certificates are paid.

100461. The agreement to purchase or lease may direct the vendor or lessor to sell and assign or lease the rolling equipment to a bank or trust company duly authorized to transact business in the State of California as trustee, for the benefit and security of the equipment trust certificates and may direct such trustee to deliver the rolling equipment to one or more designated officers of the district and may authorize the district to execute and deliver simultaneously therewith an installment purchase agreement or a lease of the equipment to the district.

100462. The agreements and leases shall be duly acknowledged before a person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds. Such agreements, leases, and equipment trust certificates shall be authorized by resolution of the district and shall contain such covenants, conditions, and provisions which may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from legally available sources of funds specified in such certificates.

100463. The covenants, conditions, and provisions of the agreements, leases, and equipment trust certificates shall not conflict with any of the provisions of any trust agreement securing the payment of bonds, notes, or certificates of the district.

100464. An executed copy of each such agreement and lease shall be filed in the office of the Secretary of State, who shall be entitled to receive one dollar ($1) for each such copy filed with him. Such filing shall constitute notice to any subsequent judgment creditor or any subsequent purchaser. Each vehicle so purchased or leased shall have the name of the owner or lessor plainly marked on both sides thereof followed by the appropriate words "Owner and Lessor" or "Owner and Vendor," as the case may be.

## Article 4. Improvement Acts and Special Benefit Districts

100470. The Improvement Act of 1911, the Municipal Improvement Act of 1913 and the Improvement Bond Act of 1915 are applicable to the district.

100471. The provisions of Chapter 1 (commencing with Section 99000), Part 11, Division 10 of the Public Utilities Code are applicable to the district.

## Article 5. Temporary Borrowing

100480. The district may borrow money for the purpose of defraying general administrative and preliminary expenses of the district, lawfully incurred, prior to the time moneys to be raised by the first tax levy for the district are available, a sum which shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation of taxable property in the district at the time the moneys are borrowed, and may evidence such borrowing by notes bearing interest at a rate not to exceed 7 percent per annum. The notes shall be payable from the first tax levy made by the district and the tax levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of the notes, their issuance and sale, shall be governed by the applicable provisions referred to in Section 100483.

100481. At any time prior to the first receipt by the district of revenues from taxation, the county may lend any available money to the district for the purposes of organization and operation. Such expenditures shall constitute a proper expenditure of county funds.

100482. The district may borrow money in accordance with the provisions of Article 7 (commencing with Section 53820), or of Article 7.6 (commencing with Section 53850), Chapter 4, Part 1, Division 2, Title 5 of the Government Code.

100483. The district may borrow money in anticipation of the sale of bonds which have been authorized to be issued, but which have not been sold and delivered, and may issue negotiable bond anticipation notes therefor and may renew the same from time to time, but the maximum maturity of any such notes, including the renewals thereof, shall not exceed five years from the date of delivery of such original notes. Such notes may be paid from any moneys of the district available therefor and not otherwise pledged. If not previously otherwise paid, the notes shall be paid from the proceeds of the next sale of the bonds of the district in anticipation of which they were issued and if not so paid, taxes may be levied for their payment in the same manner as taxes are levied for the payment of general obligation bonds pursuant to Section 100201 until such bonds are issued. Such notes shall not be issued in any amount in excess of the aggregate amount of bonds which the district has been authorized to issue, less the amount of any bonds of such

authorized issue previously sold, and also less the amount of other bond anticipation notes therefor issued and then outstanding. The notes shall be issued and sold in the same manner as the bonds. Such notes and the resolution or resolutions authorizing them may contain any provisions, conditions, or limitations which a resolution of the district authorizing the issuance of bonds may contain.

### Article 6. Miscellaneous

100490. The district may bring an action to determine the validity of any of its bonds, equipment trust certificates, warrants, notes, or other evidences of indebtedness pursuant to Chapter 9 (commencing with Section 860), Title 10, Part 2 of the Code of Civil Procedure.

100491. All bonds and other evidences of indebtedness issued by the district under the provisions of this part, and the interest thereon, are free and exempt from all taxation within the State of California, except for transfer, franchise, inheritance, and estate taxes.

100492. Notwithstanding any other provisions of this part or any other law, the provisions of all ordinances, resolutions, and other proceedings in the issuance by the district of any bonds, bonds with a pledge of revenues, bonds for improvement districts, revenue bonds, equipment trust certificates, notes, or any and all evidences of indebtedness or liability shall constitute a contract between the district and the holders of such bonds, equipment trust certificates, notes, or evidences of indebtedness or liability and the provisions thereof shall be enforceable against the district, or any or all of its successors or assigns, by mandamus or any other appropriate suit, action, or proceeding in law or in equity in any court of competent jurisdiction. Nothing contained in this part or in any other law shall be held to relieve the district or the territory included within it from any bonded or other debt or liability contracted by the district. Upon dissolution of the district or upon withdrawal of territory therefrom, the property formerly included within the district or withdrawn therefrom shall continue to be liable for the payment of all bonded and other indebtedness or liabilities outstanding at the time of such dissolution or withdrawal the same as if the district had not been so dissolved or the territory withdrawn therefrom, and it shall be the duty of the successors or assigns to provide for the payment of such bonded and other indebtedness and liabilities. Except as may be otherwise provided in the proceedings for the authorization, issuance, and sale of any revenue bonds, bonds secured by a pledge of revenues or bonds for improvement districts secured by a pledge of revenues, revenues of any kind or nature derived from any revenue-producing improvements, works, facilities, or property owned, operated or controlled by the district shall be pledged, charged, assigned, and have a lien thereon for the payment of such bonds as long as they are outstanding, regardless of any change in ownership, operation, or control of such revenue-producing

improvements, works, facilities, or property and it shall, in such later event or events, be the duty of the successors or assigns to continue to maintain and operate such revenue-producing improvements, works, facilities, or property as long as bonds are outstanding.

SEC. 9. Section 7252 of the Revenue and Taxation Code is amended to read:

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

SEC. 10. Section 7272.5 is added to the Revenue and Taxation Code, to read:

7272.5. The contract referred to in Section 100252 of the Public Utilities Code shall provide that the district shall pay to the board its costs of preparation to administer and operate the transactions and use taxes ordinance. The district shall pay preparatory costs in accordance with the contract. Such costs include all preparatory costs including costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing of forms, developing instructions for the board's staff and for taxpayers, and other necessary preparatory costs which shall include the board's direct and indirect costs as specified by Section 11256 of the Government Code. Any disputes as to the amount of preparatory costs incurred shall be resolved by the Director of Finance and his decision shall be final. The maximum amount of all preparatory costs to be paid by the district shall not in any event exceed one hundred twenty-five thousand dollars ($125,000).

SEC. 11. Section 10782 of the Revenue and Taxation Code is amended to read:

10782. (a) The license fee imposed by this part does not apply to any vehicle operated by the state, or by any county, city and county, city, district, or political subdivision of the state, or the United States, as a lessee under a lease, lease-sale, or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 30 consecutive days or more.

(b) The license fee imposed by this part does not apply to any privately owned schoolbus, as defined in Section 545 of the Vehicle Code, which is either:

(1) Owned by a private nonprofit educational organization and operated in accordance with the rules and regulations of the Department of Education exclusively in transporting school pupils, or school pupils and employees, of such private nonprofit educational organization, or

(2) Operated in accordance with the rules and regulations of the Department of Education exclusively in transporting school pupils, or school pupils and employees, of any public school or private nonprofit educational organization pursuant to a contract between a public school district or nonprofit educational organization and the

owner or operator of the schoolbus.

This subdivision shall not, however, be applicable to any schoolbus which is operated pursuant to any contract which requires the public school district or nonprofit educational organization to pay any amount representing the costs of registration and weight fees unless and until the contract is amended to require only the payment of an amount representing the fee required by this section.

SEC. 12. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section, nor shall there be any appropriation made by this act, because this act authorizes a local governmental entity to carry out a program which has been approved by the voters affected.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the electors of the Santa Clara County Transit District may vote upon the proposals contained in this act at the earliest possible time, it is necessary that this act become effective immediately.

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## CHAPTER 1205

*An act to amend Section 10854 of, and to add Section 10855 to, the Education Code, relating to public schools.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 10854 of the Education Code is amended to read:

10854. The governing board of any school district shall adopt rules and regulations authorizing teachers, principals, and other certificated personnel to administer reasonable corporal or other punishment to pupils when such action is deemed an appropriate corrective measure except as provided in Section 10855.

SEC. 2. Section 10855 is added to the Education Code, to read:

10855. No corporal punishment shall be administered to an educationally handicapped pupil, a physically handicapped pupil, or a mentally retarded pupil, as defined pursuant to Section 6750, 6802, 6880.2, 6902, or 6903, enrolled in special education classes, without the prior written consent of the pupil's parent or guardian.

# CHAPTER 1206

*An act to amend Sections 5116, 5125, and 5127 of, and to repeal Sections 5117 and 5130 of, the Civil Code, relating to civil law.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. The Legislature finds and declares that (1) the extension of the right to manage and control all of the community property of a marriage to both spouses entails important social and economic considerations, (2) the right to manage and control community property is not a fundamental right which may not be divested by the Legislature and is not accorded the same status as the rights of the spouses in community property during marriage which are, and remain, present, existing, and equal, and (3) the application of the right to manage and control community property to all community property of a marriage, whether acquired before or after January 1, 1975, is necessary to achieve social and economic equality and facilitate commercial transactions.

The Legislature further finds and declares that (1) the liability of community property for the debts of the spouses has been coextensive with the right to manage and control community property and should remain so, (2) the extension of the liability of community property for obligations contracted prior to January 1, 1975, does not impair the rights of creditors or the interests of the spouses in the community property, and (3) the extension of the liability of community property avoids undesirable preferences among creditors of the community.

SEC. 2. Section 5116 of the Civil Code, as amended by Chapter 999 of the Statutes of 1973, is amended to read:

5116. The property of the community is liable for the contracts of either spouse which are made after marriage and prior to or on or after January 1, 1975.

SEC. 3. Section 5117 of the Civil Code, as amended by Chapter 987 of the Statutes of 1973, is repealed.

SEC. 4. Section 5125 of the Civil Code, as amended by Chapter 987 of the Statutes of 1973, is amended to read:

5125. (a) Except as provided in subdivisions (b), (c), and (d) and Sections 5113.5 and 5128, either spouse has the management and control of the community personal property, whether acquired prior to or on or after January 1, 1975, with like absolute power of disposition, other than testamentary, as the spouse has of the separate estate of the spouse.

(b) A spouse may not make a gift of community personal property or dispose of community personal property without a valuable consideration.

(c) A spouse may not sell, convey, or encumber the furniture,

furnishings, or fittings of the home, or the clothing or wearing apparel of the other spouse or minor children which is community personal property, without the written consent of the other spouse.

(d) A spouse who is operating or managing a business or an interest in a business which is community personal property has the sole management and control of the business or interest.

(e) Each spouse shall act in good faith with respect to the other spouse in the management and control of the community property.

SEC. 5. Section 5127 of the Civil Code, as amended by Chapter 987 of the Statutes of 1973, is amended to read:

5127. Except as provided in Sections 5113.5 and 5128, either spouse has the management and control of the community real property, whether acquired prior to or on or after January 1, 1975, but both spouses either personally or by duly authorized agent, must join in executing any instrument by which such community real property or any interest therein is leased for a longer period than one year, or is sold, conveyed, or encumbered; provided, however, that nothing herein contained shall be construed to apply to a lease, mortgage, conveyance, or transfer of real property or of any interest in real property between husband and wife; provided, also, however, that the sole lease, contract, mortgage or deed of the husband, holding the record title to community real property, to a lessee, purchaser, or encumbrancer, in good faith without knowledge of the marriage relation, shall be presumed to be valid if executed prior to January 1, 1975, and that the sole lease, contract, mortgage, or deed of either spouse, holding the record title to community real property to a lessee, purchaser, or encumbrancer, in good faith without knowledge of the marriage relation, shall be presumed to be valid if executed on or after January 1, 1975. No action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of either spouse alone, executed by the spouse alone, shall be commenced after the expiration of one year from the filing for record of such instrument in the recorder's office in the county in which the land is situate, and no action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, which was executed by the husband alone and filed for record prior to the time this act takes effect, in the recorder's office in the county in which the land is situate, shall be commenced after the expiration of one year from the date on which this act takes effect.

SEC. 6. Section 5130 of the Civil Code is repealed.

SEC. 7. This act shall not apply to or affect any act or transaction which occurred prior to January 1, 1975.

# CHAPTER 1207

*An act to amend Sections 3031, 7149, 7852, 7890, 7921, and 8045 of, and to repeal Sections 3651, 3652, 7852.5, 7890.5, 8045.5, and 8045.6 of, the Fish and Game Code, relating to fish and game.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 3031 of the Fish and Game Code is amended to read:

3031. A hunting license, granting the privilege to take birds and mammals, shall be issued:

(a) To any resident of this state, over the age of 16 years, upon the payment of ten dollars ($10).

(b) To any resident of this state, under the age of 16 years, upon the payment of two dollars ($2).

(c) To any person not a resident of this state, upon the payment of thirty-five dollars ($35).

(d) To any person not a resident of this state, valid for one day and only for the taking of domesticated game birds and pheasants while on the premises of a licensed pheasant club, or for the taking of domesticated migratory game birds on areas licensed for shooting such birds, upon the payment of five dollars ($5).

(e) To any person not a resident of this state, valid only at an organizational field trial under the provisions of Section 3510, upon the payment of five dollars ($5).

(f) To the wife of any veteran, as defined in Section 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

The amendments to this section enacted at the 1973–74 Regular Session of the Legislature shall become operative July 1, 1975.

SEC. 2. Section 3651 of the Fish and Game Code is repealed.

SEC. 3. Section 3652 of the Fish and Game Code is repealed.

SEC. 4. Section 7149 of the Fish and Game Code is amended to read:

7149. A sport fishing license granting the privilege to take any fish from the ocean waters of this state and amphibia anywhere in this state for purposes other than profit shall be issued:

(a) To any resident of this state, over the age of 16 years, upon the payment of four dollars ($4) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(b) To any nonresident, over the age of 16 years, upon the payment of fifteen dollars ($15) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(c) To any person, over the age of 16 years, not a resident of this state, upon the payment of five dollars ($5), for a period of 10 days from the date of issue.

On payment of two dollars ($2) a sport fishing licensee may obtain an inland water license stamp which if permanently affixed to his license authorizes him to take all fish, other than trout, steelhead trout, and salmon, anywhere in this state for purposes other than profit.

On payment of three dollars ($3) a sport fishing licensee may obtain a trout and salmon license stamp which if permanently affixed to his license together with the inland water license stamp authorizes him to take all fish anywhere in this state for purposes other than profit.

Any person receiving aid to the aged under the provisions of Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code or any person over 62 years of age who has been a resident of the state for the five years immediately preceding and whose total monthly income from all sources, including any old-age assistance payments, does not exceed two hundred fifty dollars ($250) for single persons, or five hundred dollars ($500) combined income for married persons, on application to the Department of Fish and Game, Headquarters Office, Sacramento, shall be issued a renewable sport fishing license authorizing the licensee to take any fish and amphibia anywhere in this state for purposes other than profit, free of charge.

Sport fishing license stamps shall be sold by license agents in the same manner as sport fishing licenses except that the compensation provided in Section 1055 shall not be paid to the license agent for sale of such stamps.

Reference in this code or any other law to a sport fishing license to be issued to disabled veterans, blind persons, or resident Indians without payment of a license fee means a renewable sport fishing license authorizing the licensee to take any fish and amphibia anywhere in this state for purposes other than profit. All other references to a sport fishing license mean such a license with or without license stamps as may be appropriate for the type of fishing involved.

SEC. 5. Section 7852 of the Fish and Game Code is amended to read:

7852. A commercial fishing license entitles the holder to take fish from April 1st to March 31st of the year following, or, if issued after the beginning of such term, for the remainder thereof. The license fee is thirty-five dollars ($35).

The amendments to this section shall become operative on April 1, 1975.

SEC. 6. Section 7852.5 of the Fish and Game Code is repealed.

SEC. 7. Section 7890 of the Fish and Game Code is amended to read:

7890. Upon payment of a fee of one hundred dollars ($100) and filing of the required statement by the owner or operator of the vessel, the department shall issue a certificate of boat registration which is valid for the period April 1st to March 31st of the year

following, or, if issued after the beginning of such term, for the remainder thereof. This certificate shall be carried aboard the vessel at all times posted in a conspicuous place.

The amendments to this section enacted at the 1973–74 Regular Session of the Legislature shall become operative April 1, 1975.

SEC. 8. Section 7890.5 of the Fish and Game Code is repealed.

SEC. 9. Section 7921 of the Fish and Game Code is amended to read:

7921. The license shall be valid during the period from April 1st to March 31st of the year following, or, if issued after the beginning of such term, for the remainder thereof, and for a fee of thirty-five dollars ($35) shall be issued to the holder of a certificate of boat registration issued pursuant to Section 7890.

The amendments to this section enacted at the 1973–74 Regular Session of the Legislature shall become operative April 1, 1975.

SEC. 10. Section 8045 of the Fish and Game Code is amended to read:

8045. Every person operating under a license issued pursuant to this article shall, in addition to the license fee, pay a privilege tax for each pound, or fraction thereof, of fish purchased, received, or taken by him in accordance with the following schedule:

| | Rate per pound |
|---|---|
| (a) All fish, irrespective of use, except as otherwise specified in this section | $0.001 |
| (b) Mollusks and crustaceans irrespective of use, excluding squid, crab and abalone | 0.01 |
| (c) Crab and squid, irrespective of use | 0.0015 |
| (d) Salmon, except imported salmon offal, based on the weight in the round, irrespective of use | 0.04 |
| (e) Sardines and abalone, irrespective of use | 0.005 |
| (f) The following fish when used for bait or human consumption, except canning | 0.01 |
| (1) Albacore | |
| (2) Barracuda | |
| (3) Bluefin | |
| (4) Broadbill swordfish | |
| (5) Flying fish | |
| (6) Frogs | |
| (7) Giant seabass | |
| (8) Halibut | |
| (9) Saltwater worms | |
| (10) White seabass | |
| (11) Yellowtail | |
| (g) Anchovy | 0.0005 |

Provided, however, that when the price paid as stated on the fish receipt required in accordance with Section 8011 is in excess of fifty dollars ($50) per ton, the tax on anchovy shall be $0.001 per pound.

All fish, except shrimp (Pandalus jordani) and crab (Cancer magister), imported into California from another state or country, and which are for human consumption and are not thereafter canned or cooked by a licensee, shall not be subject to such a privilege tax.

Shrimp (Pandalus jordani) and crab (Cancer magister) imported into California from another state or country, irrespective of use, shall not be subject to such privilege tax.

SEC. 11. Section 8045.5 of the Fish and Game Code is repealed.

SEC. 12. Section 8045.6 of the Fish and Game Code is repealed.

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## CHAPTER 1208

*An act making an appropriation to the California Coastal Zone Conservation Commission.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. The Legislature hereby finds and declares that the delays in authorized federal funding of state coastal zone planning efforts threaten to impair the timely and effective preparation of the California Coastal Zone Conservation Plan; that any substantial delay in the preparation of such plan may create unnecessary and unreasonable hardships for state and local agencies and for persons having responsibilities or financial interests in the coastal zone; and that the best interests of the people of this state will be served by the assurance of adequate funding, at this time, of those responsibilities of state government set forth in the California Coastal Zone Conservation Act of 1972.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury to the California Coastal Zone Conservation Commission the sum of one million six hundred thirty-eight thousand nine hundred seven dollars ($1,638,907) for expenditure, subject to the limitation contained in Section 3 of this act, for the support of the commission and the regional coastal zone conservation commissioners in carrying out the responsibilities and duties set forth in Division 18 (commencing with Section 27000) of the Public Resources Code, as follows:

(a) One million three thousand four hundred eighty dollars ($1,003,480) shall be available for expenditure during the 1975–76 fiscal year.

(b) Six hundred thirty-five thousand four hundred twenty-seven dollars ($635,427) shall be available for expenditure during the 1976–77 fiscal year.

SEC. 3. The appropriation to the California Coastal Zone Conservation Commission pursuant to this act shall be reduced by the amount of any funds which the commission may receive for the support of the commission and the regional commission under the provisions of the Federal Coastal Zone Management Act. The Department of Finance shall determine the amount of the appropriation made under this act which is to be restored to the unallocated balance of the State Treasury and be credited to the General Fund.

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## CHAPTER 1209

*An act to amend Sections 26823, 26825, and 26830 of, and to add Sections 26820.5, 26821.4, 26821.5, 26827.3, and 26838.5 to, the Government Code, relating to court fees.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 26820.5 is added to the Government Code, to read:

26820.5. There is a fee for any cash deposit made with the county clerk in his capacity as clerk of the superior court.

For each year or fraction of a year that cash is deposited, the fee is two dollars ($2) for the first one hundred dollars ($100) or fraction thereof, plus two dollars ($2) for each additional one hundred dollars ($100) or fraction thereof for the next four hundred dollars ($400) deposited, plus two dollars ($2) for each additional five hundred dollars ($500) or fraction thereof.

This section shall not apply to state, local, or public agencies.

SEC. 2. Section 26821.4 is added to the Government Code, to read:

26821.4. The fee for filing and setting or resetting for hearing any demurrer, motion, third party claim, order to show cause in a domestic relations action is five dollars ($5).

SEC. 3. Section 26821.5 is added to the Government Code, to read:

26821.5. The fee for entry of judgment in a special proceeding is five dollars ($5).

SEC. 4. Section 26823 of the Government Code is amended to read:

26823. When the venue in a case in a superior court is changed, the fee for making up and transmission of transcript and papers is ten dollars ($10) and a further sum equal to the fee for filing in the court to which the case is transferred. The clerk shall transmit the filing fee with the papers in the case to the clerk or judge of the court to which

the case is transferred.

SEC. 5. Section 26825 of the Government Code is amended to read:

26825. The fee for filing the papers transmitted on appeal from a municipal court in a civil action or a special proceeding is ten dollars ($10).

SEC. 6. Section 26827.3 is added to the Government Code, to read:

26827.3. The fee for setting for hearing any matter in a probate or guardianship proceeding which requires judicial determination, except a petition to terminate proceedings, is five dollars ($5).

SEC. 7. Section 26830 of the Government Code is amended to read:

26830. The fee for filing any notice of intention to move for a new trial of any civil action or special proceeding is five dollars ($5).

SEC. 8. Section 26838.5 is added to the Government Code, to read:

26838.5. The fee for filing a notice of appeal in any civil action or special proceeding, except juvenile proceedings and proceedings affecting mentally irresponsible persons, is five dollars ($5).

SEC. 9. It is the intent of the Legislature that if Assembly Bill No. 3682 is chaptered, this act shall not become operative and Assembly Bill No. 3682 shall become operative. Therefore, this act shall become operative only if Assembly Bill No. 3682 is not chaptered.

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## CHAPTER 1210

*An act to add and repeal Section 456.5 of the Public Utilities Code, relating to public utilities.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974]

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

SECTION 1. Section 456.5 is added to the Public Utilities Code, to read:

456.5. In order to encourage the development of geothermal resources, the commission may establish a schedule authorizing rapid amortization of the cost of all public utility facilities utilizing geothermal resources, at the election of the person or corporation owning or operating such facilities.

The rate of amortization allowable under this section shall be determined by the commission on the basis of the estimated usable life of the facilities utilizing geothermal resources, the estimated useful life of the geothermal resource, or on any other basis approved by the commission, whichever is the shorter, and shall permit the full recovery of the cost of such facilities. The cost of public utility

facilities utilizing geothermal resources shall be recognized as a cost of operation by the commission in any rate proceeding.

This section shall remain in effect only until January 1, 1985, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends such date.

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## CHAPTER 1211

*An act to add Section 19818 to the Health and Safety Code, relating to flammability standards of fabrics.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 19818 is added to the Health and Safety Code, to read:

19818. The State Fire Marshal, with the advice of the State Board of Fire Services, shall prepare and adopt such flammability standards and promulgate such regulations, relating to the use of fabric and fabric-like materials in items including, but not limited to, examination gowns, sleepwear, sheets, and pillowcases, used in acute general hospitals and acute psychiatric hospitals, other than in hospital operating rooms, or in skilled nursing facilities and intermediate care facilities in the state as he deems necessary for the protection of the public interest.

Such regulations shall become operative January 1, 1976.

Any violation of the regulations promulgated by the State Fire Marshal pursuant to this section shall be a misdemeanor.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because the provisions of this act will not result in any increased expenditures by local agencies. However, there may be state-mandated costs in the regulations promulgated pursuant to this act which may require reimbursement under that section. These reimbursements can be provided through the regular state budget process.

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## CHAPTER 1212

*An act to amend Section 27491 of the Government Code, relating to coroners, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, or aspiration; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death.

SEC. 2. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent, deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, or aspiration, or where the suspected cause of death is sudden infant death syndrome; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or

other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death.

SEC. 3. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, or aspiration; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death.

The coroner shall have discretion to determine the extent of inquiry to be made into any death occurring under natural circumstances and falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death.

SEC. 4. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury

either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, aspiration, or where the suspected cause of death is sudden infant death syndrome; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death.

The coroner shall have discretion to determine the extent of inquiry to be made into any death occurring under natural circumstances and falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death.

SEC. 5. It is the intent of the Legislature that if this bill and Assembly Bill No. 409 or Senate Bill No. 2233, or both, are chaptered and become effective on or before January 1, 1975 each of the bills amend Section 27491 of the Government Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

"(1) If this bill and Assembly Bill No. 409 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 27491 of the Government Code, but Senate Bill 2233 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 409, that Section 27491 of the Government Code, as amended by Section 1 of this act shall remain operative until the effective date of Assembly Bill No. 409, and that on the effective date of Assembly Bill No. 409, Section 27491 of the Government Code as amended by Section 1 of this act, shall be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 27491 proposed by Assembly Bill No. 409. Therefore, if this bill and Assembly Bill No. 409 are both chaptered and become effective on or before January 1, 1975, Assembly Bill No. 409 is chaptered before this bill and amends Section 27491, and Senate Bill No. 2233 is not chaptered or as chaptered does not amend that section, Section 2 of this act shall become operative on the effective date of Assembly Bill No. 409 and Sections 3 and 4 of this act shall not become operative.

"(2) If this bill and Senate Bill No. 2233 are both chaptered and

become effective on or before January 1, 1975, both bills amend Section 27491 of the Government Code, but Assembly Bill No. 409 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 2233, that Section 27491 of the Government Code, as amended by Section 1 of this act shall remain operative until the effective date of Senate Bill No. 2233 and that on the effective date of Senate Bill No. 2233, Section 27491 of the Government Code as amended by Section 1 of this act, shall be further amended in the form set forth in Section 3 of this act to incorporate the changes in Section 27491 proposed by Senate Bill No. 2233. Therefore, if this bill and Senate Bill No. 2233 are both chaptered and become effective on or before January 1, 1975, Senate Bill No. 2233 is chaptered before this bill and amends Section 27491, and Assembly Bill No. 409 is not chaptered or as chaptered does not amend that section, Section 3 of this act shall become operative on the effective date of Senate Bill No. 2233 and Sections 2 and 4 of this act shall not become operative.

"(3) If this bill and Assembly Bill No. 409 and Senate Bill No. 2233 are all chaptered and become effective on or before January 1, 1975, all three bills amend Section 27491 of the Government Code, and this bill is chaptered after Assembly Bill No. 409 and Senate Bill No. 2233, that Section 27491 of the Government Code, as amended by Section 1 of this bill, be further amended on the effective dates of Assembly Bill No. 409 and Senate Bill No. 2233 in the form set forth in Section 4 of this act to incorporate the changes in Section 27491 proposed by Assembly Bill No. 409 and Senate Bill No. 2233. Therefore, if this bill and Assembly Bill No. 409 and Senate Bill No. 2233 are all chaptered and become effective on or before January 1, 1975, and both Assembly Bill No. 409 and Senate Bill No. 2233 are chaptered before this bill and amend Section 27491, Section 4 of this act shall become operative on the effective date of Assembly Bill No. 409 and Senate Bill No. 2233 and Sections 2 and 3 of this act shall not become operative."

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

Under certain changes in the law enacted in 1973, a coroner is required to personally sign certain death certificates. It is essential that coroners be able to delegate this authority to deputies, so that the performance of all the other duties of the coroner will not be unduly hampered. It is necessary for the efficient administration of the law that this act take immediate effect in order that such delegation of authority will be authorized as soon as possible.

## CHAPTER 1213

*An act to add Section 20021.10 to the Government Code, relating to county peace officers, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 20021.10 is added to the Government Code, to read:

20021.10. "County peace officer" shall also include employees of the sheriff employed to attend sessions of the superior or municipal courts and preserve order in the courtrooms, to guard and maintain the security of prisoners during court appearances, or to summon jurors and take responsibility for them while they are deliberating or absent from the courtroom. It shall not include persons employed as clerks, typists, teachers, instructors or psychologists.

The provisions of this section shall not apply to the employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to the provisions of this section by amendment to its contract with the board, made as provided in Section 20461.5 or by express provision in its contract with the board.

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

In order that such employees of the sheriff may be eligible for increased retirement benefits at the earliest feasible time, it is essential that this act take effect immediately.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

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## CHAPTER 1214

*An act to add Sections 7514.1 and 7514.2 to the Business and Professions Code, and to amend Section 12002 of the Penal Code, relating to private patrols.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 7514.1 is added to the Business and Professions Code, to read:

7514.1. (a) Every uniformed employee of a licensee who operates a private patrol shall complete a course of training in the exercise of the powers to arrest and a course of training in the carrying and use of firearms. The course of training in the carrying and use of firearms shall not be required of any employee who is not required or permitted by a licensee to carry or use firearms. The course in the carrying and use of firearms and the course of training in the exercise of the powers to arrest shall meet the standards which shall be prescribed by the Department of Consumer Affairs. The department shall encourage restraint and caution in the use of firearms by uniformed employees of a licensee.

(b) The department shall prescribe the minimum standards for a course of training in the exercise of powers of arrest.

(c) No uniformed employee of a licensee, who was licensed by the department on or before January 1, 1976, shall carry or use any firearm unless he has successfully completed the course of training prescribed in subdivision (a) on or before January 1, 1976. No uniformed employee of a licensee, who was licensed by the department after January 1, 1976, shall carry or use any firearm until he has successfully completed the course of training prescribed in subdivision (a).

(d) The department shall report to the Legislature on or before March 1, 1977 concerning the nature and scope of the training offered pursuant to subdivision (a), the number of employees so trained and the conformity of the industry to the standards established by the department.

SEC. 2. Section 7514.2 is added to the Business and Professions Code, to read:

7514.2. A city, county, or city and county may regulate the uniforms and insignias worn by uniformed employees of a private patrol operator to make such uniforms clearly distinguishable from local regular law enforcement officers.

SEC. 3. Section 7514.2 is added to the Business and Professions Code, to read:

7514.2. A city, county, or city and county may regulate the uniforms and insignias worn by uniformed employees of a private patrol operator and vehicles used by a private patrol operator to make the uniforms and vehicles clearly distinguishable from the uniforms worn by, and the vehicles used by, local regular law enforcement officers.

SEC. 4. Section 12002 of the Penal Code is amended to read:

12002. (a) Nothing in this chapter prohibits police officers, special police officers, peace officers, or law enforcement officers from carrying any wooden club, baton, or any equipment authorized for the enforcement of law or ordinance in any city or county.

(b) Nothing in this chapter prohibits a uniformed security guard, regularly employed and compensated as such by a person engaged



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in any lawful business, while actually employed and engaged in protecting and preserving property or life within the scope of his employment, from carrying any wooden club or baton of a type and substance approved by both the executive director of the California Crime Technological Research Foundation and the Department of Justice, if the uniformed security guard has satisfactorily completed a course of training in the carrying and use of the club or baton which has been approved by the Commission on Peace Officer Standards and Training.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 1183 are both chaptered and add Section 7514.2 to the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 1183, that Section 7514.2 proposed by both bills be given effect and incorporated in Section 7514.2 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 1183 are both chaptered, both add Section 7514.2, and Assembly Bill No. 1183 is chaptered before this bill, in which case Section 2 of this act and Section 1 of Assembly Bill No. 1183.

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## CHAPTER 1215

*An act to amend Sections 6500, 6507, 10751, 12351, 12404, and 12415 of, and to add Article 9 (commencing with Section 12500) to Chapter 6 of Division 9 of, the Education Code, and to amend Section 601 of, and to add Sections 601.1 and 601.2 to, the Welfare and Institutions Code, relating to school attendance.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Article 9 (commencing with Section 12500) is added to Chapter 6 of Division 9 of the Education Code, to read:

### Article 9. School Attendance Review Boards

12500. (a) In enacting this article it is the intent of the Legislature that intensive guidance and coordinated community services shall be provided to meet the special needs of pupils with school attendance problems or school behavior problems.

(b) Any school attendance review board, established pursuant to this article, which determines that available public and private services are insufficient or inappropriate to correct school attendance or school behavior problems of minors shall:

(1) Propose and promote the use of alternatives to the juvenile court system.

(2) Provide, in any proposed alternative, for maximum utilization of community and regional resources appropriately employed in behalf of minors prior to any involvement with the judicial system.

(3) Encourage an understanding that any alternative based on the utilization of community resources carries an inherent agency and citizen commitment directed toward the continuing improvement of such resources and the creation of resources where none exist.

12501. (a) There is in each county a county school attendance review board. The county school attendance review board shall include, but need not be limited to, a parent and representatives of (1) school districts, (2) the county probation department, (3) the county welfare department, and (4) the county superintendent of schools. The school district representatives on the county school attendance review board shall be nominated by the governing boards of school districts and shall be appointed by the county superintendent of schools. All other persons and group representatives shall be appointed by the county board of education.

(b) Local school attendance review boards may include, but need not be limited to, a parent and representatives of (1) school districts, (2) the county probation department, (3) the county welfare department, and (4) the county superintendent of schools. Other persons or group representatives shall be appointed by the county board of education.

(c) The county school attendance review board shall elect pursuant to regulations adopted pursuant to Section 12504, one member as chairman with responsibility for coordinating services of the county school attendance review board.

(d) The county school attendance review board shall provide for the establishment of local school attendance review boards in such number as shall be necessary to carry out the intent of this article.

(e) The county school attendance review board shall provide consultant services to, and coordinate activities of, local school attendance review boards in meeting the special needs of pupils with school attendance or school behavior problems.

(f) When the county school attendance review board determines that the needs of pupils as defined in this article can best be served by a single board, the county school attendance review board shall then serve as the school attendance review board for all pupils in the county, or, upon the request of any school district in the county, the county school attendance review board may serve as the school attendance review board for pupils of that district.

(g) Nothing in this article is intended to prohibit any agreement on the part of counties to provide such services on a regional basis.

12502. The county school attendance review board shall encourage local school attendance review boards to maintain a continuing inventory of community resources, including alternative educational programs, and to make recommendations for the improvement of such resources and programs or for the creation of new resources and programs where none exist.

12503. Each of the departments or agencies required to participate in school attendance review boards shall assign personnel to represent the department or agency on a continuing basis in accordance with the intent of this article. The duties, obligations, or responsibilities imposed on local governmental entities by this act are such that the related costs are incurred as a part of their normal operating procedures. The minor costs of such services shall be borne by each agency or department and each or all of the participants may apply for and utilize state or federal funds as may be available.

12504. The county school attendance review board shall adopt such rules and regulations not inconsistent with law, as are necessary for its own government and to enable it to carry out the provisions of this article. The rules and regulations shall be binding upon the local school attendance review boards which are established pursuant to subdivision (d) of Section 12501.

SEC. 2. Section 6500 of the Education Code is amended to read:

6500. In enacting this article, it is the intent of the Legislature to provide an opportunity for pupils who are, or are in danger of becoming, habitually truant from instruction upon which they are lawfully required to attend, or who are, or are in danger of becoming, irregular in attendance, or who are, or are in danger of becoming, insubordinate or disorderly during their attendance upon instruction to resolve their problems so that they may maintain themselves in regular classes or reestablish themselves for return to regular classes or regular schools as soon as practicable.

SEC. 3. Section 6507 of the Education Code is amended to read:

6507. If any pupil assigned to an established opportunity school, class, or program is a habitual truant, or is irregular in attendance at such opportunity school, class, or program, or is insubordinate or disorderly during attendance at such opportunity school, class, or program, the supervisor of attendance or such other persons as the governing board of the school district or county may designate shall refer the pupil to a school attendance review board in the county. If the school attendance review board determines that available community services cannot resolve the problem of the truant or insubordinate pupil, it shall direct the county superintendent of schools to, and, thereupon, the county superintendent of schools shall, request a petition on behalf of the pupil in the juvenile court of the county. If the court upon hearing the case finds that the allegations are sustained by the evidence, the court, in addition to any other judgment it may make regarding the pupil, may render judgment that the parent, guardian, or person having the control or charge of the child shall deliver him at the beginning of each schoolday, for the remainder of the school term, to the opportunity school, class, or program designated by school authorities.

SEC. 4. Section 10751 of the Education Code is amended to read:

10751. No teacher, principal, employee, or governing board member of any public, private, or parochial school providing instruction in any of grades kindergarten through 12 shall permit

access to any written records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) A state or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties.

(e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.

(f) An officer or employee of a county agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency.

(g) An officer or employee of any adoption agency licensed by the Department of Social Welfare, as to a minor placed with or under the supervision of that agency, or another minor from the same family as such minor, or as to children in families for which an investigation by the agency is required under Section 226.6 of the Civil Code.

(h) A designated member of a school attendance review board as to a pupil referred to that board.

The restrictions imposed by this section are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified by name in the information submitted for research. Notwithstanding the restrictions imposed by this section, an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff.

Notwithstanding the restrictions imposed by this section, the names and addresses of pupils, the record of a pupil's daily attendance, the pupil's scholastic record in the form of grades received in school subjects, the names of a pupil's parents or guardian, a pupil's date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States seeking this information in the course of his duties, when the pupil is a veteran of military

service with the United States, or an orphan or dependent of such veteran, or an alien. Notwithstanding the restrictions imposed by this section, school personnel of a public, private, or parochial high school may furnish the names and addresses of graduating seniors to elected federal, state, county, or district officials.

SEC. 5. Section 12351 of the Education Code is amended to read:

12351. The board of education of any school district and of any county shall appoint a supervisor of attendance and such assistant supervisors of attendance as may be necessary to supervise the attendance of pupils in the district or county. The board shall prescribe the duties of the supervisor and assistant supervisors of attendance, not inconsistent with law, to include, among other duties that may be required by the board, those specific duties related to compulsory full-time education, truancy, work permits, compulsory continuation education, and opportunity schools, classes, and programs, now required of such attendance supervisors by this chapter and Article 1 (commencing with Section 6500) of Chapter 7 of Division 6 and Article 5 (commencing with Section 12751) of Chapter 7 of this division.

SEC. 6. Section 12404 of the Education Code is amended to read:

12404. If any pupil in any district of a county is an habitual truant, or is irregular in attendance at school, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a school attendance review board. The supervisor of attendance, or such other persons as the governing board of the school district or county may designate, making such referral shall notify the minor and parents or guardians of the minor, in writing, of the name and address of the board to which the matter has been referred and of the reason for such referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be invited, along with the referring person, to meet with the school attendance review board to consider a proper disposition of the referral.

If the school attendance review board determines that available community services cannot resolve the problem of the truant or insubordinate pupil or if the pupil fails to respond to directives of the school attendance review board or to services provided, the school attendance review board shall direct the county superintendent of schools to, and, thereupon, the county superintendent of schools shall, request a petition on behalf of the pupil in the juvenile court of the county.

SEC. 7. Section 12415 of the Education Code is amended to read:

12415. The county superintendent of schools in each county shall annually report to the Superintendent of Public Instruction the number and types of referrals to school attendance review boards and of requests for petitions to the juvenile court pursuant to Section 12404 and shall certify to the Superintendent of Public Instruction whether or not each school district within the county has complied with provisions of this chapter. Reports shall be submitted on forms

prepared by the Superintendent of Public Instruction.

SEC. 8. Section 601 of the Welfare and Institutions Code is amended to read:

601. Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian, or custodian, or who is beyond the control of such person, or who from any cause is in danger of leading an idle, dissolute, lewd, or immoral life, is within the jurisdiction of the juvenile court which may adjudge such person to be a ward of the court.

SEC. 9. Section 601.1 is added to the Welfare and Institutions Code, to read:

601.1. (a) Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of school authorities, and is thus beyond the control of such authorities, or who is a habitual truant from school within the meaning of any law of this state, shall, prior to any referral to the juvenile court of the county, be referred to a school attendance review board pursuant to Section 12404 of the Education Code.

(b) If the school attendance review board determines that the available public and private services are insufficient or inappropriate to correct the insubordination or habitual truancy of the minor, or if the minor fails to respond to directives of the school attendance review board or to services provided, the minor is then within the jurisdiction of the juvenile court which may adjudge such person to be a ward of the court.

SEC. 10. Section 601.2 is added to the Welfare and Institutions Code, to read:

601.2. In the event that a parent or guardian or person in charge of a minor described in Section 601.1 fails to respond to directives of the school attendance review board or to services offered on behalf of the minor, the school attendance review board shall direct that the minor be referred to the probation department or to the county welfare department under Section 600, and the school attendance review board may require the school district to file a complaint against the parent, guardian, or other person in charge of such minor as provided in Section 12452 or Section 12756 of the Education Code.

SEC. 11. Notwithstanding subdivision (f) of Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

## CHAPTER 1216

*An act to amend Section 11547 of the Business and Professions Code, and to amend Section 66484 of the Government Code, relating to subdivision maps.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 11547 of the Business and Professions Code is amended to read:

11547. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares.

Such local ordinance may require payment of fees pursuant to this section if:

(1) The ordinance refers to the circulation element of the general plan and, in the case of bridges, to the transportation or flood control provisions thereof which identify railways, freeways, streams, or canyons for which bridge crossings are required on general plan or local roads, and in the case of major thoroughfares, to the provisions of such circulation element which identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system; provided, such circulation element, transportation or flood control provisions have been adopted by the local agency 30 days prior to the filing of a subdivision map or application for a building permit.

(2) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65905 of the Government Code. In addition to the requirements of Section 65905 of the Government Code, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any subdivision map or building permit application considered at such proceedings.

(3) The ordinance provides that at such public hearing, the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment are established. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the

method of fee apportionment established at the hearing shall be incorporated in a resolution of the governing body, a certified copy of which shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final subdivision map or as a condition of issuing a building permit for such property or portions thereof. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the governing agency shall make provision for payment of the share of improvement costs apportioned to such lands from other sources.

(4) The ordinance provides that payment of fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

(5) The ordinance provides that payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. Such fees shall not be expended to reimburse the cost of existing bridge facility construction.

(6) The ordinance provides that if, within the time when protests may be filed under the provisions of such ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

Nothing in this section shall preclude the processing and recordation of subdivision maps in accordance with other provisions of this chapter if proceedings are abandoned.

Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the legislative body, within such one-year period, from commencing and carrying on new proceedings for the contruction of a portion of the improvement so protested against if it finds, by the affirmative

vote of four-fifths of its members, that the owners of more than one-half of the area of the property of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project and each planned major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the county or city for the cost of constructing the improvement.

An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for such advances from planned bridge facility or major thoroughfares funds established to finance the construction of such improvements.

A county or city imposing fees pursuant to this section may incur an interest bearing indebtedness for the construction of bridge facilities or major thoroughfares; provided that the sole security for repayment of such indebtedness shall be moneys in planned bridge facility or major thoroughfares funds.

The term "construction" as used in this section includes design, acquisition of right-of-way, administration of construction contracts and actual construction.

Nothing in this section shall be construed to preclude a county or city from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to the area of benefit.

SEC. 2. Section 66484 of the Government Code, as added by Senate Bill 977 of the 1973–74 Regular Session, is amended to read:

66484. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares.

Such local ordinance may require payment of fees pursuant to this section if:

(a) The ordinance refers to the circulation element of the general plan and, in the case of bridges, to the transportation or flood control provisions thereof which identify railways, freeways, streams, or canyons for which bridge crossings are required on general plan or

local roads and in the case of major thoroughfares, to the provisions of such circulation element which identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system; provided, such circulation element, transportation or flood control provisions have been adopted by the local agency 30 days prior to the filing of a subdivision map or application for a building permit.

(b) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65905 of the Government Code. In addition to the requirements of Section 65905 of the Government Code, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any subdivision map or building permit application considered at such proceedings.

(c) The ordinance provides that at such public hearing, the boundaries of the area of benefits, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment are established. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution of the governing body, a certified copy of which shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final subdivision map or as a condition of issuing a building permit for such property or portions thereof. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the governing agency shall make provision for payment of the share of improvement costs apportioned to such lands from other sources.

(d) The ordinance provides that payment of fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing or major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

(e) The ordinance provides that payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. Such fees shall not be expended to reimburse the cost of existing bridge facility construction.

(f) The ordinance provides that if, within the time when protests may be filed under the provisions of such ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

Nothing in this section shall preclude the processing and recordation of subdivision maps in accordance with other provisions of this division if proceedings are abandoned.

Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the legislative body, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifth of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be established covering all of the bridge projects in the benefit area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of constructing the improvement.

An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

A local agency imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for such advances from planned bridge facility or major thoroughfares funds established to finance the construction of such

improvements.

A local agency imposing fees pursuant to this section may incur an interest-bearing indebtedness for the construction of bridge facilities or major thoroughfares; provided that the sole security for repayment of such indebtedness shall be moneys in planned bridge facility or major thoroughfares funds.

The term "construction" as used in this section includes design, acquisition of right-of-way, administration of construction contracts and actual construction.

Nothing in this section shall be construed to preclude a county or city from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to the area of benefit.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 977 are both chaptered and become effective and this bill is chaptered after Senate Bill No. 977, that Section 66484 of the Government Code, as added by Section 3 of Senate Bill No. 977 be amended on the operative date of Senate Bill No. 977, in the form set forth in Section 2 of this act to incorporate the changes in Section 11547 of the Business and Professions Code proposed by this bill. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 977 are both chaptered and become effective and this bill is chaptered after Senate Bill No. 977, in which case Section 1 of this act shall not become operative.

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## CHAPTER 1217

*An act to add Section 39115 to, and to repeal Section 39083.5 of, the Health and Safety Code, relating to emission standards, and making an appropriation therefor.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 39083.5 of the Health and Safety Code is repealed.

SEC. 2. Section 39115 is added to the Health and Safety Code, to read:

39115. (a) Notwithstanding Section 39107, the board may by regulation adopt emission standards for motorcycles. Motorcycles shall be exempt from the provisions of Section 39152.

(b) Such standards shall apply only to new 1976 and later model year motorcycles registered or identified by the Department of Motor Vehicles which are sold in the state on or after July 1, 1975, or such later date as established by regulation adopted by the board.

SEC. 3. The sum of thirty-seven thousand dollars ($37,000) is

hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the State Air Resources Board for the purchase of a motorcycle dynamometer and related emission-sampling equipment.

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## CHAPTER 1218

*An act to add Section 39097 to the Health and Safety Code, relating to air pollution.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 39097 is added to the Health and Safety Code, to read:

39097. For the purpose of enforcing or administering any federal, state, or local law, order, regulation, or rule relating to vehicular sources of emissions, the executive officer of the board or an authorized representative of the executive officer, upon presentation of his credentials or, if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50), Part 3 of the Code of Civil Procedure, shall have the right of entry to any premises owned, operated, used, leased, or rented by any new or used car dealer, as defined in Sections 285, 286, and 426 of the Vehicle Code, for the purpose of inspecting any new vehicle, including any vehicle subject to the warranty provisions of Sections 39156 and 39157, for which emission standards have been enacted or adopted or for which emissions equipment is required and which is situated on the premises for the purpose of emission-related maintenance, repair, or service, or for the purpose of sale, lease, or rental, whether or not such vehicle is owned by such dealer. Such inspection may extend to all emission-related parts and operations of any such vehicle, and may require the on-premises operation of an engine or vehicle, the on-premises securing of samples of emissions from any such vehicle, and the inspection of any records which relate to vehicular emissions required by the Environmental Protection Agency or by any state or local law, order, regulation, or rule to be maintained by any such dealer in connection with his business.

This right of entry shall be limited to the hours during which the dealer is open to the public, except when the entry is made pursuant to warrant or whenever the executive officer or his authorized representative has reasonable cause to believe that a violation of any federal, state, or local law, order, regulation, or rule has been committed in his presence. No vehicle shall be inspected pursuant to this section more than one time without an inspection warrant or

without reasonable cause unless (a) the vehicle undergoes a change of ownership or (b) the inspection reveals that the vehicle has failed to comply with required emissions standards or equipment, in which case one additional inspection may be made to verify or correct the violation.

With respect to vehicles not owned by the dealer, the board may not prosecute any violation by the owner or with the owner's knowledge or consent of any law pertaining to vehicular emissions unless prior notice of the inspection has been given to the owner.

Notwithstanding the provisions of Section 17150 of the Vehicle Code, the state shall be liable for any injury or damage caused by the negligent or wrongful act or omission of the operator of any vehicle which is operated pursuant to this section.

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

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## CHAPTER 1219

*An act to amend Section 15503.1 of, and to add and repeal Section 15518.5 of, the Education Code, relating to school buildings, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 15503.1 of the Education Code is amended to read:

15503.1. Whenever an examination of the geological characteristics of the site on which any public school building constructed prior to 1957 is situated has been made at the request of the governing board by a licensed geologist prior to the effective date of the act which enacted this section, and the report shows that the school building is situated on the trace of an active geological fault along which it can reasonably be expected that surface rupture will occur within the life of such building, such building shall be deemed structurally unsafe for school use. Such building shall be subject to replacement at another location in accordance with the procedure provided for repair, reconstruction, or replacement in Section 15503 as though it had not been constructed in conformance with Article 4 (commencing with Section 15451) of this chapter.

This section shall remain in effect only until July 1, 1976, and as of that date is repealed.

SEC. 2. Section 15518.5 is added to the Education Code, to read:

15518.5. Whenever the geological characteristics of a school site in which any public school building is located is subject to Section 15503.1, the governing board of the school district may undertake corrective measures relating to earthquake safety recommended to the governing board pursuant to Section 15503 in connection with any school building under the jurisdiction of the governing board without compliance with the procedures otherwise prescribed by Section 15505.

The maximum rate of tax of any such school district for the fiscal years 1974–75 and 1975–76 is hereby increased by such amount as will produce the amount necessary to have any school buildings, subject to Section 15503.1, examined as required by Section 15503 and to effect the corrective structural replacement relating to earthquake safety recommended pursuant to Sections 15503 and 15503.1, as shown by the budget of the district for such school year as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from revenue from the increase in the rate of tax provided by this section. The funds provided by such increase in the tax rate may be used to provide for the housing of pupils temporarily displaced by the replacement of school buildings required in order to meet earthquake safety standards.

The increase provided by this section shall not exceed a total increase of ten cents ($0.10) for each one hundred dollars ($100) of the assessed valuation of property within the district in each fiscal year.

If at the end of any school year, there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance may be accumulated until the date specified in this section for the termination of its effect and shall be used exclusively for expenditures of the school district for purposes of this section.

The increase in tax rate provided by this section shall not be deemed to be in addition to the increase provided by Section 15518. During any period in which both this section and Section 15518 are in effect and operative, this section shall be deemed alternative to Section 15518 in any instance in which both are applicable to any particular factual situation.

This section shall remain in effect until July 1, 1976, and as of that date is repealed. This section shall remain in effect until such date regardless of the repeal or expiration of Sections 15517 and 15518.

Notwithstanding the provisions of this section, the governing board shall comply with the provisions of Section 15505 whenever such compliance is necessary to continue the program of corrective structural repairs, reconstruction, or replacement required pursuant to the provisions of this article.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within

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

In order that school districts may undertake the orderly and efficient replacement of structurally inadequate school buildings without undue disruption of the educational program and dislocation of pupils, it is necessary that this act take effect immediately.

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## CHAPTER 1220

*An act to amend Section 12944.5 of the Water Code, relating to water facilities.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 12944.5 of the Water Code is amended to read:

12944.5. Notwithstanding any other provision of law to the contrary, any local public agency other than a city or county which has executed a contract with the state for a water supply pursuant to Section 12937 and any local public agency other than a city or county which has executed a contract for a water supply with a public agency which has in turn executed a contract with the state for a water supply pursuant to Section 12937 shall satisfy any requirement for the approval by the voters of the agency to secure authorization for the issuance of general obligation bonds of the agency or of the agency for any improvement district thereof to fund the acquisition and construction of works and facilities to enable such local public agency or improvement district to utilize the water for which it has contracted, if a majority of the voters voting on the proposition to incur the bonded indebtedness vote in favor of such proposition. The provisions of law governing the issuance of general obligation bonds by the local public agency, including the provisions of the principal act of the local public agency, shall govern all matters relating to the issuance of such general obligation bonds, including the authorization, issuance, sale or retirement thereof, except only that a majority of the votes cast on the proposition to incur the bonded indebtedness need be in favor of such proposition in order to authorize the issuance of such bonds. The provisions of this chapter shall be applicable only to general obligation bonds approved at an election held on one of the dates specified in subdivisions (1), (2), or (3) of Section 2504 of the Elections Code.

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## CHAPTER 1221

*An act to amend Section 201 of the Business and Professions Code, to amend Sections 404, 454, 25609, 25859, and 26501 of the Education Code, to amend Sections 223, 242, 58937, 59946, 59947, and 64258 of the Food and Agricultural Code, to amend Sections 1173, 1174, 11256, 12470, 13030, 13291, 13293, 14710, 16302.2, 16305.1, 16305.3, 16305.4, 16352.5, 16428, 16501, 16506, 22551, and 22552 of the Government Code, to amend Sections 63, 63.2, and 1167 of the Harbors and Navigation Code, to amend Sections 25816, 28403, and 28452 of the Health and Safety Code, to amend Section 11792 of the Insurance Code, to amend Section 4755 of the Labor Code, to amend Sections 2903, 5008, 5057, and 6303 of, and to repeal Section 2053 of, the Penal Code, to amend Section 8018 of the Public Resources Code, to amend Sections 1531, 3075, and 3128 of the Unemployment Insurance Code, to amend Sections 139 and 2863 of the Water Code, and to amend Sections 1752.8 and 4125 of the Welfare and Institutions Code, relating to state financial matters.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 201 of the Business and Professions Code is amended to read:

201. A charge for the estimated administrative expenses of the department, not to exceed the available balance in any appropriation for any one fiscal year, may be levied in advance on a pro rata share basis against any of the funds of any of the boards, bureaus, commissions, divisions, and agencies, at the discretion of the director and with the approval of the Department of Finance.

SEC. 2. Section 404 of the Education Code is amended to read:

404. Money received under Section 403 may, with the approval of the Director of Finance, be deposited by the Director of Education to the credit of the department or of the school or institution designated by him, in accounts in banks or transmitted by him to the State Treasurer for deposit in trust accounts. Withdrawals may be made from any such bank account or trust account by the Director of Education or any employee of the Department of Education authorized by him to make withdrawals therefrom.

SEC. 3. Section 454 of the Education Code is amended to read:

454. (1) The California State Education Agency for Surplus Property in providing for the disposition of such property shall require the payment of such charges by the parties to whom property is transferred as the agency estimates will reimburse the agency for the average costs of procuring, storing, handling, and disposing of such property. All moneys received by the agency for charges under this section or its predecessor shall be paid into the State Treasury to the credit of the Educational Surplus Property

Revolving Fund. The agency may reduce or eliminate charges on property found not to be usable for the purpose for which procured. Any moneys found by the agency to be in excess of the costs incurred in procuring, storing, handling and disposing of such property may, upon approval of the Department of Finance, be refunded to the parties from whom such moneys were received. Moneys refunded to the state agencies specified in subdivision (2) of this section shall be deposited in the State Treasury as provided in that subdivision.

(2) Notwithstanding any other provision of law, (a) the Department of Education, acting for state agencies supported principally from the General Fund, and (b) state agencies supported principally from a special fund of the State Treasury, shall deposit refunds received under subdivision (1) of this section to the credit of the state fund from which the state agency receives its principal support. The Department of Finance shall determine the fund from which the state agency receives its principal support.

SEC. 4. Section 25609 of the Education Code is amended to read:

25609. Deaf persons not residents of this state may be admitted to the benefits of the school upon paying to the State Department of Education the school year cost for the maintenance, care, and instruction of persons at the school, payable quarterly in advance. The cost of the care, maintenance, and instruction shall be determined by the Department of Education with the approval of the Department of Finance.

SEC. 5. Section 25859 of the Education Code is amended to read:

25859. Blind persons not residents of this state may be admitted to the benefits of the school upon paying to the State Department of Education the sum of the school year cost for the maintenance, care, and instruction of persons at the school, payable quarterly in advance. The cost of the care, maintenance, and instruction shall be determined by the Department of Education with the approval of the Department of Finance.

SEC. 6. Section 26501 of the Education Code is amended to read:

26501. Every resident of California less than 21 years of age, of suitable age and capacity, as determined by means of diagnosis at the diagnostic and treatment schools for neurologically handicapped children, is entitled to enrollment in a school for neurologically handicapped children, free of charge.

Children with neurological handicaps, not residents of California, may be admitted to the benefits of the schools upon paying to the State Department of Education, quarterly in advance, the actual support cost at the average cost of maintaining pupils in the school for the period in question. This cost shall be determined by the Department of Education with the approval of the Department of Finance.

SEC. 7. Section 223 of the Food and Agricultural Code is amended to read:

223. A sum not to exceed twenty-five thousand dollars ($25,000) may, upon approval of the Department of Finance, be withdrawn

from the Department of Agriculture Fund to be used as a revolving fund by the department for the purposes for which the Department of Agriculture Fund may be used.

SEC. 8. Section 242 of the Food and Agricultural Code is amended to read:

242. Apportionment of the expenses shall be made and determined by the director, subject to the approval of the Director of Finance. The proportionate or computed share so charged shall not, however, exceed 5 percent of the collections which are made by the department for the bureau, division, board, or other agency.

SEC. 9. Section 58937 of the Food and Agricultural Code is amended to read:

58937. Any money which is collected by the director pursuant to this chapter shall be deposited in a bank or other depository which is approved by the Director of Finance, allocated to each marketing order under which it is collected, and, except as provided in Section 58941, it shall be disbursed by the director only for the necessary expenses which are incurred by the advisory board and which are approved by the director with respect to each marketing order.

Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations which are prescribed by the director. The expenditure of such funds is exempt from the provisions of Section 925.6 of the Government Code. All such expenditures by the director shall be audited at least every two years by the Department of Finance and a copy of such audit shall be delivered within 30 days after the completion of the audit to the Governor, the director, and the Controller.

SEC. 10. Section 59946 of the Food and Agricultural Code is amended to read:

59946. All such fees shall be deposited promptly by the proration zone agent in a bank which is approved by the Director of Finance, and shall be accounted for forthwith to the Director of Agriculture. Each deposit shall be made in the name of the proration zone under which the funds are collected.

Any money which is so deposited may be invested and reinvested by the State Treasurer in any of the securities which are described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing with Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. For such purposes, such moneys may also be combined with funds which are determined by the director to be available for investment pursuant to Section 58939. Any increment which is received from such investment, reinvestment, or deposit shall be remitted to the director for allocation. The State Treasurer may deduct from such remittance an amount equal to the reasonable cost incurred in carrying out this section or may bill the director for the costs and the director shall pay the costs from any money which is collected pursuant to this chapter.

SEC. 10.5. Section 59947 of the Food and Agricultural Code is amended to read:

59947. The funds which are deposited pursuant to Section 59946 shall be disbursed by the director, pursuant to regulations prescribed by him, only for the expenditures which are incurred by the marketing program committee in carrying out the specific purposes and provisions of the marketing program, including all necessary expenses which are incurred in the formulation, administration, and enforcement of the marketing program. All such expenditures shall be audited at least once every two years by the Department of Finance and a copy of such audit shall be delivered, within 30 days after the completion thereof, to the Governor, the director, and the Controller.

SEC. 11. Section 64258 of the Food and Agricultural Code is amended to read:

64258. Any money which is collected by the director pursuant to this chapter shall be deposited in a bank or other depository which is approved by the Director of Finance. Funds which are so collected shall be deposited and disbursed in conformity with appropriate regulations prescribed by the director. The expenditure of such funds shall be exempt from the provisions of Section 925.6 of the Government Code. All such expenditures by the director shall be audited at least every two years by the Department of Finance and a copy of such audit shall be delivered within 30 days after the completion thereof to the Governor, the Director of Agriculture and the Controller.

SEC. 12. Section 1173 of the Government Code is amended to read:

1173. The Department of Finance shall direct the manner and form in which each state department, board, commission, or other agency maintains the records incidental to withholding funds pursuant to this article. The Department of Finance shall prescribe the forms to be used in making any returns, reports, or payments except where forms are provided by the law or the regulations promulgated under it.

SEC. 13. Section 1174 of the Government Code is amended to read:

1174. All funds withheld pursuant to this article by any state unit whose funds are deposited in the State Treasury shall, immediately upon such withholding, be deposited in such depositary or depositaries as may be prescribed by the Director of Finance, and shall be withdrawn therefrom in the manner prescribed by him in fulfillment of the purpose for which said funds were deposited.

SEC. 14. Section 11256 of the Government Code is amended to read:

11256. Subject to approval of the Director of General Services, state agencies may furnish services, materials or equipment to, or perform work for, other state agencies upon such terms and conditions and for such considerations as they may determine and,

subject to such approval, may enter into agreements for such purpose. The state agency furnishing or performing said work, services, materials or equipment shall include in its charges therefor such direct and indirect costs to the state in furnishing or performing said work, services, materials or equipment as may be approved by the Director of General Services, and such state agency shall compute said charges in a manner approved by the Director of Finance.

The Director of General Services, upon such terms and conditions as he may prescribe, may except from his approval, or grant blanket approval for, the performance of any work, the furnishing of any services, materials or equipment, the entering into of any agreements, the computation of any charges, or the inclusion of any costs provided for herein.

SEC. 15. Section 12470 of the Government Code is amended to read:

12470. In conformity with the accounting system prescribed by the Department of Finance pursuant to Section 13300, the Controller shall install and operate a uniform state payroll system for all state agencies, except the University of California. The Controller may provide for the orderly inclusion of state agencies into such system, and may make exceptions from the operation thereof for such periods as he determines necessary.

SEC. 16. Section 13030 of the Government Code is amended to read:

13030. Every person is guilty of a misdemeanor who:

(a) Fails or neglects to make, verify and file with the Department of Finance any report required by this part.

(b) Fails or neglects to follow the directions of the Department of Finance in keeping the accounts of his office.

(c) Refuses to permit the examination of or access to the records, files, books, accounts, papers, documents or cash drawers or cash of his office by a representative of the Department of Finance or in any way interferes with such examination.

Conviction of any such misdemeanor is punishable by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or by imprisonment in the county jail for not less than 30 days, or both.

SEC. 17. Section 13291 of the Government Code is amended to read:

13291. The department may require financial and statistical reports, duly verified and covering the period of each fiscal year, from all agencies of the state included within the provisions of Section 13300.

Such reports shall be made upon blank forms prescribed and furnished by the department, and mailed to each such agency not less than 60 days before the time the reports are required to be filed with the department.

SEC. 18. Section 13293 of the Government Code is amended to

read:

13293. The department may examine all records, files, documents, accounts and all financial affairs of every agency mentioned in Section 13300. It may enter any public office or institution in this state and examine any records, files, books, papers or documents contained therein or belonging thereto for the purpose of making such examination, and shall have access, in the presence of the custodian or his deputy, to the cash drawers and cash in the custody of such agency.

During business hours the department may examine the public accounts in any depository which has public funds in its custody.

SEC. 19. Section 14710 of the Government Code is amended to read:

14710. The Director of Finance shall fix the charge to be paid by any state department, officer, board, or commission, or any city, county, city and county, or other public agency to the Department of Justice for transmitting messages over the state's teletype system.

SEC. 20. Section 16302.2 of the Government Code is amended to read:

16302.2. Upon approval of the Director of Finance, any state agency with respect to any amount required to be shown on any form prescribed by the agency, or any amount of credit or refund, or any amount to be collected as a deficiency or underpayment of any tax, penalty, interest, license or other fee, or any other payment, may provide by regulation for the disregard of the fractional part of a dollar, unless it amounts to fifty cents ($0.50) or more, in which case it shall be increased to one dollar ($1).

SEC. 21. Section 16305.1 of the Government Code is amended to read:

16305.1. It is anticipated that as a result of this legislation state agencies will no longer need to maintain large sums of money in agency bank accounts, and that future agency bank accounts permitted by the Director of Finance will contain only amounts of money necessary for day-to-day petty cash needs.

SEC. 22. Section 16305.3 of the Government Code is amended to read:

16305.3. All state money shall be deposited in trust in the custody of the Treasurer, except when otherwise authorized by the Director of Finance, or unless deposited directly in the State Treasury. All state money deposited in trust in the custody of the Treasurer shall be held in a trust account or accounts and may be withdrawn only upon the order of the depositing agency or its disbursing officer. The provisions of Sections 16305.3 to 16305.7, inclusive, shall not be construed to repeal or amend any provision of law now requiring officers or employees to make daily, weekly or monthly settlements with the Treasurer. All such money held by the State Treasurer in trust shall be subject to audit by the Department of Finance and shall also be subject to cash count, as provided in Sections 13297, 13298, and 13299 of this code.

SEC. 23. Section 16305.4 of the Government Code is amended to read:

16305.4. The Director of Finance shall establish any system which may be necessary or convenient in the handling of trust accounts of the state agencies and in establishing the system to be followed in receiving, holding and disbursing such money. The system established by the Director of Finance shall in general provide that the Controller is responsible for maintaining accounts to record the Treasurer's accountability, and shall maintain the separate account for each trust deposit.

SEC. 23.5. Section 16352.5 of the Government Code is amended to read:

16352.5. There is hereby appropriated from the money in the State Construction Program Fund derived from the proceeds of bonds sold pursuant to the Community College Construction Program Bond Act of 1972, an amount sufficient to provide for payment of community college projects for which an appropriation is available where such project cannot be undertaken because the total project cost based on bids is in excess of the funds available. The provisions of this section shall be applicable only under all of the following limitations:

(1) The augmentation allocation shall be calculated only on the state's share of the total project cost and on the same basis as the original appropriation.

(2) The augmentation allocation shall be granted, if otherwise justified, only on condition that the contract award is made within one year from the effective date of the appropriation, except that augmentation allocations for projects originally appropriated in the 1972 budget shall be granted, if otherwise justified on condition that the contract award is made prior to June 30, 1974.

(3) The augmentation allocation for the state's share of the project would be five thousand dollars ($5,000) or more.

Expenditures shall be pursuant to executive orders of the Director of Finance upon recommendations by the Chancellor of the California Community Colleges and approval of the State Public Works Board.

SEC. 24. Section 16428 of the Government Code is amended to read:

16428. Money in the fund may be invested and reinvested in any securities described in Section 16430 or deposited in banks as provided in Chapter 4 (commencing with Section 16500) of this part. The department shall determine the amount of money available for investment or deposit and shall so arrange the investment or deposit program that funds will be available for the immediate payment of any court order or decree. The Treasurer shall invest or make deposits in accordance with these determinations.

All revenues earned from investment or deposit of fund moneys shall be deposited in the fund. After first deducting therefrom the amount payable to the Treasurer for investment services rendered

and the amount payable to the department for administrative services rendered, the department shall apportion as of June 30 and December 31 of each year the remainder of such revenues earned and deposited in the fund during the six calendar months ending with such dates. There shall be apportioned and credited to each litigation deposit in the fund during such six-month period, an amount directly proportionate to the total deposits in the fund and the length of time such deposits remained therein. The amounts so apportioned shall be paid to the party receiving the deposit when ordered by the court. The cost of administrative services rendered shall be determined by the department in a manner approved by the Department of Finance. The amounts payable to the department and to the Treasurer shall be transferred to the General Fund and accounted as reimbursements to their respective appropriations.

SEC. 25. Section 16501 of the Government Code is amended to read:

16501. Under such conditions as he with the approval of the Director of Finance may fix, the Treasurer may deposit money in banks outside this state for the payment of the principal or interest of bonds, made payable outside of this state, at the places at which the bonds are payable.

SEC. 26. Section 16506 of the Government Code is amended to read:

16506. All money belonging to or in the custody of the state under the control of any state officer or employee, other than the Treasurer, except petty cash funds authorized by the Department of Finance, shall be deposited in such state or national banks in this state and under such conditions as the Director of Finance prescribes. Banks receiving such deposits shall be required to deposit with the Treasurer the same security as is required by this chapter for deposits made by the Treasurer.

Banks receiving deposits of money from a county advanced or apportioned to it pursuant to Section 4481 of the Food and Agricultural Code shall be required to secure such deposits in accordance with Article 2 (commencing with Section 53630) of Chapter 4, Part 1, Division 2 of Title 5.

SEC. 27. Section 22551 of the Government Code is amended to read:

22551. The board may charge or assess each public agency and each public agency shall pay and reimburse the state at such times and in such amounts as the board may charge or assess, which amounts may differ from public agency to public agency, the public agency's proportionate share of any and all costs incurred by the state in the administration of the federal system as it affects the public agency and its employees. Such charges or assessments shall be determined by the board in a manner approved by the Department of Finance and may be charged or assessed either in arrears or on the basis of anticipated costs not to exceed one year in advance. There shall be added to the amount of each such assessment, delinquent 90

days after a notice thereof was mailed by the board, a penalty of 10 percent of the amount thereof. Such penalties when collected shall be paid into the Treasury and credited as revenue to the General Fund.

SEC. 28. Section 22552 of the Government Code is amended to read:

22552. The board may charge or assess each public agency and each public agency shall pay and reimburse the state at such times and in such amounts as the board may determine, the approximate cost to the state of any and all work and services relating to a division under Article 2.5 (commencing with Section 22150) of Chapter 1 of this part or the referendum provided by Article 2 (commencing with Section 22300) of Chapter 2 of this part and requested by such agency. Such charges or assessments shall be determined by the board in a manner approved by the Department of Finance.

SEC. 29. Section 63 of the Harbors and Navigation Code is amended to read:

63. The department may sell information from its records concerning the registration of undocumented vessels at a charge sufficient to pay the actual cost to the department for providing the information. The charge for the information shall be determined by the director, with the approval of the Department of Finance and with a minimum charge of twenty-five cents ($0.25) for each item. This section does not apply to information obtained by the department from boating accident reports filed pursuant to Section 656 of this code.

SEC. 30. Section 63.2 of the Harbors and Navigation Code is amended to read:

63.2. The department may sell copies of all or any part of its records at a charge sufficient to pay at least the entire actual cost to the department of the copies. The charge for the records and the conditions under which they may be sold shall be determined by the director, with the approval of the Department of Finance. This section does not apply to boating accident reports filed with the department pursuant to Section 656 of this code.

SEC. 31. Section 1167 of the Harbors and Navigation Code is amended to read:

1167. Every pilot licensed pursuant to the terms of this chapter shall take an oath of office in the manner prescribed by law and shall, once in each month, upon blanks to be furnished by the board, render a verified account to the board of all moneys received by him, or by any other person for him, or on his account, and he shall pay to the board, exclusive of the amount received which is attributable to the increase in pilotage rates made by the amendment of Section 1170 enacted at the 1972 Regular Session of the Legislature, 5 percent of all bar pilotage fees, or such lesser percentage as is established by the board with the approval of the Director of Finance, in full compensation of the board for its official services, for the services of its secretary and treasurer, and all its incidental expenses.

SEC. 32. Section 25816 of the Health and Safety Code is amended to read:

25816. The department shall provide by regulation a schedule of the fees which shall be paid by applicants for the licensing of radioactive materials and of devices and equipment utilizing such materials. The revenues derived from such fees shall be used, together with other funds made available therefor, for the purpose of the issuance of licenses and the inspection and regulation of the licensees. Any agreement made pursuant to Section 25810 shall include provisions for distribution of funds provided for this program proportionate to the services performed by each participating agency. Regulations adopted pursuant to this section shall become effective only when the Director of Finance approves them as fixing fees which will return revenues not in excess of anticipated costs. Provisions for distribution of funds to participating agencies shall be subject to approval of the Director of Finance for the purpose of insuring equitable allocation proportionate to the services performed.

SEC. 33. Section 28403 of the Health and Safety Code is amended to read:

28403. In lieu of all other procedures in Articles 2 and 3 of this chapter, each person licensed under this chapter may be assessed at an estimated annual hourly rate set by the Cannery Inspection Board with the approval of the state department and of the State Director of Finance. Such annual rate shall be set for each industry group based on the estimated cost.

SEC. 34. Section 28452 of the Health and Safety Code is amended to read:

28452. Notwithstanding the provisions of Section 28451, the State Department of Health and the Department of Finance may authorize the deposit in the Special Deposit Fund of cash deposits received by the State Department of Health under the provisions of Section 28412; and in such event, upon the determination by the State Department of Health that all or a part of any such deposit is due the state for payment on account of the depositor's pro rata share of costs incurred by the state under this chapter, the amount so determined shall, on order of the State Controller, be transferred from the Special Deposit Fund to the General Fund.

All money deposited in the Special Deposit Fund under the provisions of this section shall be subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code.

SEC. 35. Section 11792 of the Insurance Code is amended to read:

11792. The board of directors may, with the approval of the Department of Finance, withdraw from the State Compensation Insurance Fund in the State Treasury, without at the time presenting vouchers and itemized statements, a sum not to exceed in the aggregate four million dollars ($4,000,000) to be used as a cash revolving fund. Such revolving fund shall be deposited in such banks

and under such conditions as the board of directors determines, with the approval of the State Department of Finance. To be eligible to receive or retain a deposit, a bank shall deposit with the Treasurer as security for the deposit, securities specified in Government Code Section 16522, in an amount in value at least 10 percent in excess of the amount to be or deposited with the bank. The Controller shall draw his warrants in favor of the State Compensation Insurance Fund Revolving Fund for the amounts so withdrawn, and the Treasurer shall pay such warrants.

SEC. 36. Section 4755 of the Labor Code is amended to read:

4755. The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made for the purposes specified in Section 4751, without at the time presenting vouchers and itemized statements, a sum not to exceed in the aggregate fifty thousand dollars ($50,000), to be used as a cash revolving fund. The revolving fund shall be deposited in such banks and under such conditions as the Department of Finance determines. The Controller shall draw his warrants in favor of the State Compensation Insurance Fund for the amounts so withdrawn and the Treasurer shall pay such warrants.

Expenditures made from the revolving fund in payments on claims for such additional compensation and for adjusting services are exempted from the operation of Section 16003 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the Controller requires.

SEC. 37. Section 2053 of the Penal Code is repealed.

SEC. 38. Section 2903 of the Penal Code is amended to read:

2903. (a) In any case in which a woman offender can be sentenced to imprisonment in the county jail, or be required to serve a term of imprisonment therein as a condition of probation, or has already been so sentenced, or imprisoned, the court which tried such offender may, with the consent of the offender and on application of the sheriff or on its own motion, with the consent of the offender, commit such offender to the sheriff with directions for placement in the California Institution for Women in lieu of placement in the the county jail if the court finds that the local detention facilities are inadequate for the rehabilitation of such offenders and if the court concludes that such offender will benefit from such treatment and care as is available at that institution and the county has entered into a contract with the state under subdivision (b) of this section. Such offenders may be received by the Director of Corrections and imprisoned in the California Institution for Women in accordance with the commitment of the court by which tried. The prisoners so confined shall be subject in all respects to discipline, diagnosis, and treatment as though committed under the laws of this state concerning felony prisoners.

(b) The Director of Corrections may enter into contracts, with

the approval of the Director of General Services, with any county in this state, upon request of the board of supervisors thereof, wherein the Department of Corrections agrees to furnish diagnosis and treatment services and detention for selected women county prisoners. The county shall reimburse the state for the cost of such services, such cost to be determined by the Director of Finance. In any contract entered into pursuant to this subdivision, the county shall agree to pay such amount as is reasonably necessary for payment of an allowance to each released or paroled prisoner for transportation to the prisoner's county of residence or county where employment is available, and may agree to provide suitable clothing and a cash gratuity to such prisoners in the event that they are discharged from that institution because of parole or completion of the term for which they were sentenced. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June the amounts due under any contract authorized by this section, and the county treasurer, at the time of settlement with the state in such months, shall pay to the State Treasurer upon order of the Controller, the amounts found to be due.

(c) The Department of Corrections shall accept such women county prisoners if it believes that they can be materially benefited by such confinement, care, treatment and employment and if adequate facilities to provide such care are available. No such person shall be transported to any facility under the jurisdiction of the Department of Corrections until the director has notified the referring court that such person may be transported to the California Institution for Women and the time at which she can be received.

(d) The sheriff of the county in which an order is made placing a woman county prisoner pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such person in the institution or returning her therefrom to the court. The expenses of such peace officer incurred in executing such order is a charge upon the county in which the court is situated.

(e) The Director of Corrections may return to the committing authority any woman prisoner transferred pursuant to this section when such person is guilty of any violation of rules and regulations of the California Institution for Women or the Department of Corrections.

(f) No woman prisoner placed in the California Institution for Women pursuant to this section shall thereafter be deemed to have been guilty of a felony solely by virtue of such placement, and she shall have the same rights to parole and to time off for good behavior as she would have had if she had been confined in the county jail.

SEC. 39. Section 5008 of the Penal Code is amended to read:

5008. The Director of Corrections shall deposit any funds of inmates in his possession in trust with the Treasurer pursuant to Section 16305.3, Government Code, except that the Director of Corrections, when specifically authorized on a separate written form by the inmate and subject to the approval of the Department of

Finance, may deposit such funds in interest-bearing bank accounts or invest or reinvest such funds in any of the securities which are described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code and for the purposes of deposit or investment only may mingle the funds of any inmate with the funds of other inmates. The director shall deposit the interest or increment accruing on such funds in the Inmates' Welfare Fund. Any interest or increment accruing on the funds of a parolee shall be deposited in his account.

SEC. 40. Section 5057 of the Penal Code is amended to read:

5057. Subject to the powers of the Department of Finance under Section 13300 of the Government Code, the director must establish an accounting and auditing system for all of the agencies and institutions including the prisons which comprise the department, except the Youth Authority, in such form as will best facilitate their operation, and may modify the system from time to time.

The accounting and auditing system must include such accounts and records as are found necessary to properly account for all money and property of the prisoners and the inmates.

Except where other disposition is provided by law, all money belonging to the state received by the department, shall be reported to the Controller and deposited in the State Treasury monthly.

SEC. 41. Section 6303 of the Penal Code is amended to read:

6303. (a) The director may enter into a contract, with the approval of the Director of General Services, with any county of the state, upon the request of the board of supervisors thereof, wherein the Director of Corrections agrees to furnish confinement, care, treatment, and employment of county prisoners. The county shall reimburse the state for the cost of such services, such cost to be determined by the Director of Finance. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June the amounts due under any contract authorized by this section, and the county treasurer, at the time of settlement with the state in such months, shall pay to the State Treasurer upon order of the Controller, the amounts found to be due.

(b) The Department of Corrections shall accept such county prisoner if it believes that the prisoner can be materially benefited by such confinement, care, treatment, and employment, and if adequate facilities to provide such care are available. No such person shall be transported to any facility under the jurisdiction of the Department of Corrections until the director has notified the referring court of the place to which said person is to be transmitted and the time at which he can be received.

(c) The sheriff of the county in which such an order is made placing a misdemeanant in a jail camp pursuant to this chapter, or any other peace officer designated by the court, shall execute an order placing such county prisoner in the jail camp or returning him therefrom to the court. The expense of such sheriff or peace officer incurred in executing such order is a charge upon the county in

which the court is situated.

SEC. 42. Section 8018 of the Public Resources Code is amended to read:

8018. The Department of Water Resources may reproduce copies of maps and survey data of the state which are not otherwise available to the general public. Such copies may be sold and distributed at a price determined by the Department of Water Resources, with the approval of the Department of Finance.

SEC. 43. Section 1531 of the Unemployment Insurance Code is amended to read:

1531. The director shall, without presenting vouchers and itemized statements therefor, withdraw from the benefit account any sums which he deems necessary for the payment of benefits for a reasonable future period. The Controller shall draw his warrant for any claim presented by the director for the payment of benefits under this account and the Treasurer shall pay the warrant. Upon the withdrawal thereof, such sums shall be deposited in a benefit payment account in such bank or public depository and under such conditions as the director determines, with the approval of the Department of Finance. Such bank or public depository shall be one in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the benefit payment account. The director may, out of funds available for administration, pay premiums on insurance for the protection of money in his possession.

SEC. 44. Section 3075 of the Unemployment Insurance Code is amended to read:

3075. The director shall, without presenting vouchers and itemized statements, withdraw from the Disability Fund any sums which he deems necessary for the payment of disability benefits for a reasonable future period. The Controller shall draw his warrant for any claim presented by the director for such payment and the Treasurer shall pay the warrant. Upon the withdrawal thereof, such sums shall be deposited in a disability benefit payment account in such bank or public depositary and under such conditions as the director determines, with the approval of the Department of Finance. Such bank or public depositary shall be one in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of such account. Money in this account shall be used solely to pay disability benefits by checks drawn on the account by the department pursuant to authorized regulations and no other disbursement shall be made from that account, except that amounts erroneously and illegally deposited in such account may be refunded. The procedure prescribed by such regulations shall satisfy and be in lieu of any and all statutory requirements of specific appropriation or other form of release by state officers of money in their custody prior to expenditure which might otherwise be applicable to withdrawals from such account.

SEC. 45. Section 3128 of the Unemployment Insurance Code is amended to read:

3128. For all space allocated by the Director of Employment Development to the agencies and services comprising the Department of Employment Development or the Department of Benefit Payments, or otherwise leased or let by the Director of Employment Development pursuant to this article, the Director of Employment Development shall charge a rental, to be approved by the Department of General Services. All such rentals shall be deposited in the Unemployment Administration Fund. The portion of the rental which pertains to the amortization of the investment, as determined by the Department of Employment Development, shall be transferred to the Disability Fund as repayment of any money invested under the provisions of this article, together with interest to be compounded annually at the close of business on December 31st of each year at a reasonable rate to be determined by the Director of Employment Development with the approval of the Department of Finance. The remainder of the rental shall be left in the Unemployment Administration Fund to be used for building maintenance, repairs and alterations, utilities, and other necessary operating expenses.

SEC. 46. Section 139 of the Water Code is amended to read:

139. Without at the time furnishing vouchers and itemized statements, the Department of Water Resources may, with the approval of the Department of Finance, withdraw from the Water Resources Revolving Fund not exceeding three hundred thousand dollars ($300,000) at any one time. The sums withdrawn under this section shall be used as a revolving fund where payments of compensation earned or cash advances are necessary.

SEC. 47. Section 2863 of the Water Code is amended to read:

2863. All or any part of the money in the Water Resources Control Board Revolving Fund may be drawn from the State Treasury upon the approval of the Department of Finance without the submission of receipts, vouchers, or itemized statements, and used by the board in paying costs of making determinations of water rights as provided in this part.

SEC. 48. Section 1752.8 of the Welfare and Institutions Code is amended to read:

1752.8. The Director of the Youth Authority may deposit any funds of wards committed to the authority in his possession in trust with the Treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of Finance, may deposit such funds in interest-bearing bank accounts or invest and reinvest such funds in any of the securities which are described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code and for the purposes of deposit or investment only may mingle the funds of any ward with the funds of other wards. The director may deposit the interest or increment accruing on such funds in a special fund, to be designated

the "Benefit Fund," of which he shall be the trustee. The director may expend the moneys of any such fund for the education or entertainment of the wards of the Youth Authority. The funds of a ward committed to the Youth Authority or a person on parole from the Youth Authority shall not be deposited in interest-bearing bank accounts or invested and reinvested pursuant to this section, except when authorized as follows:

(a) By a ward over age 21 years;

(b) By the parent or guardian of a minor ward;

(c) By the Department of Finance on behalf of a minor ward who has no parent or guardian.

Interest shall be paid from the "Benefit Fund" on the funds of a ward or person on parole from the Youth Authority upon the withdrawal of such funds from his account, at a rate not exceeding 6 percent, and under such conditions, as specified in the regulations of the Youth Authority.

SEC. 49. Section 4125 of the Welfare and Institutions Code is amended to read:

4125. The Director of Health may deposit any funds of patients in the possession of each hospital administrator of a state hospital in trust with the treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of Finance, may deposit such funds in interest-bearing bank accounts or invest and reinvest such funds in any of the securities which are described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code and for the purposes of deposit or investment only may mingle the funds of any patient with the funds of other patients. The hospital administrator with the consent of the patient may deposit the interest or increment on the funds of a patient in the state hospital in a special fund for each state hospital, to be designated the "Benefit Fund," of which he shall be the trustee. He may, with the approval of the Director of Health, expend the moneys in any such fund for the education or entertainment of the patients of the institution.

On and after December 1, 1970, the funds of a patient in a state hospital or a patient on leave of absence from a state hospital shall not be deposited in interest-bearing bank accounts or invested and reinvested pursuant to this section except when authorized by the patient; any interest or increment accruing on the funds of a patient on leave of absence from a state hospital shall be deposited in his account; any interest or increment accruing on the funds of a patient in a state hospital shall be deposited in his account, unless such patient authorizes their deposit in the state hospital's "benefit fund."

Any state hospital charges for patient care against the funds of a patient in the possession of a hospital administrator or deposited pursuant to this section and which are used to pay for such care, shall be stated in an itemized bill to the patient.



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## CHAPTER 1222

*An act to amend Section 71006 of the Government Code, and to add Sections 1463.10 and 1463.11 to the Penal Code, relating to fines and forfeitures.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 71006 of the Government Code is amended to read:

71006. All fines, forfeitures, deposits in court, and unclaimed bail shall be disposed of as provided in Sections 1463, 1463.2, 1463.3, 1463.4, 1463.5, 1463.6, 1463.9, 1463.10, and 1463.11 of the Penal Code and Sections 42200, 42201, and 42203 of the Vehicle Code.

SEC. 2. Section 1463.10 is added to the Penal Code, to read:

1463.10. Notwithstanding the provisions of Section 1463, out of the moneys deposited with the county treasurer pursuant to Section 1463, there shall be credited, once a month, to any community service district for which the county treasurer is the depositary an amount equal to 86 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested or notified by a member of the police department of such district, and an amount equal to the remaining 14 percent shall be transferred into the general fund of the county.

SEC. 3. Section 1463.11 is added to the Penal Code, to read:

1463.11. Notwithstanding the provisions of Section 1463, out of the moneys deposited with the county treasurer pursuant to Section 1463, there shall be transferred first, once a month, to the San Francisco Bay Area Rapid Transit District an amount equal to 85 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeitures of bail from any person arrested or notified by a member of the security force of such district and charged with a violation of parking or other traffic regulations adopted by or with the sanction of the district pursuant to Article 3 (commencing with Section 21100) of Chapter 1 of Division 11 of the Vehicle Code which are applicable to parking or any other regulation of traffic upon property within the county under the possession or control of the district, and an amount equal to the remaining 15 percent shall be transferred into the general fund of the county.

The San Francisco Bay Area Rapid Transit District and any county in which property is located which is under the possession or control of the district may by mutual agreement adjust the percentages of fines and forfeitures to be received by the district and county respectively. In the absence of any such agreement, the percentages fixed by this section shall prevail.

# CHAPTER 1223

*An act to add Article 2.5 (commencing with Section 4832) to Chapter 11 of Division 2 of the Business and Professions Code, relating to animal health technicians.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Article 2.5 (commencing with Section 4832) is added to Chapter 11 of Division 2 of the Business and Professions Code, to read:

## Article 2.5. Animal Health Technicians

4832. (a) There is hereby created within the jurisdiction of the board, an Animal Health Technician Examining Committee, hereinafter referred to as the examining committee.

(b) The examining committee shall consist of seven members appointed by the Governor. The examining committee shall consist of four veterinarians licensed to practice veterinary medicine in the State of California, one of whom shall be involved in educating animal health technicians, one public member and two members who shall be registered as animal health technicians in the State of California, who shall serve at the pleasure of the board. Appointments may be made from lists, if any, submitted by appropriate professional associations and societies.

(c) All members of the examining committee shall be citizens of the United States and residents of the State of California. All doctors of veterinary medicine who are appointed members of the examining committee, shall have been licensed to practice veterinary medicine at least five years preceding their appointments.

(d) The members of the examining committee shall be appointed by the board and shall serve for a term of four years, except that the original examining committee appointments may be staggered to achieve rotational terms. No person may serve as a member of the committee for more than two consecutive terms.

(e) The first two animal health technicians appointed to the board shall upon appointment become registered animal health technicians, provided they meet the eligibility requirements to take the written and practical examination as established in Section 4841.5.

4833. (a) The examining committee shall assist the board in the examination of applicants for animal health technician registration. Such examination shall be held at least once a year at the times and places designated by the board.

(b) As directed by the board, the examining committee may investigate and evaluate each applicant applying for registration as

an animal health technician and may recommend to the board for final determination the admission of the applicant to the examination and eligibility for registration.

(c) The examining committee shall make recommendations to the board regarding the establishment and operation of the continuing education requirements authorized by Section 4838 of this article.

4834. The board has the power to remove from office at any time any member of the examining committee for continued neglect of any duty required by this article, for incompetency, or for unprofessional conduct.

4835. Each member of the examining committee shall receive a per diem and expenses, as provided in Section 103.

4836. The board shall adopt regulations establishing tasks which may be performed only by a registered animal health technician or a licensed veterinarian. Such regulations shall take effect at such time as the board determines that a sufficient number of animal health technicians have been registered pursuant to this article to insure that no decrease occurs in the level of animal health care services provided in this state, but in any event no later than January 1, 1983.

4836.5. The board shall take action pursuant to Article 4 (commencing with Section 4875) of this chapter against any veterinarian licensed or authorized to practice in this state who permits any registered animal health technician to perform any animal health care services other than those allowed by this article.

4837. The board may revoke or suspend the registration of an animal health technician in this state after notice and hearing for any cause provided in this article. The proceedings under this article shall be conducted in accordance with the provisions for administration adjudication in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. The board may revoke or suspend a certificate of registration for any of the following reasons:

(a) The employment of fraud, misrepresentation or deception in obtaining a registration.

(b) Conviction of a crime involving moral turpitude or conviction of a felony, in which case the record of such conviction will be conclusive evidence.

(c) Chronic inebriety or habitual use of drugs.

(d) For having professional connection with or lending one's name to any illegal practitioner of veterinary medicine and the various branches thereof.

(e) Conduct reflecting unfavorably on the vocation of animal health technology.

(f) Conviction on the charge of cruelty to animals.

(g) Violating or attempts to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any

provision of this chapter, or of the regulations adopted under this chapter.

4838. Effective with the 1976 renewal period, if the board determines that the public health and safety would be served by requiring all registrants under the provisions of this article to continue their education after receiving such registration, it may require, as a condition of renewal, that they submit assurances satisfactory to the board that they will, during the succeeding two-year period, inform themselves of the developments in the field of animal health technology since the issuance of their certificate of registration by pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board.

The board shall adopt regulations providing for the suspension of registration at the end of each two-year renewal period until compliance with the assurances provided for in this section is accomplished.

4839. For purposes of this article, an animal health technician means a person who has met the requirements of Section 4841.5, has passed the written and practical examination, and is registered by the Board of Examiners in Veterinary Medicine.

4840. Animal health technicians are approved to perform those animal health care services prescribed by law under the direct supervision of a veterinarian licensed or authorized to practice in this state.

Animal health technicians may perform animal health care services on those animals impounded by a state, county, city, or city and county agency pursuant to the direct order, written order or telephonic order of a veterinarian licensed or authorized to practice in this state.

4840.2. Animal health technicians shall not perform the following health care services:

(a) Surgery.

(b) Diagnosis and prognosis of animal diseases.

(c) Prescribing of drugs, medicine and appliances.

4840.5. Under conditions of an emergency, a registered animal health technician may render such lifesaving aid and treatment as may be prescribed under rules and regulations adopted by the board pursuant to Section 4836. Such emergency aid and treatment if rendered to an animal patient not in the presence of a licensed veterinarian must only be continued under the direction of a licensed veterinarian. "Emergency" for the purpose of this section, means that the animal has been placed in a life-threatening condition where immediate treatment is necessary to sustain life.

4840.6. Any animal health technician registered in this state who in good faith renders emergency animal health care at the scene of the emergency, or his employing veterinarian or agency authorized under Section 4840.9, shall not be liable for any civil damages as the result of acts or omissions by such animal health technician rendering the emergency care. This section shall not grant immunity from civil

damages when the animal health technician is grossly negligent.

4840.7. A registered animal health technician shall not be allowed to operate radiographic equipment unless the animal health technician has passed an examination in radiation safety conducted by the board and is working under the direct order of a licensed veterinarian. Such examination may be included in the original examination for registration.

4840.9. Registered animal health technicians may be employed by any veterinarian licensed or authorized to practice in this state or by any governmental agency which employs veterinarians. However, the employer must be fully aware of the provisions of this article as stated by regulations adopted by the board pursuant to Section 4836.

4841. Any person performing any of the tasks designated by the board pursuant to Section 4836 and any person representing himself as an animal health technician in this state, shall hold a valid unexpired certificate of registration as provided in this article.

4841.5. To be eligible to take the written and practical examination for registration as an animal health technician, the applicant shall:

(a) In the opinion of the board, be of good moral character.

(b) Be at least 18 years of age.

(c) Furnish satisfactory evidence of graduation from a two-year curriculum in animal health technology, or the equivalent thereof as determined by the board, in a college or other institution approved by the board, except that in lieu of such graduation, a person who files his application within two years of the effective date of this section, may furnish satisfactory evidence that within the five-year period between January 1, 1972, and January 1, 1977, he has received three years of equivalent practical experience under a licensed veterinarian who will attest by affidavit that such person has had such training.

4842. The board may deny application to take a written and practical examination for registration as an animal health technician if the applicant has done any of the following:

(a) Committed any act which would be grounds for the suspension or revocation of registration under this chapter.

(b) While unregistered, committed or aided and abetted the commission of, any act for which a certificate of registration is required by this chapter.

(c) Knowingly made any false statement in the application.

(d) Been convicted of a felony.

(e) The revocation by another state of a license or revocation by virtue of which one is licensed or allowed to practice animal health technology in that state.

4842.1. The board shall issue a certificate of registration to each applicant who passes the examination. The form of the certificate shall be determined by the board.

4842.2. The board shall certify to the State Controller at the

beginning of each month for the month preceding, the amount and source of all revenue received by it pursuant to this chapter, and shall pay the entire amount thereof to the State Treasurer for deposit in the Animal Health Technician Examining Committee Fund, which fund is hereby created and is continuously appropriated to carry out the purposes of this chapter.

4842.5. The amount of fees prescribed by the provisions of this chapter is that fixed by the following schedule:

(a) The fee for filing an application for examination shall be set by the board at not more than fifty dollars ($50).

(b) The renewal fee shall be set by the board at not more than twenty-five dollars ($25).

(c) The delinquency fee shall be ten dollars ($10).

4843. The Board of Examiners in Veterinary Medicine shall approve all schools or institutions offering a curriculum for training animal health technicians. Application forms for schools requesting approval shall be furnished by the board. Approval by the board shall be for a two-year period. Reapplication for approval by the board shall be made at the end of the expiration date. The board shall report to the Legislature on January 1, 1977, the schools or institutions which have applied for approval and those which have been approved.

4843.2. Certificates issued under this article shall expire at midnight on February 1 of each year, if not renewed.

4843.5. Except as otherwise provided in this article, an expired certificate of registration may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate of registration is renewed more than 30 days after its expiration, the registrant, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this article. Renewal under this section shall be effective on the date on which the application is filed, on the date the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever occurs last.

4844. A person who fails to renew his certificate of registration within five years after its expiration may not renew it, and it shall not be restored, reissued, or reinstated thereafter, but such person may apply for and obtain a new certificate of registration if:

(a) He is of good moral character.

(b) No fact, circumstance, or condition exists which, if the certificate of registration were issued, would justify its revocation or suspension.

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for a certificate of registration for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to be a registered animal health technician.

(d) He pays all of the fees that would be required of him if he were

applying for the certificate of registration for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the examination fee in those cases in which a certificate of registration is issued without an examination pursuant to the provisions of this section.

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

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## CHAPTER 1224

*An act to amend Sections 35720 and 35730.5 of the Health and Safety Code, relating to discrimination.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 35720 of the Health and Safety Code is amended to read:

35720. It shall be unlawful:

1. For the owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodation because of the race, color, religion, national origin, or ancestry of such person or persons.

2. For the owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to discriminate against any person because of the race, color, religion, national origin or ancestry of such person in the terms, conditions or privileges of any publicly assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

3. For any owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to make or to cause to be made any written or oral inquiry concerning the race, color, religion, national origin or ancestry of a person seeking to purchase, rent or lease any publicly assisted housing accommodation for the purpose of violating any of the provisions of this part.

4. For the owner of any publicly assisted housing accommodation

which is a single-family dwelling occupied by the owner, with knowledge of such assistance, to commit any of the acts prohibited by subdivisions 1, 2, and 3.

5. For the owner of any dwelling, other than a dwelling containing not more than four units, to commit any of the acts prohibited by subdivisions 1, 2, and 3.

6. For any person subject to the provisions of Section 51 of the Civil Code, as that section applies to housing accommodations, as defined in this part, and to transactions relating to sales, rentals, leases, or acquisition of housing accommodations, as defined in this part, to discriminate against any person because of race, color, religion, national origin, or ancestry with reference thereto.

7. For any person, bank, mortgage company or other financial institution to whom application is made for financial assistance for the purchase, organization, or construction of any housing accommodation to discriminate against any person or group of persons because of the race, color, religion, national origin or ancestry of such person or persons, or of prospective occupants or tenants, in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance.

8. For any owner of housing accommodations to harass, evict, or otherwise discriminate against any person in the sale or rental of housing accommodations when his dominant purpose is retaliation against a person who has opposed practices unlawful under this section, informed law enforcement agencies of practices believed unlawful under this section, or has testified or assisted in any proceeding under this part. Nothing herein is intended to cause or permit the delay of an unlawful detainer action.

9. For any person to aid, abet, incite, compel or coerce the doing of any of the acts or practices declared unlawful in this section, or to attempt to do so.

SEC. 2. Section 35730.5 of the Health and Safety Code is amended to read:

35730.5. The commission, in connection with its functions under this part, shall have the following powers and duties:

(a) To meet and function at any place within the state.

(b) To appoint an attorney, and such clerks and other employees as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(c) To obtain upon request and utilize the services of all governmental departments and agencies.

(d) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this part.

(e) To receive, investigate and pass upon verified complaints alleging discrimination in housing accommodations, as defined in this part, because of race, religious creed, color, national origin or ancestry.

(f) To subpoena witnesses, both during the course of investigation of a case and in connection with a public hearing, and, in connection

therewith, to require the production of any books or papers relating to any matter under investigation or in question before the commission; to hold hearings, subpoena witnesses, compel their attendance, administer oaths, and examine any person under oath.

(g) To create such advisory agencies and conciliation councils, local or otherwise, as in its judgment will aid in effectuating the purposes of this part, and may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, religious creed, color, national origin, or ancestry, and to foster, through community effort or otherwise, good will, cooperation, and conciliation among the groups and elements of the population of the state and to make recommendations to the commission for the development of policies and procedures in general. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay.

(h) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religious creed, color, national origin, or ancestry.

(i) To render annually to the Governor and biennially to the Legislature a written report of its activities and of its recommendations.

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## CHAPTER 1225

*An act to amend Section 175 of the Water Code, relating to water.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 175 of the Water Code is amended to read:

175. There is in the Resources Agency the State Water Resources Control Board consisting of five members appointed by the Governor. One of the members appointed shall be an attorney admitted to practice law in this state who is qualified in the fields of water supply and water rights, one shall be a registered civil engineer under the laws of this state who is qualified in the fields of water supply and water rights, one shall be a registered professional engineer under the laws of this state who is experienced in sanitary engineering and who is qualified in the field of water quality, and one shall be qualified in the field of water quality. One of the above-appointed persons, in addition to having the specified qualifications, shall be qualified in the field of water supply and water quality relating to irrigated agriculture. One member shall not be

required to have specialized experience.

Each member shall represent the state at large and not any particular portion thereof and shall serve full time. The appointments so made by the Governor shall be subject to confirmation by the Senate at the next regular or special session of the Legislature, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.

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## CHAPTER 1226

*An act to add Article 1.5 (commencing with Section 14998.1) to Chapter 2 of Part 5.7 of Division 3 of Title 2 of the Government Code, relating to the motion picture development unit, and making an appropriation therefor.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Article 1.5 (commencing with Section 14998.1) is added to Chapter 2 of Part 5.7 of Division 3 of Title 2 of the Government Code, to read:

### Article 1.5. Motion Picture Development Unit

14998.1. There is within the Division of Economic Development a unit on motion picture development. The unit shall prepare and implement a program to promote the production of motion picture films within the state. Such a program shall include but not be limited to:

(a) The preparation and distribution of appropriate promotional and informational materials pointing out desirable locations within the state for the production of motion pictures, explaining the benefits and advantages of producing motion pictures within the state, and detailing the services and assistance available within state government as well as those services available at the local level and within the industry.

(b) Assist film companies in securing location permits and other appropriate services connected with motion picture production.

(c) Facilitate cooperation from local government, state and federal government agencies and private sector groups in the location and production of motion pictures.

14998.2. There is in the state government the Motion Picture Development Council consisting of 12 members. The Governor shall appoint 10 members, the Senate Rules Committee shall appoint one member and the Speaker of the Assembly shall appoint one member.

The members of the council appointed by the Senate Rules Committee and the Speaker of the Assembly shall be Members of the Legislature. The members of the council appointed by the Governor shall include representatives of state and local government, motion picture development companies, employee and professional organizations composed of persons employed in the motion picture industry, and other appropriate members of this or related industries. The council shall serve as an advisory body to the Department of Commerce and recommend to the Department of Commerce the most appropriate means of carrying out the purposes of Section 14998.1 and shall assist the department in implementing its motion picture development program. The Motion Picture Development Council shall also make recommendations to the Department of Commerce on any other legislative or administrative actions that may be necessary to maintain and improve the position of the state's motion picture industry in the national and world market.

14998.3. The members of the Motion Picture Development Council appointed by the Governor shall serve at the pleasure of the Governor. The member appointed by the Senate Rules Committee shall serve at the pleasure of the Chairman of the Senate Rules Committee and the member appointed by the Speaker of the Assembly shall serve at the pleasure of the speaker. Any legislators appointed to the council shall meet with and participate in the activities of the council to the extent that such participation is not incompatible with their respective positions as Members of the Legislature.

14998.4. The council shall select a council chairman and vice chairman from among its members. The vice chairman shall act as chairman in his absence.

14998.5. The council shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter including, but not limited to, the following:

(a) To adopt such rules and regulations as it deems advisable with respect to the conduct of its own affairs.

(b) To hold hearings, and to do or perform any acts which may be necessary, desirable or proper to carry out the purpose of this chapter.

(c) To request and obtain from any department, division, board, bureau, commission, or other agency of the state or of any city or county within the state such assistance and data as will enable it properly to carry out its powers and duties hereunder.

(d) To accept any federal funds granted, by act of Congress or by executive order, for all or any of the purposes of this chapter.

(e) To accept any gifts, donations, bequests, or grants of funds from private and public agencies for all or any of the purposes of this chapter.

(f) To coordinate the activities of similar councils or boards appointed by any city or county within the state for all or any of the

purposes of this chapter.

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## CHAPTER 1227

*An act to add and repeal Sections 7710, 7710.5, and 8554 of, and to add Section 8555 to, the Fish and Game Code, relating to commercial fishing.*

[Approved by governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 7710 is added to the Fish and Game Code, to read:

7710. If the director determines, based on thorough and adequate scientific evidence and at least one public hearing, that any species or subspecies of fish is in danger of irreparable injury, he may order the closure of any waters or otherwise restrict the taking under a commercial fishing license in state waters of such species. Any such closure or restriction order shall be adopted by emergency regulation in accordance with Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

The director shall bring to the attention of the Legislature within 15 calendar days any regulations adopted pursuant to this section. Any such regulations shall be effective for only 30 days if the Legislature is not in joint recess during such 30-day period, or shall remain in effect only until 30 days after the end of the joint recess if the Legislature is in joint recess during such period.

Nothing in this section or Section 7710.5 shall in any way restrict any existing jurisdiction of the department with regard to the regulation of fisheries on the high seas.

This section shall remain in effect only until January 1, 1978, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1978, deletes or extends such date.

SEC 2. Section 7710.5 is added to the Fish and Game Code, to read:

7710.5. If, during the period that regulations adopted pursuant to Section 7710 are effective, the director determines, based on thorough and adequate scientific evidence and at least one public hearing, that any species or subspecies previously restricted to take has recovered or additional evidence indicates that the resource is not in danger of irreparable injury, he may remove the restriction on take. Action to remove the restriction shall be by adoption of emergency regulation in accordance with Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

The director shall bring to the attention of the Legislature, within

15 calendar days, any regulations adopted pursuant to this section.

This section shall remain in effect only until January 1, 1978, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1978, deletes or extends such date.

SEC. 3. Section 8554 is added to the Fish and Game Code, to read:

8554. Herring in Humboldt Bay not to exceed 20 tons yearly may be taken for commercial purposes only under a revocable, nontransferable permit, issued by the department.

This section shall remain in effect only until June 30, 1976, and as of such date is repealed, unless a later enacted statute, which is chaptered before June 30, 1976, deletes or extends such date.

SEC. 4. Section 8555 is added to the Fish and Game Code, to read:

8555. Herring in Humboldt Bay may be taken for commercial purposes on or after July 1, 1976, only under a revocable, nontransferable permit, subject to such regulation as the commission shall prescribe.

No such permit shall be issued until the department submits to the commission a management plan for the conservation of the resource on a long-term basis. A written report shall be submitted by the department to the commission not later than three months following the end of the 1975–76 spawning season.

SEC. 5. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because the provisions of this act will not result in any increased expenditures by local agencies. However, there may be state-mandated costs in the regulations promulgated pursuant to this act which may require reimbursement under that section. These reimbursements can be provided through the regular state budget process.

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## CHAPTER 1228

*An act to add Section 1730.5 to the Civil Code, relating to contracts.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 1730.5 is added to the Civil Code, to read:

1730.5. (a) Every contract for the construction of a swimming pool shall include a schedule of payments. The contract shall state the amount of each such payment as a sum in dollars and cents:

(b) If the payment schedule contained in the contract provides for a downpayment to be paid by the owner to the swimming pool contractor before the commencement of work, such downpayment shall not exceed fifty dollars ($50) or 1 percent of the contract price,

excluding finance charges, whichever is the greater.

(c) The payment schedule requirements of subdivision (b) pertaining to the downpayment shall not apply when the contract provides for the swimming pool contractor to furnish completion and performance bonds covering 100 percent of the contract and such bonds are furnished by the swimming pool contractor.

(d) In no event shall the payment schedule provide for the swimming pool contractor to receive payment in excess of 40 percent of the total contract price, excluding finance charges, prior to the completion of the reinforcing steel and preparatory to the placement of concrete or gunite.

(e) A violation of this section by any person who builds a swimming pool is a misdemeanor punishable by a fine of not less than one hundred dollars ($100) nor more than two thousand dollars ($2,000), or imprisonment in the county jail for not less than 10 days nor more than six months, or both.

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

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## CHAPTER 1229

*An act to amend Section 10751 of, and to add Sections 10760 and 10761 to, the Education Code, relating to pupil records.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 10751 of the Education Code is amended to read:

10751. No teacher, principal, employee, or governing board member of any public, private, or parochial school providing instruction in any of grades kindergarten through 12 shall permit access to any written records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) Either parent or a guardian of such pupil. Such parent or guardian shall have access to all written records relating to his child or ward maintained by the school, and need only appear in person during regular hours of the schoolday and request to see such records. No written material concerning his child or ward shall be

edited or withheld, and the parent or guardian shall be entitled to read such material personally.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) A state or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties.

(e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.

(f) An officer or employee of a county agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency.

(g) An officer or employee of any adoption agency licensed by the Department of Social Welfare, as to a minor placed with or under the supervision of that agency, or another minor from the same family as such minor, or as to children in families for which an investigation by the agency is required under Section 226.6 of the Civil Code.

(h) A member of a hearing panel convened pursuant to Section 10761.

The restrictions imposed by this section are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified by name in the information submitted for research. Notwithstanding the restrictions imposed by this section, an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff.

Notwithstanding the restrictions imposed by this section, the names and addresses of pupils, the record of a pupil's daily attendance, the pupil's scholastic record in the form of grades received in school subjects, the names of a pupil's parents or guardian, a pupil's date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States seeking this information in the course of his duties, when the pupil is a veteran of military service with the United States, or an orphan or dependent of such veteran, or an alien. Notwithstanding the restrictions imposed by this

section, school personnel of a public, private, or parochial high school may furnish the names and addresses of graduating seniors to elected federal, state, county, or district officials, or to a commissioned officer, or his designee, in charge of recruitment for the National Guard or an active or reserve component of the armed forces, as defined pursuant to Section 18540 of the Government Code, seeking information in the course of his recruitment duties.

SEC. 2. Section 10760 is added to the Education Code, to read:

10760. (a) The parent or guardian of a pupil may file a written request with the superintendent of the district to remove any information recorded in the written records concerning his child or ward which he alleges to be: (1) inaccurate; (2) an unsubstantiated personal conclusion or inference; (3) a conclusion or inference outside of the observer's area of competence; or (4) not based on the personal observation of a named person with the time and place of the observation noted.

(b) Within 30 days of receipt of such request, the superintendent shall meet with the parent or guardian and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the school district. The superintendent shall then sustain or deny the allegations.

If the superintendent sustains the allegations, he shall order the removal of the information.

If the superintendent denies the allegations and refuses to order the removal of the information, the parent or guardian may, within 30 days of the refusal, appeal the decision in writing to the governing board of the school district.

(c) Within 30 days of receipt of such an appeal, the governing board shall, in closed session with the parent or guardian and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the school district, determine whether or not to sustain or deny the allegations.

If the governing board sustains the allegations, it shall order the superintendent to immediately remove the information from the written records of the pupil.

The decision of the governing board shall be final.

Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the governing board, unless the parent or guardian initiates legal proceedings relative to the disputed information within the prescribed period.

(d) If the final decision of the governing board is unfavorable to the parent or guardian, or if the parent or guardian accepts an unfavorable decision by the district superintendent, the parent or guardian shall then have the right to submit a written statement of his objections to the information. This statement shall become a part of the pupil's school record until such time as the information objected to is removed.

SEC. 3. Section 10761 is added to the Education Code, to read:

10761. (a) To assist in making determinations pursuant to Section 10760, a district superintendent or governing board may convene a hearing panel composed of the following persons:

(1) The principal of a school other than the school at which the record is on file.

(2) A certificated employee appointed by the chairman of the certificated employee council of the district, or, if no such council exists, a certificated employee appointed by the parent or guardian.

(3) A parent appointed by the superintendent or by the governing board of the district, depending upon who convenes the panel.

(b) The persons appointed pursuant to paragraphs (2) and (3) of subdivision (a) shall, if possible, not be acquainted with the pupil, his parent or guardian, or the certificated employee who recorded the information, except when the parent or guardian appoints the person pursuant to paragraph (2).

(c) The principal appointed to the hearing panel shall serve as its chairman.

(d) The hearing panel shall, in closed session, hear the objections to the information of the parent or guardian and the testimony of the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the school district.

The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy.

A written finding shall be made setting forth the facts and decisions of the panel, and such findings shall be forwarded to the superintendent or the governing board, depending upon who convened the panel.

The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

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## CHAPTER 1230

*An act to amend Section 853.6 of the Penal Code, relating to arrest.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 853.6 of the Penal Code is amended to read:

853.6. (a) In any case in which a person is arrested for an offense declared to be a misdemeanor and does not demand to be taken before a magistrate, such person may, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter. If the arresting officer or his superior determines that the person should be released, such officer or superior shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court. If the person is not released prior to being booked and the officer in charge of the booking or his superior determines that the person should be released, such officer or superior shall prepare such written notice to appear in court.

(b) Unless waived by the person, the time specified in the notice to appear must be at least five (5) days after arrest.

(c) The place specified in the notice shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate may fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of this code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case, unless the defendant has been charged with violation of Section 374b or 374e of this code or of Section 13002 of the Health and Safety Code, or a violation punishable under Section 5008.7 of the Public Resources Code, and he has previously been convicted of a violation of such section or punishable under such section, except in cases where the magistrate finds that undue hardship will be imposed upon the defendant by requiring him to appear, the magistrate may declare the bail forfeited and order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of this code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

(g) The officer shall indicate on the notice to appear whether he desires the arrested person to be booked as defined in subdivision 21 of Section 7 of this code. In such event, the magistrate shall, before the proceedings are finally concluded, order the defendant to be booked by the arresting agency.

(h) A peace officer may use the written notice to appear procedure set forth in this section for any misdemeanor offense in which the officer has arrested a person pursuant to Section 836 or in which he has taken custody of a person pursuant to Section 847.

(i) If the arrested person is not released pursuant to the provisions of this chapter prior to being booked by the arresting agency, then at the time of booking the arresting officer, the officer in charge of such booking or his superior officer, or any other person designated by a city or county for this purpose shall make an immediate investigation into the background of the person to determine whether he should be released pursuant to the provisions of this chapter. Such investigation shall include, but need not be limited to, the person's name, address, length of residence at that address, length of residence within this state, marital and family status, employment, length of that employment, prior arrest record, and such other facts relating to the person's arrest which would bear on the question of his release pursuant to the provisions of this chapter.

(j) Whenever any person is arrested by a peace officer for a misdemeanor and is not released with a written notice to appear in court pursuant to this chapter, the arresting officer shall indicate, on a form to be established by his employing law enforcement agency, whether or not each of the following was a reason for such nonrelease:

(1) The person arrested was so intoxicated that he could have been a danger to himself or to others.

(2) The person arrested required medical examination or medical care or was otherwise unable to care for his own safety.

(3) The person was arrested for one or more of the offenses listed in Section 40302 of the Vehicle Code.

(4) There were one or more outstanding arrest warrants for the person.

(5) The person could not provide satisfactory evidence of personal identification.

(6) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by immediate release of the person

arrested.

(7) There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.

(8) The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.

(9) Any other reason. If the person arrested was not released for one or more of the reasons specified in paragraphs (1) to (8), inclusive, the arresting officer shall specifically state on the form the reason for the nonrelease.

Such form shall be filed with the arresting agency as soon as practicable and shall be made available to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release him from custody before trial.

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

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## CHAPTER 1231

*An act to amend Section 12657 of, and to add Section 12667 to, the Water Code, relating to flood control.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 12657 of the Water Code is amended to read:

12657. Except as otherwise provided in Chapters 1 and 2 of this part, the Reclamation Board shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by Section 3 of the Act of Congress approved December 22, 1944 (Public Law 534, 78th Congress, Second Session), and Section 2 of the Act of Congress approved August 18, 1941 (Public Law 228, 78th Congress, First Session), will be furnished by the state in connection with the flood control projects authorized and adopted in Sections 12648, 12648.1, 12648.2, 12648.3, 12648.4, 12648.5, 12648.6, 12648.7, 12649.1, 12650, 12651, 12652, 12654, 12656.5, and 12667 and on any flood control projects on any stream flowing into or in the Sacramento Valley or the San Joaquin Valley heretofore or hereafter approved and authorized by Congress.

SEC. 1.5. Section 12657 of the Water Code is amended to read·

12657 Except as otherwise provided in Chapters 1 and 2 of this part, the Reclamation Board shall give assurances satisfactory to the

Secretary of the Army that the local cooperation, required by Section 3 of the Act of Congress approved December 22, 1944 (Public Law 534, 78th Congress, Second Session), and Section 2 of the Act of Congress approved August 18, 1941 (Public Law 228, 78th Congress, First Session), will be furnished by the state in connection with the flood control projects authorized and adopted in Sections 12648, 12648.1, 12648.2, 12648.3, 12648.4, 12648.5, 12648.6, 12648.7, 12649.1, 12650, 12651, 12652, 12654, 12656.5, 12666, and 12667 and on any flood control projects on any stream flowing into or in the Sacramento Valley or the San Joaquin Valley heretofore or hereafter approved and authorized by Congress.

SEC. 2. Section 12667 is added to the Water Code, to read:

12667. The project for flood control known as the Merced County Streams Project is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated November 25, 1970, and adopted and authorized by the Act of Congress approved December 31, 1970 (Public Law 91-611) at an estimated cost to the state of such sums as may be appropriated for state participation by the Legislature upon the recommendation and advice of the Reclamation Board. This authorization shall not be deemed to confer preference on this project over the needs of other statewide programs in appropriations of available funds. No state funds shall be appropriated until federal construction funds are available and until the responsible local agency has provided assurances of financial capability to complete the recreational acquisition and development program detailed in the project report.

Notwithstanding the provisions of Section 12585.4, the Reclamation Board shall have the authority and is authorized to enter into a loan agreement with the local agency pursuant to Section 12585.4.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 690 are both chaptered and become effective January 1, 1975, both bills amend Section 12657 of the Water Code, and this bill is chaptered after Assembly Bill No. 690, that the amendments to Section 12657 proposed by both bills be given effect and incorporated in Section 12657 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 690 are both chaptered and become effective January 1, 1975, both amend Section 12657, and this bill is chaptered after Assembly Bill No. 690, in which case Section 1 of this act shall not become operative.

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# CHAPTER 1232

*An act to amend Section 6499.232 of the Education Code, relating to educationally disadvantaged youth programs, and making an appropriation therefor.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 6499.232 of the Education Code is amended to read:

6499.232. Maximum apportionments allowable to school districts shall be determined by the following factors:

(a) An index of "potential impact of bilingual-bicultural pupils" determined by dividing the percent of pupils in the district with Spanish and Oriental surnames, and Indian pupils, as determined by the annual ethnic survey conducted by the Department of Education, by the statewide average percentage of such pupils for unified, elementary, or secondary districts, as appropriate.

(b) A ratio of the district's "index of family poverty," defined as the district's Elementary and Secondary Education Act, Title I entitlement, divided by its average daily attendance in grades 1 through 12, or any thereof maintained, divided in turn by the state average index of family poverty for unified, elementary, or secondary districts, as appropriate.

(c) A ratio of the district's "index of pupil transiency," as computed from the relationship between the district's average daily attendance and its total annual enrollment, divided by the state average index of pupil transiency for unified, elementary, or secondary districts, as appropriate.

The district's total maximum apportionment under this chapter shall be determined by computing the product of (1) one-third the sum of the above three factors, except that if the resulting figure is higher than 2, the resulting figure shall be deemed to be 2, and if the resulting figure is lower than 1 no entitlement shall be computed for such a district, unless the district had an average daily attendance in excess of 60,000 for the 1972–73 school year and has more than 8,000 pupils receiving aid for dependent children, in which case the resulting figure shall be deemed to be 1; (2) the number of pupils receiving aid for dependent children support; and (3) a constant amount of three hundred dollars ($300), or such amount as the Superintendent of Public Instruction may determine so that the sum of all allocations will not exceed the funds appropriated by the Legislature for the purposes of this chapter.

No allocation shall be made to a school district whose index computed pursuant to item (1) is less than 1, whose average daily attendance for the 1972–73 school year was more than 60,000, and which had more than 8,000 pupils receiving aid for dependent

children, unless sufficient funds have been appropriated so that the Superintendent of Public Instruction is not required, because of insufficient funds, to reduce the allocation to other districts which receive such funds below the allocation for the 1973–74 fiscal year.

SEC. 2. There is hereby appropriated to the Superintendent of Public Instruction two million six hundred thousand dollars ($2,600,000), or so much thereof as may be necessary, to fund the addition of school districts covered as a result of the amendments made to Section 6499.232 of the Education Code by this act after deducting the yearend balance, if any, which remains in funds appropriated for Chapter 6.10 (commencing with Section 6499.230) of Division 6 of the Education Code.

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## CHAPTER 1233

*An act to add Section 11092 to the Government Code, relating to statistical tabulations.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 11092 is added to the Government Code, to read:

11092. Each state agency and department shall, in the maintenance of any statistical tabulation of minority groups, commence the categorization of Filipinos as Filipinos not later than 60 days following the operative date of this section.

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## CHAPTER 1234

*An act to amend Sections 1770 and 24154 of the Government Code, relating to county officers' bonds.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 1770 of the Government Code is amended to read:

1770. An office becomes vacant on the happening of any of the following events before the expiration of the term:

(a) The death of the incumbent.

(b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated

due to disease, illness or accident and that there is reasonable cause to believe that he will not be able to perform the duties of his office for the remainder of his term. This subdivision shall not apply to offices created by the Constitution nor to federal or state legislators.

(c) His resignation.

(d) His removal from office.

(e) His ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which he was chosen or appointed, or within which the duties of his office are required to be discharged; provided, however, that the office of judge of a municipal or justice court shall not become vacant when, as a result of a change in the boundaries of a judicial district during an incumbent's term, said incumbent ceases to be an inhabitant of the district for which he was elected or appointed to serve.

(f) His absence from the state without the permission required by law beyond the period allowed by law.

(g) His ceasing to discharge the duties of his office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

(h) His conviction of a felony or of any offense involving a violation of his official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered.

(i) His refusal or neglect to file his required oath or bond within the time prescribed.

(j) The decision of a competent tribunal declaring void his election or appointment.

(k) The making of an order vacating his office or declaring his office vacant when he fails to furnish an additional or supplemental bond.

(*l*) His commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

SEC. 2. Section 24154 of the Government Code is amended to read:

24154. As an alternative or supplementary to the bonds required by this chapter, the board of supervisors may include the county officers listed in this chapter as covered employees in any master bond used in their county in accordance with Section 1481 of this code.

SEC. 3. Section 1770 of the Government Code is amended to read:

1770. An office becomes vacant on the happening of any of the following events before the expiration of the term:

(a) The death of the incumbent.

(b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated

due to disease, illness or accident and that there is reasonable cause to believe that he will not be able to perform the duties of his office for the remainder of his term. This subdivision shall not apply to offices created by the Constitution nor to federal or state legislators.

(c) His resignation.

(d) His removal from office.

(e) His ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which he was chosen or appointed, or within which the duties of his office are required to be discharged; provided, however, that the office of judge of a municipal or justice court shall not become vacant when, as a result of a change in the boundaries of a judicial district during an incumbent's term, said incumbent ceases to be an inhabitant of the district for which he was elected or appointed to serve.

(f) His absence from the state without the permission required by law beyond the period allowed by law.

(g) His ceasing to discharge the duties of his office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

(h) His conviction of a felony or of any offense involving a violation of his official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered.

(i) His refusal or neglect to file his required oath or bond within the time prescribed.

(j) The decision of a competent tribunal declaring void his election or appointment.

(k) The making of an order vacating his office or declaring his office vacant when he fails to furnish an additional or supplemental bond.

(*l*) His commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

(m) Making of an order vacating the office following refusal of the Senate to confirm the appointment.

(n) Acceptance of an incompatible position.

(o) Conduct indicating intention to cease discharging the duties of office, absent indication of intent that the cessation be only temporary.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 2260 are both chaptered and become effective January 1, 1975, both bills amend Section 1770 of the Government Code, and this bill is chaptered after Senate Bill No. 2260, that the amendments to Section 1770 proposed by both bills be given effect and incorporated in Section 1770 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 2260 are both chaptered and become

effective January 1, 1975, both amend Section 1770, and this bill is chaptered after Senate Bill No. 2260, in which case Section 1 of this act shall not become operative.

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## CHAPTER 1235

*An act to amend Sections 4362 and 4457 of the Civil Code, and to add Section 1279.5 to the Code of Civil Procedure, relating to names.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 4362 of the Civil Code is amended to read:

4362. (a) In any proceeding under this part, except an action for legal separation, the court may restore the birth name or former name of the wife regardless of whether or not a request therefor was included in the petition.

(b) Nothing in this part shall be construed to abrogate the common law right of any person to change one's name.

SEC. 2. Section 4457 of the Civil Code is amended to read:

4457. (a) In any proceeding under this title, the court may restore the birth name or former name of the wife regardless of whether or not a request was made therefor in the petition.

(b) Nothing in this title shall be construed to abrogate the common law right of any person to change one's name.

SEC. 3. Section 1279.5 is added to the Code of Civil Procedure, to read:

1279.5. Nothing in this title shall be construed to abrogate the common law right of any person to change one's name.

SEC. 4. The Legislature finds and declares that the provisions of this act do not change existing law, and are declaratory of existing law.

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## CHAPTER 1236

*An act to add and repeal Section 11294 of the Revenue and Taxation Code, relating to taxation.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 11294 is added to the Revenue and Taxation Code, to read:

11294. In determining the averages required in Section 11293, the board shall exclude from the California factor car mileage car days, or such other data which occurs while cars are not qualified for revenue service and are in a repair facility in this state requiring and undergoing or awaiting remodeling, overhaul, renovation, conversion or repair which necessitates total labor in excess of 10 man-hours.

This section shall remain in effect and be operative only for calendar years 1975 through 1979, inclusive. On January 1, 1980, this section is repealed.

SEC. 2. The Legislative Analyst shall report to the Legislature on or before October 1, 1978, on the net revenue effect of Section 1 of this act, which shall include, but not be limited to, the reduction of private car tax revenue but omitting the excludable time of cars in the state because of Section 1 of this act and the increases of all tax revenues resulting from the increase in the economic activity of railroad car repairing and rebuilding industry, including, but not limited to, change in the rate of investment to expand or modernize existing facilities or build new facilities owned or used by the industry, in the level of employment, and in sales to or by the railroad car repairing and rebuilding industry and industries serving such industry where the changes are related to the taxing provisions of Section 1 of this act.

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## CHAPTER 1237

*An act to add Section 4016 to the Penal Code, relating to jails.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 4016 is added to the Penal Code, to read:

4016. When an alleged parole violator is detained in a county jail pursuant to an order of the Adult Authority under the authority granted by Section 3060 of the Penal Code, or pursuant to an order of the Governor under the authority granted by Section 3062, or pursuant to a valid exercise of a state parole officer's peace officer powers as specified in Section 830.5 of the Penal Code when such detention relates to violation of the conditions of parole and not a new criminal charge, the county shall be reimbursed for the costs of such detention by the Department of Corrections. Before the county is reimbursed by the department, the total amount of all charges against that county authorized by law for services rendered by the department shall be first deducted from the gross amount of

reimbursement authorized by this section. Such net reimbursement shall be calculated and paid monthly by the department.

This section shall become operative on July 1, 1975.

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## CHAPTER 1238

*An act to add Article 1.3 (commencing with Section 20740) to Chapter 7 of Division 8 of the Business and Professions Code, relating to petroleum dealerships.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Article 1.3 (commencing with Section 20740) is added to Chapter 7 of Division 8 of the Business and Professions Code, to read:

### Article 1.3. Hours of Business

20740. Every person, firm, partnership, association, trustee or corporation which owns, leases or rents and operates a gasoline service station or other facility which offers gasoline or other motor vehicle fuel for sale to the public from such a facility abutting or adjacent to a street or highway shall accurately update all signs, banners or other advertising medium which indicate hours of such sale. Advertising medium indicating hours of sale shall be updated on a monthly basis.

20741. Every person, firm, partnership, association, trustee or corporation which owns, leases or rents and operates a gasoline service station or other facility which offers gasoline or other motor vehicle fuel for sale to the public from such a facility abutting or adjacent to a street or highway shall turn off all outdoor lighted advertising medium at their place of business when they are not open for business. This section shall only apply to the service station and not the retail business in a situation where gasoline service station or other facility is a part of and adjacent to a retail business provided the retail sale of gasoline or other motor vehicle fuel is not the primary purpose of that business.

20742. A violation of this article shall constitute an infraction punishable by a fine not to exceed fifty dollars ($50).

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

## CHAPTER 1239

*An act to amend Section 13335 of the Education Code, relating to school certificated employees*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 13335 of the Education Code is amended to read:

13335. The classification shall be made at the time of employment and thereafter in the month of July of each school year. At the time of initial employment during each academic year, each new certificated employee of the school district shall receive a written statement indicating his employment status and the salary that he is to be paid. If a school district hires a certificated person as a temporary employee, the written statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. If a written statement does not indicate the temporary nature of the employment, the certificated employee shall be deemed to be a probationary employee of the school district, unless employed with permanent status.

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

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## CHAPTER 1240

*An act to amend Section 1541 of the Health and Safety Code, to amend Sections 14005.3, 14005.4, 14005.5, 14005.6, 14006, 14008, 14018, 14019, 14053, 14054, 14110.1, 14121, 14132, and 14256 of, to add Sections 14005.8, 14022.1, 14050.1, 14106, and 14135 to, and to repeal Section 14134 of the Welfare and Institutions Code, relating to Medi-Cal and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 1541 of the Health and Safety Code is amended to read:

1541. The director may bring an action to enjoin the violation or

threatened violation of Section 1508 in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or irreparable damage or loss. Upon a finding by the director that such violations threaten the health or safety of persons in, or served by, a community care facility, the agency contracted with pursuant to Section 1511 may bring an action to enjoin the violation, threatened violation, or continued violation by any community care facility which is located in an area for which it is responsible pursuant to the terms of the contract.

SEC. 1.5. Section 14005.3 of the Welfare and Institutions Code is amended to read:

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

SEC. 1.6. Section 14005.4 of the Welfare and Institutions Code is amended to read:

14005.4. (a) A person under 21 years of age, who would qualify on the basis of financial eligibility but who does not qualify as a dependent child, under the provisions of Chapter 2 (commencing with Sec. 11200) of Part 3 of Division 9 of this code, is eligible for health care services under Section 14005.

(b) A person 18 to 21 years of age, who is eligible as a family person as defined in Section 14054 but whose parent or parents refuse to apply for health care services, is eligible for health care services under Section 14005.

(c) Included under this section are children in foster care for whom public agencies are assuming financial responsibility in whole or in part and persons receiving aid under Chapter 2.1 (commencing with Section 16115) or Part 4 of Division 9 of this code.

(d) The director may, to meet the requirements of the Federal Social Security Act, decrease or increase the eligibility standards for persons under this section.

SEC. 2. Section 14005.6 of the Welfare and Institutions Code is amended to read:

14005.6. (a) When a person is not eligible for aid under any of the programs set forth in Section 14005.1 or has an application pending for aid under any of said programs, and meets all of the following conditions, he is eligible for health care benefits or services under Section 14005:

(1) He or his family meet the income and resource requirements for aid under Chapter 2 (commencing with Section 11200) of Part 3

of Division 9 of this code, except that the minimum basic standard of adequate care for a single person living alone shall be 75 percent of the standard for a two-person family under Section 11452;

(2) He resides within the state;

(3) He is legally present in the United States;

(4) He is 21 years of age or older;

(5) He is not receiving adequate financial contributions toward his support and cost of health care from a husband or wife or parent of a minor child able to and responsible for support under the laws of this state.

SEC. 4. Section 14005.8 is added to the Welfare and Institutions Code, to read:

14005.8. Families who were receiving public assistance under the provisions of the Aid to Families with Dependent Children Program in at least three of the six months immediately preceding the month in which the family became ineligible for such assistance due to increased earnings from employment or increased hours of employment shall remain eligible for health care services under the provisions of Section 14005.1 for a period of four months beginning with the most recent month in which such family became ineligible for assistance under the Aid to Families with Dependent Children Program.

SEC. 5. Section 14006 of the Welfare and Institutions Code is amended to read:

14006. For the purposes of Section 14005.7, the term "other resources" means the real or personal property, or any combination of both, held by a medically needy person.

The amount of other resources is limited to not more than one thousand five hundred dollars ($1,500) for an aged, blind or disabled individual, or not more than three thousand dollars ($3,000) for an aged, blind or disabled individual and his spouse. For a medically needy family person whose eligibility is based upon deprivation of parental support or for a family, this limit shall be established at not less than one thousand five hundred dollars ($1,500) and not more than three thousand dollars ($3,000), in accordance with family size. In addition, a medically needy person may retain other property in accordance with the provisions of Sections 11153.7 and 12152 of this code and any additional resources allowed under the provisions of Title XVI of the Social Security Act. The director, to meet the requirements of the Federal Social Security Act and to insure the highest percentage of federal financial participation in the program provided by this chapter, may decrease or increase the amounts set forth therein. If the holdings are in the form of real property, the value shall be computed on the basis of four (4) times the assessed value less the unpaid amount of any encumbrance of record. If the holdings consist of money on deposit, the value shall be the actual amount thereof. If the holdings are in any other form of personal property or investment, except life insurance, the value shall be the conversion value as of the date of application or the anniversary date

of such application. If the holdings are in the form of life insurance, the value shall be the cash value as of the policy anniversary nearest the date of such application.

The value of property holdings shall be determined as of the date of application and, if the person is found eligible, this determination shall establish the amount of such holdings to be considered during the ensuing 12 months except as provided in the following paragraph:

A new determination to govern during the succeeding 12 months shall be made on the first anniversary date of the application or such alternate date as may be established following the acquisition of additional holdings as provided in the following paragraph and on each succeeding anniversary date thereafter.

If any person shall by gift, inheritance, or other manner, acquire additional holdings during any such interval, other than from his own earnings, he shall immediately report such acquisition, and the anniversary date shall become the date of such acquisition.

In establishing standards for the determination of the reasonable portion of property valuation applicable to the costs of health care, the director shall provide for application of not less than 1 percent of the value of holdings in excess of the limitations and exemptions set forth in Section 11153.7.

SEC. 5.5. Section 14008 of the Welfare and Institutions Code is amended to read:

14008. Notwithstanding Section 14005.6:

(a) No relative, other than the spouse, shall be held to be financially responsible for the cost of health care received by an adult eligible under this chapter.

(b) No relative, other than the parent or parents of a child under 18, shall be held to be financially responsible for the cost of health care or related services received by such child, otherwise eligible under this chapter, except that the parent or parents shall have financial responsibility for any child under age 21 who is eligible as a family person as defined in Section 14054.

SEC. 6. Section 14018 of the Welfare and Institutions Code is amended to read:

14018. The Medi-Cal card shall be authorization for payment for health care services rendered, during and subsequent to the month of application of a person eligible under Section 14005.1, 14005.2, 14005.3, 14005.4, or 14005.6 or a person eligible under Section 14005.7 who is certified by the department.

SEC. 7. Section 14019 of the Welfare and Institutions Code is amended to read:

14019. Notwithstanding the provisions of Section 14018, a Medi-Cal card shall be authorization for payment for health care services rendered, under conditions prescribed by the director and to the extent required by federal law, during any of the three months immediately prior to the month in which application was made, and for which such person would have otherwise been eligible.

SEC. 8. Section 14022.1 is added to the Welfare and Institutions Code, to read:

14022.1. Any skilled nursing facility or intermediate care facility participating in the Medi-Cal Program shall supply to the department full and complete information as to the identity (a) of each person having, directly or indirectly, an ownership interest of 10 percent or more in such skilled nursing facility or intermediate care facility, or, who is owner, in whole or part, of any mortgage, deed of trust, note, or other obligation secured, in whole or part, by such skilled nursing facility or intermediate care facility, or any of the property or assets of such skilled nursing facility, or intermediate care facility, (b) in case a skilled nursing facility or intermediate care facility is organized as a corporation, of each officer and director of the corporation, and (c) in case a skilled nursing facility or intermediate care facility is organized as a partnership, of each partner; and shall promptly report any changes which would affect the current accuracy of the information so required to be supplied.

SEC. 9. Section 14050.1 is added to the Welfare and Institutions Code, to read:

14050.1. For purposes of this chapter, "public assistance" means benefits provided under the Federal Supplemental Security Income Program, the State Supplementary Payment Program, or Aid to Families with Dependent Children Program.

SEC. 12. Section 14053 of the Welfare and Institutions Code is amended to read:

14053. The term "health care services" means:

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

2. Outpatient hospital services.

3. Laboratory and X-ray services.

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

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

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

encompassed by federal participation under an approved plan.

7. Home health care services.

8. Private duty nursing services.

9. Outpatient clinic services.

10. Dental services.

11. Physical therapy and related services.

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

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

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

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

16. Inpatient hospital services for any individual under 21 years of age in an institution for mental diseases. Any individual under 21 years of age receiving such inpatient psychiatric hospital services immediately preceding the date on which he attains age 21 may continue to receive such services until he attains age 22.

17. Family planning services.

The term "health care services" shall not include, except to the extent permitted by federal law

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

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

c. Any care or services for any individual who is 21 years of age or over, except as provided in paragraph 16 of this section, and has not attained 65 years of age and who is a patient in an institution for mental diseases.

SEC. 13. Section 14054 of the Welfare and Institutions Code is amended to read:

14054. For purposes of Section 14005.7 "family person" means an eligible member of a family group consisting of one or more children under the age of 21, the parent, parents or other adult relative with whom such children are living in the absence of a responsible parent or parents, or a child in foster care.

SEC. 14. Section 14106 is added to the Welfare and Institutions Code, to read:

14106. Notwithstanding any other provision of law, payment for inpatient hospital services shall be based on the lesser of reasonable costs, as determined by the director in accordance with applicable federal law, or the hospital's customary charges for such services.

SEC. 15. Section 14110.1 of the Welfare and Institutions Code is

amended to read:

14110.1. Medi-Cal reimbursements for long-term care in any hospital shall be at a rate not to exceed the maximum rate paid for long-term care in skilled nursing facilities, except for patients whose medical or nursing needs exceed the level of care provided in skilled nursing facilities.

SEC. 16. Section 14121 of the Welfare and Institutions Code is amended to read:

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

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

SEC. 17. Section 14132 of the Welfare and Institutions Code is amended to read:

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

(a) Outpatient services are covered as follows:

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

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

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

(c) Skilled nursing facility services, including physician services

and prescription drugs, subject to the Medi-Cal Drug Formulary, are covered to the extent of a full year of service in any period of twelve (12) consecutive months, subject to utilization controls. Physical therapy, occupational therapy, speech therapy and audiology services for patients in skilled nursing facilities are covered subject to utilization controls. The outpatient service controls found in subdivision (a) of this section do not apply to physical therapy, occupational therapy, speech therapy, and audiology services rendered to patients in skilled nursing facilities. Except as otherwise provided therein, all other covered services listed in subdivision (a) of this section shall be subject to outpatient services described in subdivision (a) of this section.

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

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

(f) Anesthesiologist's services when provided as part of an outpatient medical procedure, outpatient laboratory services, and X-ray services are covered to the extent prescribed.

(g) Blood and blood derivatives are covered.

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

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

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

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

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

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

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

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

controls. Physical therapy, occupational therapy, speech therapy and audiology services for patients in intermediate care facilities are covered subject to utilization controls. The outpatient service controls found in subdivision (a) of this section do not apply tc physical therapy, occupational therapy, speech therapy and audiology services rendered to patients in intermediate care facilities. Except as otherwise provided therein, all other covered services listed in subdivision (a) of this section shall be subject to outpatient services controls described in subdivision (a) of this section.

(p) Family planning services are covered, subject to utilization controls.

SEC. 18. Section 14134 of the Welfare and Institutions Code is repealed.

SEC. 19. Section 14135 is added to the Welfare and Institutions Code, to read:

14135. To assure maximum federal financial participation under this chapter, the director shall establish an enrollment fee, premium or similar charge to the extent required by federal law.

SEC. 20. Section 14256 of the Welfare and Institutions Code is amended to read:

14256. The "basic scope of health care benefits" means:

(a) Physician's services,

(b) Hospital outpatient services;

(c) Laboratory and X-ray;

(d) Prescription drugs;

(e) Hospital inpatient care;

(f) Skilled nursing facility care.

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

This legislation is necessary to authorize the continuation of the Medi-Cal Program in compliance with federal requirements, mandated by Public Law 92-603, applicable to California's participation in Title XIX of the Social Security Act (Grants to States for Medical Assistance Programs). Failure to bring the Medi-Cal Program into conformity with the provisions of Public Law 92-603 could result in the loss to California of federal financial participation under Title XIX of the Social Security Act.

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## CHAPTER 1241

*An act to amend Section 12015 of, and to add Section 12015.5 to, the Government Code, relating to the Governor, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 12015 of the Government Code is amended to read:

12015. The Legislature declares it to be the purpose of this article to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a Governor and the inauguration of a new Governor. The interest of the state requires that such transitions be accomplished so as to assure continuity in the conduct of the affairs of the state government. Any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the state and its people. Accordingly, it is the intent of the Legislature that appropriate actions be authorized and taken to avoid or minimize any disruption. In addition to the specific provisions contained in this article directed toward that purpose, it is the intent of the Legislature that all officers of the state government so conduct the affairs of the state government for which they exercise responsibility and authority as: (1) to be mindful of problems occasioned by transitions in the office of Governor, (2) to take appropriate lawful steps to avoid or minimize disruptions that might be occasioned by the transfer of the executive power, and (3) otherwise to promote orderly transitions in the office of Governor.

Every state agency shall furnish to the Governor-elect any information, assistance, supplies, transportation, and facilities necessary in connection with the preparation of the annual state budget for submission to the Legislature.

The Director of Finance, after consultation with the Governor-elect, shall appoint such persons as necessary to assist the Governor-elect in the preparation of the annual state budget and the assumption of the other duties of the Governor.

In the case where the Governor-elect is the Governor, there shall be no expenditures of funds for the provision of services and facilities.

SEC. 2. Section 12015.5 is added to the Government Code, to read:

12015.5. The Governor may appoint for a period not to exceed 60 calendar days after the conclusion of his term of office persons to assist the Governor in concluding matters arising out of his official duties during his last term.

SEC. 2.5. The sum of fifty thousand dollars ($50,000) is hereby appropriated from the General Fund to the Department of Finance for expenditure during the 1974–75 fiscal year as follows:

(a) No more than twenty-five thousand dollars ($25,000) may be used in augmentation of Item 79 of the Budget Act of 1974, provided that such funds and the funds appropriated by Item 79 shall be used for the purposes of Section 12015 of the Government Code as amended by this act.

(b) No more than twenty-five thousand dollars ($25,000) may be expended for the purposes of Section 12015.5 of the Government Code as added by this act.

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

This is an election year and it is essential that the provisions of this act take effect immediately to permit their application with respect to the next Governor-elect.

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## CHAPTER 1242

*An act to amend Sections 12080.5 and 12081.2 of, and to add Section 8523 to, the Government Code, relating to executive reorganization.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 8523 is added to the Government Code, to read:

8523. (a) The Governor shall submit to the commission for study and recommendation any reorganization plan which he intends to submit to the Legislature pursuant to authority vested in the Governor by the Legislature under Section 6 of Article V of the Constitution at least 30 days prior to submission of such plan to the Legislature. The commission shall make its report to the Governor and the Legislature within 30 days of the date on which the Governor submits any such plan to the Legislature. The commission may, on its own initiative, undertake a study of any reorganization proposal submitted to the Legislature and make reports to the Governor and the Legislature as it deems necessary.

(b) Prior to transmittal of a plan to the Commission on California State Government Organization and Economy pursuant to this section the Governor shall submit each plan to the Legislative Counsel in order that it may be submitted to the Legislature in the form and language suitable for enactment in the statutes at large. The Legislative Counsel shall prepare a digest of the plan which shall be printed commencing on the first page thereof.

It is the intent of the Legislature in requiring the use of statutory format language to insure that reorganization plans submitted to it express clearly and specifically the nature and purposes of the plan.

(c) Notwithstanding subdivision (a) of this section, the Governor may submit a reorganization plan directly to the Legislature if such plan is substantially identical to a plan previously submitted to the

commission during the same legislative session.

SEC. 2. Section 12080.5 of the Government Code is amended to read:

12080.5. Except as otherwise provided in this section, a reorganization plan submitted pursuant to this article shall become effective the first day after 60 calendar days of continuous session of the Legislature after the date on which the plan is transmitted to each house or at a later date as may be provided by the plan, unless, prior to the end of the 60-calendar-day period, either house of the Legislature adopts by a majority vote of the duly elected and qualified members thereof a resolution, as defined in subdivision (c) of Section 12080.

As used in this section "60 calendar days of continuous session" shall be deemed broken only by an adjournment sine die, but in computing the 60 calendar days for the purposes of this provision days on which either house is not in session because of a recess of more than 10 days to a day certain shall not be included.

SEC. 3. Section 12081.2 of the Government Code is amended to read:

12081.2. If any provision of this act or the application thereof, except Section 12080.5, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act, except Section 12080.5, are severable.

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## CHAPTER 1243

*An act to amend Section 767 of the Education Code, relating to county superintendents of schools.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 767 of the Education Code is amended to read:

767. On the effective date of the amendment to this section adopted at the 1972 Regular Session of the Legislature, or as soon thereafter as practicable, the salaries of the county superintendents of schools shall be computed in the following manner, provided that in no event shall the salary of any county superintendent of schools exceed the salary of the Superintendent of Public Instruction as provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

For each of the eight classes of counties the amount which is the statewide average of teachers' salaries shall be multiplied by the

amount which is the adjustment factor for the particular class of county, as prescribed by this section. The product so obtained shall be the salary of the county superintendent of schools for a county within that class.

The adjustment factor for each of the eight classes of counties is set forth below opposite the class of county:

| | |
|---|---|
| (a) Class one | 3.561 |
| (b) Class two | 3.092 |
| (c) Class three | 2.717 |
| (d) Class four | 2.483 |
| (e) Class five | 2.249 |
| (f) Class six | 2.013 |
| (g) Class seven | 1.732 |
| (h) Class eight | 1.357 |

For the purposes of this section the statewide average of teachers' salaries shall be deemed to be twelve thousand seventy-two dollars ($12,072).

The cost of salaries of any county superintendents of schools required to be paid by this section shall be divided between the state and the respective county as follows: For counties within class one (1) the state shall pay sixty-nine percent (69%) and the county shall pay thirty-one percent (31%); in all counties within class two (2) the state shall pay sixty-nine percent (69%) and the county shall pay thirty-one percent (31%); for counties within class three (3) the state shall pay seventy-one percent (71%) and the county shall pay twenty-nine percent (29%); for counties within class four (4) the state shall pay seventy-two percent (72%) and the county shall pay twenty-eight percent (28%); for counties within class five (5) the state shall pay seventy-four percent (74%) and the county shall pay twenty-six percent (26%); for counties within class six (6) the state shall pay eighty-one percent (81%) and the county shall pay nineteen percent (19%); for counties within class seven (7) the state shall pay eighty-eight percent (88%) and the county shall pay twelve percent (12%); for counties within class eight (8) the state shall pay eighty-three percent (83%) and the county shall pay seventeen percent (17%).

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

## CHAPTER 1244

*An act to amend Section 36512.3 of the Government Code, relating to elections.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 36512.3 of the Government Code is amended to read:

36512.3. No person appointed as a successor to serve during the remainder of a term in which a vacancy occurs shall be designated as an incumbent, a member of the city council, a city councilman, or other designation indicating incumbency, for purposes of the next election for such office; provided, however, that if he has served for at least one year prior to such election, he may use the designation "appointed incumbent."

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## CHAPTER 1245

*An act to amend Section 7162 of the Fish and Game Code, relating to fish, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 7162 of the Fish and Game Code is amended to read:

7162. Any person who is a ward of the state and who is a patient in, and resides in, a state institution or a private home certificated under Section 6726.5 of the Welfare and Institutions Code, or any developmentally disabled person receiving services from a regional center for the developmentally disabled and who is under the age of 21, shall be issued a fishing permit, on application therefor, by the department, in lieu of a fishing license and appropriate stamps, authorizing the taking of any fish and amphibia anywhere in this state for purposes other than profit, free of charge.

Such permit shall be valid only during the period of time such person is a ward of the state and residing in the state institution or licensed family care home or is a recipient of services from the regional center for the developmentally disabled. Certification by the person in charge of the state institution shall be sufficient proof of the person's status as a ward and the period of time of residency in the institution or licensed family care home. Certification by the

person in charge of the regional center for the developmentally disabled shall be sufficient proof of the person's status as a recipient of services from the regional center.

All persons while using such permit shall be accompanied by an adult person except where a representative of the Department of Mental Hygiene or the regional center for the developmentally disabled certifies this requirement is unnecessary in a particular case.

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

In order to enable developmentally disabled persons receiving services from regional centers for the developmentally disabled to receive fishing permits as authorized by the provisions of this act during the current summer season, it is necessary that the provisions of this act go into immediate effect.

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## CHAPTER 1246

*An act to amend Sections 13210 and 13212 of the Health and Safety Code, relating to fire protection.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 13210 of the Health and Safety Code is amended to read:

13210. As used in this chapter:

(a) "Existing high-rise structure" means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.

(b) "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250.

(c) "New high-rise structure" means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

SEC. 2. Section 13212 of the Health and Safety Code is amended to read:

13212. Regulations applicable to new high-rise structures shall be adopted on or before July 1, 1974, and shall become effective July 1, 1974 Such regulations may include, but not be limited to, requirements with respect to the following elements:

(a) Automatic smoke and fire detection systems.

(b) Automatic fire extinguishing systems.

(c) An intrastructure communication system for those engaged in fire suppression activities.

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## CHAPTER 1247

*An act to amend Section 212 of the Public Utilities Code, relating to common carriers.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 212 of the Public Utilities Code is amended to read:

212. "Common carrier" does not include: (a) Any corporation or person owning, controlling, operating, or managing any vessel, by reason of the furnishing of water transportation service between points upon the inland waters of this state or upon the high seas between points within this state for affiliated or parent or subsidiary companies or for the products of other corporations or persons engaged in the same industry, if such water transportation service is furnished in tank vessels or barges specially constructed to hold liquids or fluids in bulk and if such service is not furnished to others not engaged in the same industry.

(b) Any corporation or person who operates any vessel for the transportation of persons for compensation, between points in this state if one terminus of every trip operated by the corporation or person is within the boundaries of a U.S. military reservation and is performed under a contract with an agency of the federal government which specifies the terms of service to be provided; and provided that the corporation or person does not perform any service between termini within this state which are outside of a U.S. military reservation. For the purposes of this subdivision, the conditions of this exemption shall be reviewed by the Public Utilities Commission annually as of the first day of January of each year.

(c) Any corporation or person owning, controlling, operating, or managing any recreational conveyance such as a ski lift, ski tow, J-bar, T-bar, chair lift, aerial tramway, or other such device or equipment used primarily while participating in winter sports activities.

## CHAPTER 1248

*An act to amend Sections 1336, 1360, and 1360.1 of the Financial Code, relating to banks.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 1336 of the Financial Code is amended to read:

1336. A commercial bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except:

(a) Obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust debentures, or other obligations issued by the Federal Financing Bank, the United States Postal Service, federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended; in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended; in consolidated notes, bonds, debentures and other obligations issued by federal land banks, federal intermediate credit banks, and banks for cooperatives under the Farm Credit Act of 1971; in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act; in the bonds of any federal home loan bank established under said act; and in stock, bonds, debentures, participations, and other obligations of or issued by the Student Loan Marketing Association, the Federal National Mortgage Association and the Government National Mortgage Association; and

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest.

SEC. 2. Section 1360 of the Financial Code is amended to read:

1360. In bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, and the Farm Credit Act of 1971, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, and the Farm Credit Act of 1971, in bonds, or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in the bonds of any federal home loan bank established under said act, and in stocks, bonds, debentures, participations, and and other obligations of or issued by the Federal National Mortgage

Association, the Student Loan Marketing Association, and the Government National Mortgage Association.

SEC. 3. Section 1360.1 of the Financial Code is amended to read:

1360.1. In bonds, notes or other obligations issued by the Federal Financing Bank, the United States Postal Service, or issued or assumed by the International Bank for Reconstruction and Development, the Tennessee Valley Authority, the Inter-American Development Bank, the Government Development Bank for Puerto Rico, or the Asian Development Bank.

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## CHAPTER 1249

*An act to amend Section 3701 of the Government Code, relating to financial disclosure.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 3701 of the Government Code as amended by Chaper 48, Statutes of 1974, is amended to read:

3701. (a) Each nonincumbent candidate for an office specified in Section 3700, at the time he files his nomination papers or his declaration of acceptance, shall file a statement containing the information required by Section 3700 for persons holding elective office.

(b) Each person nominated for appointment or appointed to public office designated in subdivision (a) of Section 3700, 10 days or more before he is confirmed or assumes office shall file a statement containing the information required by Section 3700 for persons holding that office.

(c) Notwithstanding the provisions of subdivision (a) and (b), any person or persons appointed to a planning commission whose appointment is necessary to constitute a quorum on such planning commission may file statements or declaration of acceptances required under this section within 10 days subsequent to his appointment to such planning commission.

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## CHAPTER 1250

*An act to amend Section 8352.8 of the Revenue and Taxation Code, and to amend Sections 191, 2400, 2404, and 2406 of the Streets and Highways Code, relating to streets and highways.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 8352.8 of the Revenue and Taxation Code is amended to read:

8352.8. Subject to the provisions of Sections 8352 and 8352.1, during the 1974–75 and 1975–76 fiscal years, there shall be transferred from the Motor Vehicle Fuel Account to the State Highway Account in the State Transportation Fund the amount of five million dollars ($5,000,000) each such fiscal year.

SEC. 2. Section 191 of the Streets and Highways Code is amended to read:

191. Prior to July 15, 1975, and each year thereafter, the department shall prepare and forward to the State Controller a report identifying the amounts to be deducted from the allocations under Sections 2104 and 2107 as provided in Sections 2104.1 and 2107.1. Such amounts shall be a proration of five million dollars ($5,000,000), less the federal subventions for grade separation projects which were included in allocations made pursuant to Chapter 8 (commencing with Section 2400) of Division 3 in the preceding fiscal year in excess of three million dollars ($3,000,000). The proration shall be based on the ratio that grade separation allocations to cities, and grade separation allocations to counties, bears to the total allocations in the preceding fiscal year.

SEC. 3. Section 2400 of the Streets and Highways Code is amended to read:

2400. For purposes of this chapter:

(a) "Grade separation" means the structure which actually separates the vehicular roadway from the railroad tracks.

(b) "Project" means the grade separation and all approaches, ramps, connections, drainage, and other construction required to make the grade separation operable and to effect the separation of grades. Such grade separation project may include provision for separation of nonmotorized traffic from the vehicular roadway and the railroad tracks. If a separation of nonmotorized traffic is not to be included in a project, there shall be an affirmative finding that the separation of nonmotorized traffic is not in the public interest. On any project where there is only one railroad track in existence, the project shall be built so as to provide for expansion to two tracks when the Director of Transportation determines that the project is on an existing or potential major railroad passenger corridor. Such project may consist of:

(1) The alteration or reconstruction of existing grade separations.

(2) The construction of new grade separations to eliminate existing or proposed grade crossings.

(3) The removal or relocation of highways or railroad tracks to eliminate existing grade crossings.

(c) "Highway" means city street, a county highway, or a state highway which is not a freeway as defined in Section 257.

(d) "Railroad" means a railroad corporation.

SEC. 4. Section 2404 of the Streets and Highways Code is amended to read:

2404. Allocations made pursuant to Section 2403 shall be made on the basis of the following:

(a) An allocation of 80 percent of the estimated cost of the project shall be made; except that whenever contributions from other sources exceed 20 percent of the estimated cost, the allocation shall be reduced by the amount in excess of 20 percent of the estimated cost.

(b) An allocation of 50 percent of the estimated cost of the project shall be made for a proposed crossing.

(c) No allocation shall be made in excess of 50 percent of the estimated cost of the project unless the grade crossing to be eliminated has been in existence for at least 10 years prior to the date of allocation.

(d) On projects which eliminate an existing crossing, or alter or reconstruct an existing grade separation, no allocation shall be made unless the railroad agrees to contribute 10 percent of the cost of the project.

(e) Where a project does not include a grade separation, but eliminates existing grade crossing or crossings, the allocation shall not exceed the estimated allocation that would have been made for the grade separation which is no longer needed because of the elimination of the grade crossing by the project and which are indicated on the priority list to be urgently in need of grade separation.

(f) Where the project includes the separation of a highway and a railroad passenger service operated by a city or county, the operating agency shall contribute 20 percent of the cost of the project. The priority listing for such projects shall be in accordance with criteria established for such railroad passenger service by the Public Utilities Commission.

Notwithstanding any of the above provisions of this section or any other provision of law, when the state or local agency uses funds derived from federal sources in financing its share of project costs, the railroad contribution, where required by federal law or regulation, shall be computed pursuant to federal law. However, the allocation made pursuant to this chapter shall be computed as though such matching contribution was derived from nonfederal sources and shall be computed as though the railroad had made its contribution pursuant to state law rather than pursuant to federal law. Provided however, that where the contribution of the railroad is computed according to federal law or regulation because of the use of federal funds in the allocation for a project, the allocation shall be increased by the amount the share of the railroad is reduced below 10 percent of the estimated cost of the project.

SEC. 5. Section 2406 of the Streets and Highways Code is amended to read:

2406. An allocation for construction costs, including

preconstruction costs if not already allocated, shall be made to a local agency only if it furnishes evidence satisfactory to the department that all necessary orders of the Public Utilities Commission have been executed, that sufficient local funds will be made available as the work of the project progresses, that all necessary agreements with affected railroad or railroads have been executed that, if required, all environmental impact reports have been prepared and approvals obtained, and that all other matters prerequisite to the award of the construction contract can be accomplished within one year after the allocation. Local funds shall be deemed available to the amount of any general obligation bonds authorized but unsold if it is determined that such bonds may be issued and sold by the local agency at any time.

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## CHAPTER 1251

*An act to amend Sections 683, 690.50, and 690.52 of, and to add Sections 682b and 690.235 to, the Code of Civil Procedure, relating to homesteads.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 682b is added to the Code of Civil Procedure, to read:

682b. (a) Each application for a writ of execution against real property containing a dwelling house, shall be accompanied by the following notice:

"IMPORTANT NOTICE TO THE HOMEOWNER

1. You may be able to protect the real property described in the Notice of Levy from execution and forced sale if you or your family are now residing on the property.

2. If you or your spouse wish to prevent the forced sale of this property, a claim of exemption must be filed as required by Section 690.50 of the Code of Civil Procedure within twenty (20) days from the date of service of this notice.

3. For your own protection you should seek the advice of an attorney in this matter, and you should do so promptly so that your claim of exemption may be filed within twenty (20) days of the date of the service of this notice."

(b) No writ of execution shall issue on this real property unless accompanied by the notice provided for in subdivision (a).

(c) Whenever a writ of execution against real property containing

a dwelling house is served upon a judgment debtor, it shall be accompanied by the notice set forth in subdivision (a).

SEC. 2. Section 683 of the Code of Civil Procedure is amended to read:

683. The execution may be made returnable, at any time not less than 10 nor more than 60 days after its receipt by the officer to whom it is directed, or, if the execution is upon the earnings of the judgment debtor, upon the termination of the levy of execution as provided in Section 682.3, to the court in which the judgment is entered. When the execution is returned, the clerk must attach it to the judgment roll, or the judge must make the proper entry in the docket.

If an execution is returned unsatisfied, another may be afterward issued within the time specified in this code.

If property either personal or real be levied upon under such writ of execution but the sale thereunder be postponed beyond or not held within the return date after it is received by the officer to whom it was delivered and which has been returned to the clerk of the court in which the judgment is entered, upon request of the person in whose favor the writ runs the court may direct the clerk to redeliver said execution to the officer to whom it was directed in order to permit the officer to make an alias return of the proceedings of the sale or levy thereon as in the case of an original return of execution.

Whenever a writ of execution issued against real property containing a dwelling house has been returned, proof that notice required by Section 682b has been served shall be indicated on the writ, or separately and attached to the writ.

SEC. 2.5. Section 690.235 is added to the Code of Civil Procedure, to read:

690.235. (a) A dwelling house in which the debtor, or the family of the debtor actually resides, to the same extent and in the same amount, except as otherwise provided in this section, as the debtor or the spouse of the debtor would be entitled to select as a homestead pursuant to Title 5 (commencing with Section 1237) of Part 4 of Division 2 of the Civil Code; provided that neither such debtor nor the spouse of such debtor has an existing declared homestead on any property in this state.

(b) The exemption provided in subdivision (a) shall not apply to a judgment or an abstract thereof which has been recorded prior to the acquisition of the property by the debtor or the spouse of the debtor or the commencement of residence, whichever last occurs.

(c) Property which would otherwise be exempt under subdivision (a) is subject to execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanics, contractors, subcontractors, artisans, architects, builders, laborers of every class, materialmen's or vendors' liens upon the premises.

(2) On debts secured by encumbrances on the premises executed and acknowledged by husband and wife, by a claimant of a married

person's separate homestead, or by an unmarried claimant.

(3) On debts secured by encumbrances on the premises, executed and recorded prior to or in connection with the acquisition of the property by the debtor or the spouse of the debtor.

(d) In the event of an execution sale, the proceeds of the sale shall be applied in the following order or priority: first, to the discharge of all liens and encumbrances, if any, on the property; second, to the debtor in the amount of the exemption provided by this section; third, to the satisfaction of the execution; and fourth, to the debtor.

(e) That portion of the proceeds from any sale of property which is exempt under this section, which portion represents the amount of such exemption, shall be exempt for a period of six months from the date of receipt of such proceeds.

SEC. 3. Section 690.50 of the Code of Civil Procedure is amended to read:

690.50. (a) If the property mentioned in Section 690.1 to 690.29, inclusive, shall be levied upon under writ of attachment or execution, the defendant or judgment debtor (herein referred to as "the debtor"), in order to avail himself of his exemption rights as to such property, shall within 20 days, in the case of real property described in Section 690.235, and 10 days, in the case of all other property, from the date such property was levied upon deliver to the levying officer an affidavit of himself or his agent, together with a copy thereof, alleging that the property levied upon, identifying it, is exempt, specifying the section or sections of this code on which he relies for his claim to exemption, and all facts necessary to support his claim, and also stating therein his address within this state for the purpose of permitting service by mail upon him of the counteraffidavit and any notice of the motion herein provided. For purposes of this section, if the property levied upon consists of the earnings of a judgment debtor, each date that earnings are withheld from the judgment debtor shall be deemed to be the date such earnings were levied upon. A judgment debtor shall have the right to file a separate claim of exemption each time that a withholding of earnings occurs, provided, that if a prior claim of exemption has been adjudicated under the same levy, that each separate claim of exemption thereafter be supported by a statement under oath alleging the changed circumstances which support the new claim of exemption. If a claim of exemption be allowed, the judgment creditor shall have the right, at any time during the effective period of the claim of exemption, to move the court for consideration of the claim previously granted on the grounds of a material change of circumstances affecting the debtor's exemption rights. If the judgment creditor does make such a motion, he must support his motion by a statement under oath alleging the changed circumstances which support his motion for consideration.

(b) Forthwith upon receiving the affidavit of exemption, the levying officer shall serve upon the plaintiff or the person in whose favor the writ runs (herein referred to as "the creditor"), either

personally or by mail, a copy of the affidavit of exemption, together with a writing, signed by the levying officer, stating that the claim to exemption has been received and that the officer will release the property unless he receives from the creditor a counteraffidavit within 10 days after service of such writing, in the case of real property described in Section 690.235, and within five days after service of such writing, in all other cases.

(c) If the creditor desires to contest the claim to exemption, he shall, within such period of 10 days, in the case of real property described in Section 690.235, and five days, in all other cases, file with the levying officer a counteraffidavit alleging that the property is not exempt within the meaning of the section or sections of this code relied upon, or if the claim to exemption be based on Sections 690.2, 690.3, 690.4, 690.6, alleging that the value of the property claimed to be exempt is in excess of the value stated in the applicable section or sections, together with proof of service of a copy of such counteraffidavit upon the debtor.

(d) If no such counteraffidavit, with such proof of service, is so filed with the levying officer within the time allowed, the officer shall forthwith release the property.

(e) If such counteraffidavit, with such proof of service, is so filed, either the creditor or the debtor shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the claim to exemption, the priority or division of payment between one or more creditors from nonexempt earnings under the provisions of Section 690.6 or the value of the property claimed to be exempt. Such hearing shall be granted by the court upon motion of either party made within five days after the counteraffidavit is filed with the levying officer, and such hearing must be had within 15 days from the date of the making of such motion unless continued by the court for good cause. The party making the motion for hearing shall give not less than five days' notice in writing of such hearing to the levying officer and to the other party, and specify therein that the hearing is for the purpose of determining the claim to exemption. The notice may be of motion or of hearing and upon the filing of the notice with the clerk of the court, the motion is deemed made.

(f) If neither party makes such motion within the time allowed, or if the levying officer shall not have been served with a copy of the notice of hearing within 10 days after the filing of the counteraffidavit, the levying officer shall forthwith release the property to the debtor.

(g) At any time while the proceedings are pending, upon motion of either party or upon its own motion, the court may (1) order the sale of any perishable property held by such officer and direct disposition of the proceeds of such sale, and (2) make such other orders as may be proper under the particular circumstances of the case. Any orders so made may be modified or vacated by the court or judge granting the same, or by the court in which the proceedings

are pending, at any time during the pendency of the proceedings, upon such terms as may be just.

(h) The levying officer in all cases shall retain physical possession of the property levied upon if it is capable of physical possession, or in the case of property not capable of physical possession, the levy shall remain in full force and effect, pending the final determination of the claim to exemption. However, no sale under execution shall be had prior to such final determination unless an order of the court hearing the claim for exemption shall so provide.

(i) At such hearing, the party claiming the exemption shall have the burden of proof. The affidavits and counteraffidavits shall be filed by the levying officer with the court and shall constitute the pleadings, subject to the power of the court to permit an amendment in the interests of justice. The affidavit of exemption shall be deemed controverted by the counteraffidavit and both shall be received in evidence. Nothing herein shall be construed to deprive anyone of the right to a jury trial in any case where, by the Constitution, such right is given, but a jury trial may be waived in any such case in like manner as in the trial of an action. No findings shall be required in a proceeding under this section. When the hearing is before the court sitting without a jury, and no evidence other than the affidavit and counteraffidavit is offered, the court, if satisfied that sufficient facts are shown thereby, may make its determination thereon. Otherwise, it shall order the hearing continued for the production of other evidence, oral or documentary, or the filing of other affidavits and counteraffidavits. At the conclusion of the hearing, the court shall give judgment determining whether the claim to exemption shall be allowed or not, in whole or in part, and may give judgment determining the priority or division of payment between one or more creditors from nonexempt earnings under the provisions of Section 690.6, which judgment shall be determinative as to the right of the creditor to have the property taken and held by the officer or to subject the property to payment or other satisfaction of his judgment. In such judgment the court shall make all proper orders for the disposition of such property or the proceeds thereof.

(j) A copy of any judgment entered in the trial court shall be forthwith transmitted by the clerk to the levying officer in order to permit such officer to either release the property attached or to continue to hold it to sell it, in accordance with the provisions of the writ previously delivered to him. Such officer, unless an appeal from the judgment is waived, or the judgment has otherwise become final, shall continue to hold such property under attachment or execution, continuing the sale of any property held under execution until such judgment becomes final. However, if a claim to exemption under Section 690.6 is allowed by such judgment, the debtor shall be entitled to a release of the earnings so exempted at the expiration of three days, unless otherwise ordered by the court, or unless the levying officer shall have been served with a copy of a notice of appeal from the judgment.

(k) When any documents required hereunder are served by mail, the provisions of this code relating to service by mail shall be applicable thereto.

(*l*) Whenever the time allowed for an act to be done hereunder is extended by the court, written notice thereof shall be given promptly to the opposing party, unless such notice be waived, and to the levying officer.

(m) An appeal lies from any judgment under this section. Such appeal to be taken in the manner provided for appeals in the court in which the proceeding is had.

SEC. 4. Section 690.50 of the Code of Civil Procedure is amended to read:

690.50. (a) If the property mentioned in Sections 690.1 to 690.29, inclusive, shall be levied upon under writ of attachment or execution, the defendant or judgment debtor (herein referred to as "the debtor"), in order to avail himself of his exemption rights as to such property, shall within 20 days, in the cases of real property described in Section 690.235 and 10 days, in the case of all other property, from the date such property was levied upon deliver to the levying officer an affidavit of himself or his agent, together with a copy thereof, alleging that the property levied upon, identifying it, is exempt, specifying the section or sections of this code on which he relies for his claim to exemption, and all facts necessary to support his claim, and also stating therein his address within this state for the purpose of permitting service by mail upon him of the counteraffidavit and any notice of the motion herein provided.

(b) Forthwith upon receiving the affidavit of exemption, the levying officer shall serve upon the plaintiff or the person in whose favor the writ runs (herein referred to as "the creditor"), either personally or by mail, a copy of the affidavit of exemption, together with a writing, signed by the levying officer, stating that the claim to exemption has been received and that the officer will release the property unless he receives from the creditor a counteraffidavit within 10 days after service of such writing, in the case of real property described in Section 690.235, and within five days after service of such writing, in all other cases.

(c) If the creditor desires to contest the claim to exemption, he shall, within such period of 10 days, in the case of real property described in Section 690.235, and five days, in all other cases, file with the levying officer a counteraffidavit alleging that the property is not exempt within the meaning of the section or sections of this code relied upon, or if the claim to exemption be based on Sections 690.2, 690.3, 690.4, 690.8a, or 690.235 alleging that the value of the property claimed to be exempt is in excess of the value stated in the applicable section or sections, together with proof of service of a copy of such conteraffidavit upon the debtor.

(d) If no such counteraffidavit, with such proof of service, is so filed with the levying officer within the time allowed, the officer shall forthwith release the property.

(e) If such counteraffidavit, with such proof of service, is so filed, either the creditor or the debtor shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the claim to exemption or the value of the property claimed to be exempt. Such hearing shall be granted by the court upon motion of either party made within five days after the counteraffidavit is filed with the levying officer, and such hearing must be had within 15 days from the date of the making of such motion unless continued by the court for good cause. The party making the motion for hearing shall give not less than five days' notice in writing of such hearing to the levying officer and to the other party, and specify therein that the hearing is for the purpose of determining the claim to exemption. The notice may be of motion or of hearing and upon the filing of the notice with the clerk of court, the motion is deemed made.

(f) If neither party makes such motion within the time allowed, or if the levying officer shall not have been served with a copy of the notice of hearing within 10 days after the filing of the counteraffidavit, the levying officer shall forthwith release the property to the debtor.

(g) At any time while the proceedings are pending, upon motion of either party or upon its own motion, the court may (1) order the sale of any perishable property held by such officer and direct disposition of the proceeds of such sale, and (2) make such other orders as may be proper under the particular circumstances of the case. Any orders so made may be modified or vacated by the court or judge granting the same, or by the court in which the proceedings are pending, at any time during the pendency of the proceedings, upon such terms as may be just.

(h) The levying officer in all cases shall retain physical possession of the property levied upon if it is capable of physical possession, or in the case of property not capable of physical possession, the levy shall remain in full force and effect, pending the final determination of the claim to exemption. However, no sale under execution shall be had prior to such final determination unless an order of the court hearing the claim for exemption shall so provide.

(i) At such hearing, the party claiming the exemption shall have the burden of proof. The affidavits and counteraffidavits shall be filed by the levying officer with the court and shall constitute the pleadings, subject to the power of the court to permit an amendment in the interests of justice. The affidavit of exemption shall be deemed controverted by the counteraffidavit and both shall be received in evidence. Nothing herein shall be construed to deprive anyone of the right to a jury trial in any case where, by the Constitution, such right is given, but a jury trial may be waived in any such case in like manner as in the trial of an action. No findings shall be required in a proceeding under this section. When the hearing is before the court sitting without a jury, and no evidence other than the affidavit and counteraffidavit is offered, the court, if satisfied that sufficient

facts are shown thereby, may make its determination thereon. Otherwise, it shall order the hearing continued for the production of other evidence, oral or documentary, or the filing of other affidavits and counteraffidavits. At the conclusion of the hearing, the court shall give judgment determining whether the claim to exemption shall be allowed or not, in whole or in part, which judgment shall be determinative as to the right of the creditor to have the property taken and held by the officer or to subject the property to payment or other satisfaction of his judgment. In such judgment the court shall make all proper orders for the disposition of such property or the proceeds thereof.

(j) A copy of any judgment entered in the trial court shall be forthwith transmitted by the clerk to the levying officer in order to permit such officer to either release the property attached or to continue to hold it to sell it, in accordance with the provisions of the writ previously delivered to him. Such officer, unless an appeal from the judgment is waived, or the judgment has otherwise become final, shall continue to hold such property under attachment or execution, continuing the sale of any property held under execution until such judgment becomes final. However, if a claim to exemption under Section 690.8a is allowed by such judgment, the debtor shall be entitled to a release of the earnings so exempted at the expiration of three days, unless otherwise ordered by the court, or unless the levying officer shall have been served with a copy of a notice of appeal from the judgment.

(k) When any documents required hereunder are served by mail, the provisions of this code relating to service by mail shall be applicable thereto.

(*l*) Whenever the time allowed for an act to be done hereunder is extended by the court, written notice thereof shall be given promptly to the opposing party, unless such notice be waived, and to the levying officer.

(m) An appeal lies from any judgment under this section. Such appeal to be taken in the manner provided for appeals in the court in which the proceeding is had.

SEC. 5. Section 690.52 of the Code of Civil Procedure is amended to read:

690.52. Except as provided in Section 690.235, no article, however, or species of property, mentioned in Section 690.1 to 690.29, inclusive, of this code is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

SEC. 6. Nothing in this act shall be construed to alter, change, or modify the rights of any lienholder or encumbrancer vested prior to the operative date of this act.

SEC. 7. It is the intent of the Legislature, if this bill and Assembly Bill No. 101 are both chaptered and become effective January 1, 1975, both bills amend Section 690.50 of the Code of Civil Procedure, and this bill is chaptered after Assemby Bill No. 101, that Section 690.50

of the Code of Civil Procedure, as amended by Section 3 of this act shall remain operative only until the operative date of Assembly Bill No. 101, and that on the operative date of Assembly Bill No. 101 Section 690.50 of the Code of Civil Procedure as amended by Section 3 of this act be further amended in the form set forth in Section 4 of this act to incorporate the changes in Section 690.50 proposed by Assembly Bill No. 101. Therefore, Section 4 of this act shall become operative only if this bill and Assembly Bill No. 101 are both chaptered and become effective January 1, 1975, both bills amend Section 690.50, and this bill is chaptered after Assembly Bill No. 101, in which case Section 4 of this act shall become operative on the operative date of Assembly Bill No. 101.

SEC. 8. This act shall become operative on July 1, 1975.

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## CHAPTER 1252

*An act to add Section 1747.81 to the Civil Code, relating to credit cards.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 1747.81 is added to the Civil Code, to read:

1747.81. (a) If a card issuer has determined in the normal course of business that it will issue a card to a married woman, the card shall be issued bearing either the maiden name or married name of the woman, as the woman may direct.

(b) Card issuers may require that a married woman requesting a card in her maiden name open a new account in that name.

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## CHAPTER 1253

*An act to repeal and add Chapter 8 (commencing with Section 6650) to Part 1 of Division 5 of the Labor Code, relating to civil penalties.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Chapter 8 (commencing with Section 6650) of Part 1 of Division 5 of the Labor Code is repealed.

SEC. 2. Chapter 8 (commencing with Section 6650) is added to Part 1 of Division 5 of the Labor Code, to read:

CHAPTER 8. ENFORCEMENT OF CIVIL PENALTIES

6650. After the exhaustion of the review procedures provided for in Chapter 7 (commencing with Section 6600) of this part, the director may apply to the appropriate superior court for an order directing payment of a civil penalty. The application, which shall include a certified copy of the notice of civil penalty or the decision of the appeals board, shall constitute a sufficient showing to warrant the issuance of the order in the discretion of the court.

6651. No fees shall be charged by the clerk of any court for the performance of any official service required by this chapter.

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## CHAPTER 1254

*An act to amend Section 11126 of the Government Code and Section 306 of the Public Utilities Code, relating to meetings.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 11126 of the Government Code is amended to read:

11126. Nothing contained in this article shall be construed to prevent a state agency from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. As a condition to holding an executive session on the complaints or charges to consider disciplinary action or to consider dismissal such officer or employee shall be given written notice of his right to have a public hearing rather than an executive session, which notice shall be delivered to him personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any officer or employee at such executive session shall be null and void. The state agency also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the state agency. Following the public hearing or executive session the agency may deliberate on the decision to be reached in an executive session.

Nothing in this article shall be construed to prevent state agencies, which administer the licensing of persons engaging in businesses or professions, from holding executive sessions to prepare, approve, grade or administer examinations.

Nothing in this article shall be construed to prohibit a state agency from holding an executive session to deliberate on a decision to be reached based upon evidence introduced in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code or similar provision of law.

Nothing in this article shall be construed to prevent any state agency from holding an executive session to consider matters affecting the national security.

Nothing in this article shall be construed to grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state agency from holding an executive session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

Nothing in this article shall be construed to prevent any executive session to consider the conferring of honorary degrees, or gifts, donations and bequests which the donor or proposed donor has requested in writing to be kept confidential.

Nothing in this article shall be construed to prevent the Alcoholic Beverage Control Appeals Board from holding an executive session for the purpose of holding a deliberative conference as provided in Section 11125 of the Government Code.

Nothing in this article shall be construed to prevent the Trustees of the California State Colleges from holding executive sessions dealing with site selection for such state colleges.

Nothing in this article shall be construed to prevent the Franchise Tax Board from holding executive sessions for the purpose of discussion of confidential tax returns or data the public disclosure of which is prohibited by law.

Nothing in this article shall be construed to prevent the Board of Corrections from holding executive sessions when considering reports of crime conditions under the provisions of Section 6027 of the Penal Code.

Nothing in this article shall be construed to prevent the State Air Resources Board from holding executive sessions when considering the proprietary specifications and performance data of manufacturers.

Nothing in this article shall be construed to prevent the Board of Administration of the Public Employees Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the Teachers' Retirement Board of the State Teachers' Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the governing body of a public agency, or such boards, commissions, administrative officers, or other representatives as may properly be designated by

law or by such governing body, from holding executive sessions with its representatives at any time in discharging its responsibilities under Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of this code as such sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits.

Notwithstanding any other provision of law, any meeting of the Public Utilities Commission at which the rates of entities under the commission's jurisdiction are changed shall be open and public.

Nothing in this article shall be construed to prevent the Public Utilities Commission from holding executive sessions to deliberate on the institution of proceedings or litigation.

SEC. 2. Section 306 of the Public Utilities Code is amended to read:

306. The office of the commission shall be in the City and County of San Francisco. The office shall always be open, legal holidays and nonjudicial days excepted. The commission shall hold its sessions at least once in each calendar month in the City and County of San Francisco. The commission may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties, and for that purpose may rent quarters or offices.

The commission shall conduct its meetings in accordance with the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

The commission shall have a seal, bearing the inscription "Public Utilities Commission State of California." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct.

The commission may procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus, and appliances.

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## CHAPTER 1255

*An act to amend Section 99234 of the Public Utilities Code, relating to local transportation funds.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 99234 of the Public Utilities Code is amended to read:

99234. (a) After allocations for the purposes specified in subdivisions (a), (b), and (c) of Section 99233, 2 percent of the remaining moneys shall be made available to cities and counties for facilities provided for the exclusive use by pedestrians and bicycles, unless the transportation planning agency finds that such moneys

could be used to better advantage for the purposes stated in Article 4 (commencing with Section 99260) of this chapter, or for local street and road purposes in those areas where such moneys may be expended for such purposes, in the development of a balanced transportation system.

(b) Claims for such facilities shall be filed in the same manner as are claims filed for the purposes of subdivision (a) of Section 99400.

(c) Such moneys shall be allocated for the construction of such facilities pursuant to a priority list of such facilities prepared by the transportation planning agency for the area within its jurisdiction.

(d) Such moneys may be allocated without respect to Section 99231 and shall not be included in determining the apportionments to a city or county for purposes of subdivisions (e) and (f) of Section 99233.

(e) The transportation planning agency shall review its allocations made pursuant to subdivision (a) of this section within 30 days after receiving a request for such review from any city or county in the area within the jurisdiction of the transportation planning agency.

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## CHAPTER 1256

*An act to amend Sections 1156 and 1207 of, to amend and renumber the heading of Chapter 4 (commencing with Section 1200) of Division 5 of, to add Chapter 3 (commencing with Section 1160), Chapter 4 (commencing with Section 1170), and Chapter 5 (commencing with Section 1190) to Division 5 of, to repeal and add Chapter 1 (commencing with Section 1100) of Division 5 of, to repeal Chapter 3 (commencing with Section 1190) of Division 5 of, and to repeal Sections 1160, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1170.5, 1171, 1172, 1173, 1174, 1175, 1176, and 1177 of, the Harbors and Navigation Code, relating to pilots for San Francisco, San Pablo, and Suisun Bays.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Chapter 1 (commencing with Section 1100) of Division 5 of the Harbors and Navigation Code is repealed.

SEC. 2. Chapter 1 (commencing with Section 1100) is added to Division 5 of the Harbors and Navigation Code, to read:

## CHAPTER 1. BAR PILOTS

### Article 1. Legislative Policy and Findings

1100. The Legislature finds and declares that it is the policy of the state to ensure the safety of persons, vessels, and property using the Bays of San Francisco, San Pablo, and Suisun, and the tributaries thereof, and to avoid damage to such waters and surrounding ecosystems as a result of vessel collision or damage, by providing competent, efficient, and regulated pilotage for vessels required by this division to secure pilotage services.

1101. The Legislature further finds and declares:

(a) The maritime industry is necessary for the continued economic well-being and cultural development of all California citizens.

(b) The Bays of San Francisco, San Pablo, and Suisun, and the tributaries thereof, provide a vital transportation route for the maritime industry.

(c) The increase in vessel size and traffic, and the increase in cargoes carried in bulk, particularly oil and gas, create substantial hazards to the life, property, and values associated with the environment of such waters.

(d) The federal government has long adopted the policy of providing minimum standards which assure port and waterways safety while at the same time encouraging state control over pilot qualifications and licensing.

(e) A program of pilot regulation and licensing is necessary in order to ascertain and guarantee the qualifications, fitness, and reliability of qualified personnel who can provide safe pilotage of vessels entering and using the Bays of San Francisco, San Pablo, and Suisun.

(f) The need to assure safe and pollution-free waterborne commerce requires that pilotage services be employed in the confined and crowded waters of such bays.

(g) Bar pilotage in the Bays of San Francisco, San Pablo, and Suisun has continuously been regulated by a single-purpose state board since 1850, and such regulation and licensing should be continued.

### Article 2. Application

1105. The provisions of this division are applicable to bar pilots for San Francisco, Suisun, and San Pablo Bays.

1106. No fine or other penalty authorized by the provisions of this division, nor any revocation or suspension of a pilot license or commission except as provided in Section 1180, may be imposed by the board without a full and open prior public hearing on the matter.

1107. If any provision of this division or the application thereof to any person or circumstance is held invalid, the validity of the

remainder of the provisions of this division and their application to other persons or circumstances shall not be affected.

### Article 3. Definitions

1110. "Board" means the Board of Pilot Commissioners for San Francisco, San Pablo, and Suisun Bays.

1111. "Committee" means the Pilotage Rate Committee for San Francisco, San Pablo, and Suisun Bays.

1112. "Pilot" means any person licensed under the authority of this division to pilot vessels. This term shall include persons licensed as pilots for the Bays of San Francisco, San Pablo, and Suisun prior to January 1, 1975.

1113. "Plan" or "pension" or "pension plan" means the San Francisco Bar Pilot pension plan established pursuant to Chapter 3 (commencing with Section 1160) of this division.

1114. "Vessel" means all vessels not exempted under provisions of this division.

### Article 4. Liability of Persons Using Pilot Services

1120. All vessels, their tackle, apparel, furniture, and other appurtenances, and their owners, masters, and agents are jointly and severally liable for pilotage fees.

1121. If any pilot, in endeavoring to assist or relieve any vessel in distress, suffers loss or damage to his pilot vessel, or to its sails, tackle, rigging, or other appurtenances, the master, owner, or consignee of the distressed vessel shall pay for such loss or damage in an amount to be determined by the board.

1122. (a) A pilot carried to sea against his will, or unnecessarily detained on board a vessel when a pilot vessel is in attendance to receive him, shall receive one hundred dollars ($100) per day while so carried to sea or detained, plus reimbursement for any expenses incurred by him in returning to the pilot station.

(b) The master or owner of the detaining vessel shall pay to the pilot so detained such amount as is determined in accordance with subdivision (a).

(c) The total amount to which a detained pilot is entitled shall not exceed one thousand dollars ($1,000).

### Article 5. Exclusive Rights of Pilotage

1125. (a) Pilots licensed by the board have exclusive authority to pilot vessels from the high seas to the Bays of San Francisco, San Pablo, and Suisun and the ports thereof, and from those bays and ports to the high seas. They may also pilot vessels between and within the ports of those bays, but such interior pilotage is not compulsory, nor is such interior pilotage prohibited to persons not licensed by the board.

(b) For the purpose of this section, "high seas" includes the Pacific Ocean and all the navigable waters of the Golden Gate, westerly of a straight line drawn between Anita Rock and Yellow Bluff.

(c) For the purposes of this division, the Bays of San Francisco, San Pablo, and Suisun shall include the water areas from the south end of San Francisco Bay to the Golden Gate and to the Sacramento River line (Simmons Point Stake Point in Suisun Bay).

1126. Every person not its master or owner, and not holding a commission or license as a pilot, who pilots any vessel into or out of any harbor or port of the Bays of San Francisco, San Pablo, and Suisun, except to another port within such bays or their tributaries, is guilty of a misdemeanor, and he shall pay to the pilot entitled to pilot the vessel the amount of pilotage or towage collected.

### Article 6. Exempt Vessels and Vessels Liable for Pilotage

1127. Every vessel sailing under an enrollment, and licensed and engaged in the coasting trade between any port of the Bays of San Francisco, San Pablo, and Suisun and any other port of the United States, is exempt from all pilotage charges unless a pilot is actually employed. Every foreign vessel and every vessel bound to or from a foreign port, and every vessel sailing under a register between any port of the Bays of San Francisco, San Pablo, and Suisun and any other port of the United States, except between ports of these bays or the rivers tributary to them, is liable for pilotage.

1128. Any vessel in tow of a tug or being assisted by a tug within the Bays of San Francisco, San Pablo, or Suisun, or between or within their ports, is exempt from all charge for bay pilotage unless a pilot is actually employed.

### Article 7. Duties of Pilots

1130. (a) Before he can pilot a vessel, every pilot shall execute an official bond in the sum of five thousand dollars ($5,000), to be approved by the board. The bonds of pilots appointed by the board shall be filed with the board.

(b) For every violation of the provisions of this division, or of rules and regulations promulgated pursuant to such provisions, a pilot shall incur a liability on his official bond, to the party aggrieved, to the amount of the damages sustained.

1131. Pilots shall at all times keep, for their exclusive use, vessels of such description and condition as the board may direct.

1132. Every pilot in charge of a vessel arriving in the bays or ports of San Francisco, San Pablo, or Suisun, shall safely moor the vessel in place and position as directed by the master of the vessel, consistent with safe navigation and not contrary to law.

1133. Every pilot in charge of a vessel leaving any of these bays

or ports shall pilot it from its point of departure to a point beyond the San Francisco Bar.

1134. A pilot shall prevent all persons, except officers of the state or federal governments, owners or consignees of the vessel or cargo, or persons admitted with the express authority of the master, from boarding the vessel until it has been safely moored.

1135. To enforce the provisions of Section 1134 and other police regulations for the harbor or port, every pilot in charge of a vessel entering the Bay of San Francisco from the high seas may arrest anyone who, in opposition to the master's or pilot's orders, persists in boarding the vessel, or who, having boarded it, refuses to leave on the command of the master or pilot. Whenever a person is so arrested, he shall be immediately brought before the court or admitted to bail, as provided by law.

1136. Every pilot licensed pursuant to the terms of this division shall take an oath of office in the manner prescribed by law and shall, once each month, on forms furnished by the board, render a verified account to the board of all moneys received by him as a result of pilotage services, or by any other person for him, or on his account, and he shall pay to the board 5 percent of all bar pilotage fees, or such lesser percentage as is established by the board, with the approval of the Department of Finance, in full compensation of the board for its official services, for the services of its secretary and treasurer, and for all its incidental expenses.

1137. The account shall show:

(a) The name of each vessel piloted.

(b) The name of the vessel's master.

(c) The name of each vessel for which pilotage has been charged or collected.

(d) The amount charged to or collected from each.

(e) Any rebates made and allowed and for what amounts.

(f) Where the vessel is registered.

(g) The depth of each vessel's draft and its highest gross tonnage.

(h) Whether the vessel was inward or outward bound.

(i) Whether the amount so received, collected, or charged is for full pilotage or half pilotage.

The secretary of the board shall record the accounts in full detail in a book prepared for that purpose. The account book shall be a public record.

1138. (a) When cruising offshore or standing out to sea, pilots shall go to the vessel nearest to shore or in the most distress, or incur a penalty of one hundred dollars ($100). For each refusal by a pilot to board a vessel when required, a penalty of one hundred dollars ($100) shall be incurred.

(b) A pilot may be suspended or expelled by the board for a violation of subdivision (a).

1139. (a) Every pilot boarding a vessel shall exhibit his commission or license as pilot when requested by the master of such vessel.

(b) The board may suspend or revoke the commission or license of a pilot for refusal to exhibit such commission or license upon proper request, and it may impose a liability of fifty dollars ($50) on the bond of such pilot.

## Article 8. Preferences

1140. When two or more pilots offer their services to any vessel inward bound, the pilot first offering, or one connected with his boat, has preference, and if the services of another are accepted, the vessel, its appurtenances, and its master and owner are jointly and severally liable to the pilot entitled to preference for the minimum amount of pilotage he would have been entitled to had his services been accepted.

1141. Any pilot, or one connected with his boat, bringing a vessel into the harbor of San Francisco is entitled to take the vessel to sea again when it next departs if the pilot and those connected with his vessel have not in the meantime become in any manner disqualified or incapacitated. If the master disregards this preference, the vessel, master, and owner are liable to the pilot entitled to the preference for one-half the amount to which he would be entitled if his services had been accepted.

SEC. 2.5. Section 1156 of the Harbors and Navigation Code is amended to read:

1156. The board may appoint, fix the compensation of, and from time to time adjust the compensation of, a secretary and such other employees as may be necessary.

SEC. 3. Section 1160 of the Harbors and Navigation Code is repealed.

SEC. 4. Section 1162 of the Harbors and Navigation Code is repealed.

SEC. 5. Section 1163 of the Harbors and Navigation Code is repealed.

SEC. 6. Section 1164 of the Harbors and Navigation Code is repealed.

SEC. 7. Section 1165 of the Harbors and Navigation Code is repealed.

SEC. 8. Section 1166 of the Harbors and Navigation Code is repealed.

SEC. 9. Section 1167 of the Harbors and Navigation Code is repealed.

SEC. 10. Section 1168 of the Harbors and Navigation Code is repealed.

SEC. 11. Section 1169 of the Harbors and Navigation Code is repealed.

SEC. 12. Section 1170 of the Harbors and Navigation Code is repealed.

SEC. 13. Section 1170.5 of the Harbors and Navigation Code is repealed.

SEC. 14. Section 1171 of the Harbors and Navigation Code is repealed.

SEC. 15. Section 1172 of the Harbors and Navigation Code is repealed.

SEC. 16. Section 1173 of the Harbors and Navigation Code is repealed.

SEC. 17. Section 1174 of the Harbors and Navigation Code is repealed.

SEC. 18. Section 1175 of the Harbors and Navigation Code is repealed.

SEC. 19. Section 1176 of the Harbors and Navigation Code is repealed.

SEC. 20. Section 1177 of the Harbors and Navigation Code is repealed.

SEC. 21. Chapter 3 (commencing with Section 1190) of Division 5 of the Harbors and Navigation Code is repealed.

SEC. 21.5. Chapter 3 (commencing with Section 1160) is added to Division 5 of the Harbors and Navigation Code, to read:

## CHAPTER 3. PENSION PLAN

1160. There is hereby established a San Francisco Bar Pilot pension plan.

1161. All amounts generated by the pension plan shall be used solely to pay pensions to retired pilots, disabled pilots, and the widows of pilots.

1162. (a) The pension plan shall be administered and all benefit payments shall be made by a fiduciary agent selected by the Pilotage Rate Committee. Except for the collection of revenues in accordance with Section 1165, the pilots shall have no control of any kind or manner over the operation, administration or management of the plan.

(b) All revenues pursuant to the plan shall be collected by the pilots, at no cost to the state, board, or committee, and transmitted monthly to the fiduciary agent. Such revenues shall not be included in the account required by Section 1136.

1163. (a) (1) Each retired or disabled pilot shall receive, as a monthly pension, that amount which is forty dollars ($40) multiplied by the number of full years of service he performed as a pilot licensed under this division.

(2) A pilot who retires or becomes disabled shall not begin to receive a pension until the benefit year next following the date on which he retires or becomes disabled.

(3) No retired pilot shall receive benefits pursuant to the pension plan in any benefit year unless his resignation as an active pilot was submitted, in writing, to the Board of Pilot Commissioners, prior to December of the immediately preceding calendar year. His resignation shall become effective no later than the last day of the month preceding the start of such benefit year.

(4) If a retired or disabled pilot who is receiving a pension dies without a wife surviving him, his successor in interest shall receive the proceeds of the pension for the remainder of the benefit year, after which time it shall cease.

(b) (1) The widow of a deceased pilot who would be eligible for a pension pursuant to subdivision (c) of Section 1164 shall receive, as a monthly pension, that amount which is twenty dollars ($20) multiplied by the number of full years of service her deceased husband performed as a pilot licensed under this division.

(2) If a retired or disabled pilot receiving a pension dies, his widow shall continue to receive the full pension to which her deceased husband was entitled for the balance of the benefit year, after which she shall receive the amount specified in paragraph (1) of this subdivision.

(3) When a widow receiving a pension dies, her successor in interest shall receive the proceeds of the pension for the remainder of the benefit year, after which time it shall cease.

(c) For the purposes of the computations described in paragraph (1) of subdivision (a) of this subdivision, six months or more of service by a pilot shall be considered a full year.

1164. (a) A pilot shall be eligible for the pension provided in Section 1163 if he meets all of the following requirements:

(1) Held a license as a pilot and served at least five years in that capacity.

(2) Retired after January 1, 1972.

(3) Is at least 62 years of age.

(b) A disabled pilot who has served at least five years as a pilot shall be eligible for the pension provided in Section 1163 if it has been determined by the Board of Pilot Commissioners, based upon competent medical evidence, that such pilot is unable to perform the duties of a pilot.

(c) A widow of a deceased pilot shall be eligible for the pension provided in subdivision (b) of Section 1163 if her deceased pilot husband died after January 1, 1972, and if he had held a license as a pilot and served at least five years in that capacity.

1165. (a) In addition to and concurrently with the basic pilotage rate described in Section 1190, a charge shall be levied for pilotage services at a rate necessary to provide the benefits to be paid out pursuant to the pension plan. The additional rate shall be determined as follows:

(1) On December 1, of each year, the number of persons eligible to receive benefits under the plan, their identities, the amount each will be entitled to receive, and the total amount to be paid out to all such persons during each month of the next benefit year, shall be determined by the fiduciary agent.

(2) After the total amount to be paid out monthly under the plan has been determined, the rate necessary to provide that amount each month shall be calculated. The rate shall be based upon the volume of shipping, in gross registered tons, handled by pilots

licensed under this division for the calendar year ending the previous September 30. The rate shall be expressed as mills per gross registered ton and shall be calculated to the nearest one-hundredth of a mill.

(3) Based on the foregoing calculations, if the total amount to be paid out yearly will exceed one hundred thousand dollars ($100,000), the rate shall be established so that the pension plan will produce maximum revenues of one hundred thousand dollars ($100,000) per year and the benefits shall be reduced accordingly.

(b) The rate determined pursuant to paragraphs (1), (2), and (3) of subdivision (a) shall become effective the first day of the following calendar year and shall be in effect throughout that year.

(c) Revenues for any month or year are the amounts to be received pursuant to the pension plan for pilotages during that month or year.

(d) Benefits pursuant to the new rate shall be paid commencing in February of each year and shall continue through and include January of the following year. The period during which benefits are paid is the benefit year.

1166. The benefits actually paid out each month to all retired and disabled pilots, and to widows of deceased pilots, shall be equal to the revenue during the preceding month. The revenue, whether greater or less than the aggregate pensions to which such persons are entitled, shall be paid to them in proportion to the relative amounts to which they are entitled.

1167. The Pilotage Rate Committee shall annually review the pension plan and make any recommendations it deems necessary for changes in the plan.

1168. For the operation of the plan during the calendar year 1975, and the month of January 1976 only, the following shall apply:

(a) The fiduciary agent shall be selected on or before May 31, 1975.

(b) The calculations described in Section 1165 shall be completed no later than, and the rate imposed on, July 1, 1975.

(c) The first payment of benefits pursuant to the pension plan shall be made in August 1975.

(d) Letters of resignation, of those pilots seeking to receive benefits commencing in July 1975, shall be submitted to the Board of Pilot Commissioners prior to June 1, 1975.

SEC. 22. Chapter 4 (commencing with Section 1170) is added to Division 5 of the Harbors and Navigation Code, to read:

## CHAPTER 4. LICENSING OF PILOTS

### Article 1. Issuance of License

1170. The board shall appoint and license such number of pilots, not less than 24, nor more than 30, as is sufficient to accomplish the purposes of this division.

1171. (a) The board shall have the sole authority to determine the qualifications for obtaining a license as a pilot pursuant to the provisions of this division, determine who shall have such a license, and issue the license.

(b) All persons possessing a valid state pilot's license on January 1, 1975, are hereby licensed as if such license was granted by the board.

1172. Pilots licensed by the board shall be carefully examined as to their qualifications. A license as a pilot shall be granted for a term of 12 months. The license shall be renewed annually unless the board has good cause to withhold renewal pursuant to Article 2 (commencing with Section 1180) of this chapter.

1173. An application for a pilot's license shall be made in writing to the board, stating such information as the board by rule and regulation may require.

1174. A pilot's license shall be issued in the name of the State of California and contain a designation of the waters for which it is intended. The license shall be signed by the president of the board.

1175. No person shall be licensed as a pilot unless:

(a) He can meet the qualifications set by the board.

(b) He is at least 18 years of age, and not over the age of 65 years; except that the maximum age requirement for pilots licensed prior to January 1, 1970, shall be 70 years.

(c) He is of good mental and physical health and good moral character.

(d) He possesses the requisite skill and experience as a navigator and pilot, together with practical knowledge of the currents, tide, groundings, bearings, and distances of the several shoals, rocks, bars, points of landings, lights, and fog signals of, or pertaining to, the navigation of the pilot ground for which he applies for a license to act as a pilot.

(e) He can satisfy the board that he has means available to him for boarding and leaving vessels which he may be called upon to pilot.

1176. Pilots shall undergo physical examinations in accordance with standards prescribed by the board. Such examination shall designate that each pilot is fit to perform his duties as a pilot.

## Article 2. Suspension or Revocation of Licenses

1180. When, in the opinion of the board, there is reasonable cause to believe that the public interest requires that a pilot be summarily suspended pending hearing on charges of misconduct which include any of the causes for suspension or revocation specified in Section 1181 or when the board has information which leads it to believe that a pilot has become unable to comply with the standards of health or physical condition requisite to his duties, the board may, without hearing, temporarily suspend the license of such pilot for not exceeding 40 days pending hearing and decision on such charges. Unless an accusation on such charge is served on the pilot as provided

in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, prior to the close of the sixth day from and after the date such suspension by its terms becomes effective, such temporary suspension shall terminate at the close of such sixth day.

1181. The license of a pilot may be revoked or suspended before its expiration only for:

(a) Neglect, for 30 days after it becomes due, to render an account to the board of all moneys received by him for pilotage.

(b) Neglect, for 30 days after it becomes due, to pay over to the board the 5 percent of the pilotage money received by him.

(c) Rendering to the board a false account of pilotage received.

(d) Absenting himself from duty for more than one month at any one time without leave granted by the board, unless sickness or personal injury causes the absence.

(e) Refusing to exhibit his license when requested to do so by the master of any vessel he has boarded.

(f) Intoxication while he is on duty.

(g) Negligently, ignorantly, or willfully running any vessel on shore, or otherwise rendering it liable to injury.

(h) Willful violation of the rules and regulations adopted by the board for the government of pilots.

(i) Inability to comply with the standards of health or physical condition requisite to the duties of a bar pilot, but in such case the burden of proving such compliance with such standards shall be upon the licensee, unless prior to the hearing he takes and passes such physical tests or examinations as would be required under the rules of the board upon application for renewal of his license.

1182. If, upon a hearing, the board adjudges that the pilot is guilty of any of the acts or causes sufficient for depriving him of a license, the board shall revoke or suspend his license. The order shall be entered of record in the minutes by the secretary. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

1183. A pilot, who has been notified that his license will not be renewed, is entitled to a trial and hearing, in the same manner that other charges and accusations against pilots are tried.

In all such cases and in all cases of revocation of license or suspension of a pilot for any cause, the final decision of the board is subject to judicial review in accordance with law, and upon such review the court shall exercise its independent judgment on the evidence.

SEC. 23. Chapter 5 (commencing with Section 1190) is added to Division 5 of the Harbors and Navigation Code, to read:

## CHAPTER 5. PILOTAGE RATES

1190. Every vessel spoken inward or outward bound, shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo, and Suisun:

(a) (1) Prior to July 1, 1975, seven dollars and fifty cents ($7.50) per draft foot of the vessels deepest draft and fractions of a foot pro rata, and an additional charge of eight and two-tenths mills ($0.0082) per high gross registered ton.

(2) Commencing July 1, 1975, seven dollars and thirty-five cents ($7.35) per draft foot of the vessels deepest draft and fractions of a foot pro rata, and an additional charge of eight and two-tenths mills ($0.0082) per high gross registered ton.

(b) A minimum charge for bar pilotage shall be two hundred dollars ($200) for each vessel piloted.

(c) The vessels deepest draft shall be the maximum draft attained, on a still water basis, at any part of the vessel during the course of such transit inward or outward.

1191. Pilotage between and within ports of the Bays of San Francisco, San Pablo, and Suisun, shall be at such rates as are agreed upon by the parties.

1192. If a vessel, which is subject to the payment of bar pilotage, enters any port of the Bays of San Francisco, San Pablo, or Suisun solely by reason of being in distress or requiring care it shall pay one-half of the full pilotage rates.

1193. A vessel, which is subject to the payment of bar pilotage shall pay one-half the full pilotage rates if it enters any port of the Bays of San Francisco, San Pablo, or Suisun for:

(a) Anchoring.

(b) Reporting or receiving orders.

(c) Taking on water, fuel for bunkers, stores and other supplies, for use on the vessel and which are not intended for transfer to and use on any other vessel. But if such a vessel discharges or takes on any cargo or passengers, or if any water, fuel, stores, or other supplies taken on is transferred to and used on another vessel this reduction does not apply.

SEC. 24. The heading of Chapter 4 (commencing with Section 1200) of Division 5 of the Harbors and Navigation Code is amended and renumbered to read:

## CHAPTER 6. PILOTAGE RATE COMMITTEE

SEC. 25. Section 1207 of the Harbors and Navigation Code is amended to read:

1207. It shall be the function of the committee to make recommendations to the Legislature on the following matters:

(a) The rates for bar pilotage which should be established under the provisions of Section 1190.

(b) Changes, if any, which should be made in the provisions

relating to pilotage rates or affecting rates which are contained in Section 1127, 1128, 1140, 1141, 1192, or 1193.

(c) Changes, if any, which may be proposed as the basis for determining any of the rates for bar pilotage referred to in subdivisions (a) and (b) of this section.

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## CHAPTER 1257

*An act to amend Section 13656 of the Education Code, relating to school classified employees, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 13656 of the Education Code is amended to read:

13656. All employees a part of the classified service shall be entitled to the following paid holidays provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday: January 1, February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4, the first Monday in September known as "Labor Day," September 9 known as "Admission Day," November 11 known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," December 25, every day appointed by the President, or the Governor of this state, as provided for in subdivisions (b) and (c) of Section 5201 for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 877 or 5202 for classified or certificated employees. School recesses during the Christmas and Easter periods shall not be considered holidays for classified employees who are normally required to work during that period; provided, however, that this shall not be construed as affecting vacation rights specified in Section 13656.

Regular employees of the district who are not normally assigned to duty during the school holidays of December 25 and January 1 shall be paid for those two holidays provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday herein listed falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. When a classified employee is required to work on any of

said holidays, he shall be paid compensation, or given compensating time off, for such work, in addition to the regular pay received for the holiday, at the rate of time and one-half his regular rate of pay.

The provisions of Article 3 (commencing with Section 5201) of Chapter 2 of Division 6 shall not be construed to in any way limit the provisions of this section, nor shall anything in this section be construed to prohibit the governing board from adopting separate work schedules for the certificated and the classified services, or from providing holiday pay for employees who have not been in paid status on the days specified herein. Notwithstanding the adoption of separate work schedules for the certificated and the classified services, on any schoolday during which pupils would otherwise have been in attendance but are not and for which certificated personnel receive regular pay, classified personnel shall also receive regular pay whether or not they are required to report for duty that day.

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

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

In order that the circumstances under which school classified personnel are entitled to paid holidays be clarified at the earliest possible time, and particularly that such clarification become effective prior to commencement of the 1974–75 school year, it is essential that this act go into immediate effect.

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## CHAPTER 1258

*An act to add Section 16120.1 to the Welfare and Institutions Code, relating to adoption, and making an appropriation therefor.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 16120.1 is added to the Welfare and Institutions Code, to read:

16120.1. From any funds appropriated therefor, the state shall reimburse private adoption agencies licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code for all costs of aid to adoption programs for hard-to-place children, less the amount of any fees received by such agencies from adoptive parents. Private agencies shall be reimbursed for placement of hard-to-place children in an amount not to exceed one thousand five hundred dollars ($1,500) per placement.

SEC. 2. In implementing the provisions of Section 16180.1, the department shall require full compliance with regulations promulgated with regard to Chapter 2.1 (commencing with Section 16115) of Part 4 of Division 9 of the Welfare and Institutions Code. Such regulations shall preclude utilization of programs under such chapter by families not in need of assistance.

SEC. 3. There is hereby appropriated from the General Fund of the State Treasury the sum of fifty-six thousand dollars ($56,000) to the State Controller to be expended for the purposes of Section 16120.1 of the Welfare and Institutions Code.

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## CHAPTER 1259

*An act to amend Section 27491 of the Government Code, relating to coroners.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, alcoholism, drug addiction, strangulation, or aspiration; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, he shall personally sign the certificate of death.

The coroner shall have discretion to determine the extent of inquiry to be made into any death occurring under natural

circumstances and falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death.

SEC. 2. Section 27491 of the Government is amended to read:

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, or aspiration; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death.

The coroner shall have discretion to determine the extent of inquiry to be made into any death occurring under natural circumstances and falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death.

SEC. 3. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, alcoholism, drug addiction,

strangulation, aspiration, or where the suspected cause of death is sudden infant death syndrome; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, he shall personally sign the certificate of death.

The coroner shall have discretion to determine the extent of inquiry to be made into any death occurring under natural circumstances and falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death.

SEC. 4. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, aspiration, or where the suspected cause of death is sudden infant death syndrome; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death.

The coroner shall have discretion to determine the extent of

inquiry to be made into any death occurring under natural circumstances and falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death.

SEC. 5. It is the intent of the Legislature that if this bill and Senate Bill No. 1733 or Assembly Bill No. 409, or both, are chaptered and become effective on or before January 1, 1975, each of the bills amend Section 27491 of the Government Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(1) If this bill and Senate Bill No. 1733 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 27491 of the Government Code, but Assembly Bill No. 409 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 1733, Section 27491 of the Government Code, as amended by Senate Bill No. 1733 shall be further amended on the operative date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 27491 proposed by this bill. Therefore, if this bill and Senate Bill No. 1733 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 27491, this bill is chaptered after Senate Bill No. 1733, and Assembly Bill No. 409 is not chaptered or as chaptered does not amend that section, Section 2 of this act shall be operative and Sections 1, 3 and 4 of this act shall not become operative.

(2) If this bill and Assembly Bill No. 409 are both chaptered and become effective January 1, 1975, both bills amend Section 27491 of the Government Code, but Senate Bill No. 1733 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 409, the amendments proposed by both bills shall be given effect and incorporated in Section 27491 in the form set forth in Section 3 of this act. Therefore, if this bill and Assembly Bill No. 409 are both chaptered and become effective January 1, 1975, both bills amend Section 27491, this bill is chaptered after Assembly Bill No. 409, and Senate Bill No. 1733 is not chaptered or as chaptered does not amend that section, Section 3 shall be operative and Sections 1, 2 and 4 of this act shall not become operative.

(3) If this bill and Senate Bill No. 1733 and Assembly Bill No. 409 are all chaptered and become effective on or before January 1, 1975, all three bills amend Section 27491 of the Government Code, and this bill is chaptered after Senate Bill No. 1733 and Assembly Bill No. 409, Section 27491 of the Government Code as amended by Senate Bill No. 1733 shall be further amended on the operative date of this act and Assembly Bill No. 409 in the form set forth in Section 4 of this act to incorporate the changes in Section 27491 proposed by this bill and Assembly Bill No. 409. Therefore, if this bill and Senate Bill No. 1733 and Assembly Bill No. 409 are all chaptered and become

effective on or before January 1, 1975, all three bills amend Section 27491 of the Government Code, and this bill is chaptered after Senate Bill No. 1733 and Assembly Bill No. 409, Section 4 of this act shall be operative and Sections 1, 2 and 3 of this act shall not become operative.

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## CHAPTER 1260

*An act to amend Section 31240.5 of the Education Code, relating to state competitive graduate fellowship program.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 31240.5 of the Education Code is amended to read:

31240.5. There is hereby created a state competitive graduate fellowship program with fellowships to be provided by the state and used by award winners for graduate study in colleges and universities located in California and accredited by the Western Association of Schools and Colleges, or in a professional school with a program leading to a graduate level professional law degree which is located in California and which is accredited pursuant to Chapter 4 (commencing with Section 6000) of Division 3 of the Business and Professions Code. As used in this section "graduate study" shall mean that phase of education coming after the completion of the baccalaureate degree and leading toward a recognized graduate or professional degree. Awards shall be granted to students with academic ability and financial need. The financial status of the applicant's parents shall be taken into consideration in determining the applicant's financial need. In determining the financial need of an applicant, the commission shall also expect each student to make a self-help contribution toward college costs through loans or employment or a combination of loans and employment.

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## CHAPTER 1261

*An act to amend Section 2273.2 of, and to add Section 2261.1 to, the Revenue and Taxation Code, relating to property tax limitations.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 2261.1 is added to the Revenue and Taxation Code, to read:

2261.1. Notwithstanding the provisions of Section 2261, any county which was providing structural fire protection in portions of the county during the 1971–1972 and 1972–1973 fiscal years and not paying therefor by a tax on the property benefited thereby but was financing such protection from county general funds, may, in addition to any other tax authorized by this chapter, impose a tax on property being provided such protection in an amount which will produce an amount equal to the amount expended by the county for such service in the 1971–1972 or 1972–1973 fiscal year, at the option of the board of supervisors.

SEC. 2. Section 2273.2 of the Revenue and Taxation Code is amended to read:

2273.2. If, prior to January 1, 1973, a local agency was a party to any contract or lease, the terms of which provide (1) that the local agency shall make payments to the federal government, the State of California or any other local agency and (2) that the governing body of such local agency shall, whenever necessary, levy an ad valorem property tax sufficient to provide for all payments under the contract or lease in a timely manner, such local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter (commencing with Section 2201) for the purpose of making such payments as are required by such contract or lease; provided, that, the provisions of this section shall apply to a contract or lease signed after January 1, 1973, which contains the terms stated in (1) and (2) above if the terms of such contract or lease are designed to prevent an increase in the burden on the taxpayers of the local agency by means of providing for a reduction in payments under a contract or lease signed before January 1, 1973, to which this section is applicable, in amounts at least equal to the payments required under the contract or lease signed after January 1, 1973.

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## CHAPTER 1262

*An act to amend Sections 3052, 3068, 3071, and 3072 of, and to add Section 3071.5 to, the Civil Code and to amend Sections 22705 and 22851 of the Vehicle Code, relating to liens, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 3052 of the Civil Code is amended to read:

3052. If the person entitled to the lien provided in Section 3051 of this code be not paid the amount due, and for which said lien is given, within ten (10) days after the same shall have become due, then such lienholder may proceed to sell said property, or so much thereof as may be necessary to satisfy said lien and costs of sale at public auction, and by giving at least ten (10) but not more than twenty (20) days' previous notice of such sale by advertising in some newspaper published in the county in which said property is situated; or if there be no newspaper printed in such county, then by posting notice of sale in three (3) of the most public places in the town or place where such property is to be sold, for ten (10) days previous to the date of the sale; provided, however, that prior to the sale of any trailer to satisfy any such lien, twenty (20) days' notice by registered mail shall be given to the legal owner and to the registered owner of such vehicle, if registered in this state as the same appear in the registration certificate, and also to the Division of Motor Vehicles by registered letter; and the Division of Motor Vehicles shall in like manner immediately notify said legal owner and said registered owner of said proposed sale, but failure on the part of said division to give such notice shall not affect the validity of any such sale; and provided, further, that within twenty (20) days after said sale, the legal owner may redeem any such trailer so sold to satisfy said lien upon the payment of the amount thereof, all costs and expenses of said sale, together with interest on said sum at the rate of 12 percent per annum from the due date thereof or the date when the same were advanced until the repayment. The proceeds of the sale must be applied to the discharge of the lien and the cost of keeping and selling the property; the remainder, if any, must be paid over to the legal owner thereof.

SEC. 2. Section 3068 of the Civil Code is amended to read:

3068. (a) Every person has a lien dependent upon possession for the compensation to which he is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the storage, repair or safekeeping of, and for the rental of trailer parking space for, any vehicle of a type subject to registration under the Vehicle Code, subject to the limitations set forth in this chapter.

(b) That portion of the lien in excess of three hundred dollars ($300) for any work or services, or in excess of two hundred dollars ($200) or, if an application for an authorization to conduct a lien sale has been filed pursuant to Section 3071 within 30 days after the commencement of the storage or safekeeping, three hundred dollars ($300) for any storage or safekeeping, rendered or performed at the request of any person other than the holder of the legal title, is invalid, unless prior to commencing any such work or service the person claiming the lien gives actual notice in writing either by personal service or by registered letter addressed to the legal owner named in the registration certificate, and the consent of the holder

of the legal title is obtained before any such work or services are performed. If any portion of a lien includes charges for the care, storage or safekeeping of, or for the rental of trailer parking space for, a vehicle for a period in excess of 60 days, the portion of the lien which accrued after the expiration of such period is invalid unless the provisions of Sections 10650 and 10652 of the Vehicle Code have been complied with by the holder of the lien.

SEC. 3. Section 3071 of the Civil Code is amended to read:

3071. (a) If the lienholder is not paid the amount due, and for which the lien is given, within 10 days after the same becomes due, then the lienholder may proceed to sell the property, or so much thereof as may be necessary to satisfy the lien and costs of sale pursuant to Section 3072 or 3073, if (1) an authorization to conduct a lien sale has been issued by the Department of Motor Vehicles pursuant to this section, (2) a judgment has been entered in favor of the lienholder on the claim which gives rise to the lien, or (3) the registered and legal owners of the vehicle have signed, after the lien has arisen, a release of any interest in the vehicle in the form prescribed by Section 3071.5.

(b) A lienholder may apply to the department for the issuance of an authorization to conduct a lien sale. The application shall be executed under penalty of perjury and shall include all of the following:

(1) A description of the vehicle.

(2) The names and addresses of the registered and legal owners of the vehicle, if ascertainable from registration certificates within the vehicle, and the names and addresses of any other persons who the lienholder knows or reasonably should know claim an interest in the vehicle.

(3) A statement of the amount of the lien and the facts concerning the claim which gives rise to the lien.

(4) A statement that the lienholder has no information or belief that there is a valid defense to the claim which gives rise to the lien.

(c) Upon receipt of an application which is made pursuant to subdivision (a), the department shall send a notice and a copy of the application and a preaddressed return envelope by certified mail to the registered and legal owners at their addresses of record with the department and any other persons whose names and addresses are listed in the application. The notice shall include all of the following:

(1) A statement that an application has been made with the department for the issuance of an authorization to conduct a lien sale.

(2) A statement that (i) the person has a legal right to a hearing in court, (ii) if a hearing in court is desired, the enclosed declaration under penalty of perjury must be signed and returned, and (iii) if the declaration is signed and returned, the lienholder will be allowed to sell the vehicle only if he obtains a judgment in court or obtains a release from the registered and legal owners.

(3) A statement that (i) if the declaration is signed and returned,

the lienholder must file an action in court, (ii) the registered and legal owners will be notified of the lawsuit, and (iii) the registered and legal owners may then appear to contest the claim of the lienholder.

(4) A statement that the department will issue the authorization to conduct a lien sale unless the person signs and returns, within 20 days after the date on which the notice was mailed, the enclosed declaration stating that the person desires to contest the claim which gives rise to the lien.

(5) A statement that the person shall be liable for costs if the lienholder brings an action and a judgment is entered in favor of the lienholder on the claim which gives rise to the lien.

(6) A declaration which may be executed by the person under penalty of perjury stating that he desires to contest the claim which gives rise to the lien and an address at which the person may be served in any action in court arising out of the lien.

(d) If the department receives a declaration described in paragraph (3) of subdivision (c) which is mailed within 20 days after the date upon which the notice described in subdivision (c) is mailed, it shall notify the lienholder that he may not conduct a lien sale unless (1) a judgment has been entered in his favor on the claim which gives rise to the lien or (2) the registered and legal owners of the vehicle have signed, after the lien has arisen, a release of any interest in the vehicle in the form prescribed by Section 3071.5. In any other case, the department shall issue an authorization to conduct a lien sale. Any lien under this chapter or Section 3051 which arises because work or services have been performed on a vehicle with the consent of the registered owner shall be extinguished unless the lienholder files an action in court within 20 days after the lienholder receives a notice from the department under this subdivision.

(e) Upon the filing of an application, the department shall charge a fee which shall be established by the department in an amount equal to the actual costs of the department incurred in processing the application. The fee shall be recoverable as a cost by the lienholder if a lien sale is conducted.

(f) Any lien under this chapter or Section 3051 which arises because work or services have been performed on a vehicle with the consent of the registered owner shall be extinguished unless (1) the lienholder applies for an authorization to conduct a lien sale under subdivision (a) within 10 days after the lien has arisen or (2) if no application is made under subdivision (a), an action in court is filed within 30 days after the lien has arisen. For the purposes of this subdivision, a lien shall be deemed to arise at the time a written statement of charges for completed work or services is presented to the registered owner.

(g) The form of the applications, notices, and declarations described in this section shall be prescribed by the department. The language used in the applications, notices, and declarations should be

simple and nontechnical. The notice and declaration described in subdivision (c) shall be printed in both English and Spanish.

(h) The procedure described in subdivisions (b), (c), and (d) shall not be applicable if the vehicle is a mobilehome which is required to be moved under a permit issued pursuant to Section 35790 of the Vehicle Code. A lien sale of the mobilehome may be conducted only if a judgment has been entered in favor of the lienholder on the claim which gives rise to the lien or the registered and legal owners have signed, after the lien has arisen, a release of any interest in the mobilehome in the form prescribed by Section 3071.5.

SEC. 4. Section 3071.5 is added to the Civil Code, to read:

3071.5. (a) A registered or legal owner of a vehicle in the possession of a person holding a lien under this chapter or Section 3051 may release any interest in the vehicle after the lien has arisen. The release shall be dated when signed and a copy shall be given at the time the release is signed to the person releasing the interest.

(b) The release shall be in at least 12-point type and shall contain all of the following information in simple, nontechnical language:

(1) A description of the vehicle, including the year and make, the engine or vehicle identification number, and the license number, if available.

(2) The names and addresses of the registered and legal owners of record with the Department of Motor Vehicles, if available.

(3) A statement of the amount of the lien and the facts concerning the claim which gives rise to the lien.

(4) A statement that the person releasing the interest understands that (i) he has a legal right to a hearing in court prior to any sale of the vehicle to satisfy the lien and (ii) he is giving up the right to appear to contest the claim of the lienholder.

(5) A statement that (i) the person releasing the interest gives up any interest he may have in the vehicle and (ii) he is giving the lienholder permission to sell the vehicle.

(c) The release required by this section shall not be filed with the department in connection with any transfer of interest in a vehicle.

SEC. 5. Section 3072 of the Civil Code is amended to read:

3072. Prior to any such sale the lienholder shall give at least 10 days but not more than 20 days notice of the sale by advertising for one issue in some newspaper of general circulation published in the county in which the property is situated. If there is no newspaper printed in such county, notice shall be given by posting notice of sale in three of the most public places in the town or place where the property is to be sold, for 10 days previous to the date of the sale. Prior to the sale of any vehicle to satisfy any such lien, 20 days notice by registered mail or registered mail, return receipt requested, shall be given to the legal owner and to the registered owner of the vehicle, if registered in this state, as the same appear in the registration certificate, and also to the Department of Motor Vehicles by registered mail or certified mail whether or not the

vehicle is registered in this state. All notices required in this chapter shall specify the make, the engine or vehicle identification number, and license number, if available, of the vehicle, and the date, time, and place of the sale. The proceeds of the sale shall be applied to the discharge of the lien and the cost of keeping and selling the property. The remainder, if any, shall be paid to the legal owner, if any, or to the owner if there is no legal owner, or if no legal owner can be located, the remainder shall be deposited with the department for deposit in the Motor Vehicle Fund.

SEC. 6. Section 22705 of the Vehicle Code is amended to read:

22705. If the vehicle is appraised at a value not exceeding two hundred dollars ($200), the public agency which removed the vehicle shall:

(a) Within 48 hours after appraisal notify the Department of Justice in Sacramento of the removal of such vehicle.

(b) Prepare a certificate which shall describe the vehicle including the location of any license plates thereon, state the appraised value and that the vehicle will be junked or dismantled, and indicate that:

(1) An authorization to conduct a lien sale has been issued by the department pursuant to Section 3071 of the Civil Code or a judgment has been entered in favor of the lienholder on the claim which gives rise to the lien, or

(2) The registered and legal owners have signed a release under penalty of perjury disclaiming any interest, which release shall be included with the certificate, or

(3) The vehicle is in such condition that vehicle identification numbers are not available to determine owners of record with the department, in which event the vehicle may be disposed of.

(c) Upon completion of the certificate, execute and deliver a bill of sale free of any lien for fees and penalties due and payable to the department together with a copy of the certificate to either the lienholder who shall endorse the bill of sale to a licensed automobile dismantler, or to the licensed automobile dismantler, or to the public agency for disposal, whichever has the vehicle in possession.

(d) Forward the completed certificate to the Department of Motor Vehicles in Sacramento.

(e) A vehicle which is the subject of a certificate prepared and forwarded pursuant to this section shall not be reconstructed or made operable.

(f) Licensed dismantlers acquiring vehicles which are the subject of certificates prepared and forwarded pursuant to this section shall be excused from any fees and penalties which would otherwise be due to the Department of Motor Vehicles, provided that a copy of the certificate forwarded to the Department of Motor Vehicles pursuant to this section is retained in the licensed dismantlers' business record.

(g) A local agency may authorize by contract or franchise the removal, disposal, or removal and disposal, of such vehicles by other

than a licensed automobile dismantler if it has first requested bids for removal, disposal, or removal and disposal, of such vehicles. Such franchise or contract shall be issued to or executed with the lowest responsible bidder. The bill of sale shall then be executed and delivered pursuant to subdivision (c) with the franchisee or contractor.

SEC. 7. Section 22851 of the Vehicle Code is amended to read:

22851. Whenever a vehicle has been removed to a garage under the provisions of this chapter and the keeper of the garage has received the notice or notices as provided herein, the keeper shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe such vehicle for a period not exceeding 60 days or, if an application for an authorization to conduct a lien sale has been filed pursuant to Section 3071 of the Civil Code within 30 days after the removal of the vehicle to the garage, 120 days and, if the vehicle is not recovered by the owner within such period or the owner is unknown, the keeper of the garage may satisfy his lien in the manner and after giving the notices required in Sections 3071 and 3072 of the Civil Code. Notwithstanding the provision of this section, if the vehicle is appraised at a value not exceeding two hundred dollars ($200) by a person authorized to make such appraisal, the keeper of the garage may, if the vehicle is not recovered by the owner within (20) days or the owner is unknown, satisfy his lien as provided in Section 3073 of the Civil Code or Section 22705 of this code.

SEC. 8. The sum of one million one hundred twenty-seven thousand dollars ($1,127,000) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for the purpose of administering this act. The Motor Vehicle Account in the Transportation Tax Fund shall be reimbursed within three years of the operative date of this section for the appropriation made under this section from fees collected pursuant to subdivision (e) of Section 3071 of the Civil Code.

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

A recent decision of the Supreme Court of California which invalidated the lien sale provisions of existing law with respect to motor vehicles has had the effect of severely restricting the ability of state and local agencies to remove motor vehicles from public and private property. In order to restore this ability to these agencies, it is necessary that this act shall go into immediate effect.

SEC. 10. This act shall be operative on November 1, 1974, and shall not be operative after December 31, 1976.

# CHAPTER 1263

*An act to amend Section 415.5 of, to repeal Section 415 of, and to add Section 415 to, the Penal Code, relating to crimes.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 415 of the Penal Code is repealed.

SEC. 2. Section 415 is added to the Penal Code, to read:

415. (a) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than two hundred dollars ($200), or both such imprisonment and fine:

(1) Any person who unlawfully fights in a public place or challenges another person in a public place to fight.

(2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

(3) Any person who uses offensive words in a public place which are inherently likely to produce a violent reaction.

Section 415.5 of the Penal Code is amended to read:

415.5. (a) Any person who (1) unlawfully fights within any building or upon the grounds of any community college, state college, or state university or challenges another person within any such building or upon such grounds to fight, or (2) maliciously and willfully disturbs another person within any such building or upon such grounds by loud and unreasonable noise, or (3) uses offensive words within any such building or upon such grounds which are inherently likely to produce a violent reaction is guilty of a misdemeanor and shall be punished as follows:

(i) Upon a first conviction by a fine not exceeding two hundred dollars ($200) or by imprisonment in the county jail for a period of not more than 90 days, or by both such fine and imprisonment.

(ii) If the defendant has been previously convicted once of a violation of this section or of any offense defined in Chapter 1 (commencing with Section 626) of Title 15 of Part 1, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(iii) If the defendant has been previously convicted two or more times of a violation of this section or of any offense defined in Chapter 1 (commencing with Section 626) of Title 15 of Part 1, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served

not less than 90 days.

(b) For the purpose of determining the penalty to be imposed pursuant to this section, the court may consider a written report from the Department of Justice containing information from its records showing prior convictions; and the communication is prima facie evidence of such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

(c) As used in this section "state university," "state college," and "community college" have the same meaning as these terms are given in Section 626.

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## CHAPTER 1264

*An act to amend Section 40519 of the Vehicle Code, relating to pleas.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 40519 of the Vehicle Code is amended to read:

40519. (a) Any person who has received a written notice to appear for an infraction, may, prior to the time at which he is required to appear, plead not guilty in writing in lieu of appearing in person. The written plea shall be directed to the court named in the notice to appear and, if mailed, shall be sent by certified or registered mail postmarked not later than five days prior to the day upon which appearance is required. Such written plea and request to the court shall be accompanied by a deposit of twenty-five dollars ($25) which amount shall be used for the purpose of guaranteeing the appearance of the defendant at the time and place set by the court for trial and to apply toward the payment of fine, if any, prescribed by the court upon conviction. Thereafter, the case shall be conducted in the same manner as if the defendant had appeared in person, had made his plea in open court, and had deposited such sum of twenty-five dollars ($25) as bail. The court or the clerk of the court shall notify the accused of the time and place of trial by first-class mail postmarked at least 10 days prior to the time set for the trial. Any person using this procedure shall be deemed to have waived his right to be tried within the statutory period.

(b) Any person using the procedure set forth in subdivision (a) shall be deemed to have given his written promise to appear at the time designated by the court for trial and failure to appear at the trial shall constitute a misdemeanor.

SEC. 2. Section 40519 of the Vehicle Code is amended to read:

40519. (a) Any person who has received a written notice to appear for an infraction, may, prior to the time at which he is required to appear, plead not guilty in writing in lieu of appearing in person. The written plea shall be directed to the court named in the notice to appear and, if mailed, shall be sent by certified or registered mail postmarked not later than five days prior to the day upon which appearance is required. Such written plea and request to the court shall be accompanied by a deposit of twenty-five dollars ($25) which amount shall be used for the purpose of guaranteeing the appearance of the defendant at the time and place set by the court for trial and to apply toward the payment of fine, if any, prescribed by the court upon conviction. Thereafter, the case shall be conducted in the same manner as if the defendant had appeared in person, had made his plea in open court, and had deposited such sum of twenty-five dollars ($25) as bail. The court or the clerk of the court shall notify the accused of the time and place of trial by first-class mail postmarked at least 10 days prior to the time set for the trial. Any person using this procedure shall be deemed to have waived his right to be tried within the statutory period.

(b) Any person using the procedure set forth in subdivision (a) shall be deemed to have given his written promise to appear at the time designated by the court for trial and failure to appear at the trial shall constitute a misdemeanor.

(c) In addition to any other requirements, every written notice to appear for an infraction shall have printed on the back of the notice, a statement informing a person who receives such notice of the provisions of subdivisions (a) and (b).

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 4. Section 40519 of the Vehicle Code as amended by Section 1 of this act shall remain in effect until December 31, 1975. Section 40519 of the Vehicle Code as amended by Section 2 of this act shall become operative on January 1, 1976.

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## CHAPTER 1265

*An act to amend Sections 42006 and 42050 of the Vehicle Code, relating to penalty assessments.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974 ]

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

SECTION 1. Section 42006 of the Vehicle Code is amended to read:

42006. There shall be levied a special assessment in an amount equal to fifty cents ($0.50) for every fine and forfeiture, imposed and collected by a municipal court conducting a night session of the court pursuant to Section 72300 of the Government Code, on all offenses involving a violation of a section of this code or any local ordinance adopted pursuant to this code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists.

When a person makes a deposit of bail for an offense to which this section applies, in a case in which he is required to appear in a court conducting a night session pursuant to Section 72300 of the Government Code, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury for disposition as prescribed by this section.

After a determination by the court of the amount of the assessment due, the clerk of the court shall collect the amount and transmit it to the county treasury to be deposited in the municipal court night session fund, which fund shall be expended by the county for maintaining municipal courts in the county which have night sessions for traffic offenses pursuant to Section 72300 of the Government Code.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge shall waive the penalty assessment.

SEC. 2. Section 42050 of the Vehicle Code is amended to read:

42050. To reimburse the General Fund for amounts appropriated therefrom for the laboratory phases of driver education pursuant to Section 17305 of the Education Code, and to augment the Peace Officers' Training Fund to the extent designated in Section 42052, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or any local ordinance adopted pursuant to this code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of a county pursuant to subdivision (3) (c) of Section 564 of the Welfare and Institutions Code, in the following amounts:

| | |
|---|---|
| (a) Where a fine is imposed | $5 for each $20 of fine, or fraction thereof. |
| (b) If sentence is suspended | $5 if jail only, otherwise based on the amount of the fine levied, as in subdivision (a). |
| (c) If bail is forfeited | $5 for each $20 of bail, or fraction thereof. |
| (d) Where multiple offenses are involved | The penalty assessment shall be |

based on the total fine or bail for all offenses, or $5 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

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## CHAPTER 1266

*An act to amend Sections 70130, 70135, and 70141.10 of, and to add Section 68513 to, the Government Code, relating to courts.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 68513 is added to the Government Code, to read:

68513. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in any county with a population of more than 205,000 and not over 225,000 as determined by the 1970 federal decennial census. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period;

(2) The fees charged and the fees collected for such transcripts;

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts;

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose; and

(5) Such other information as the Judicial Council may require.

SEC. 1.5. Section 70130 of the Government Code is amended to read:

70130. (a) In a county with a population of over 205,000 and not over 225,000 as determined by the 1970 federal decennial census, within which there is located a facility of the Department of Corrections of the State of California, the monthly salary of each full-time official reporter shall notwithstanding any other provision of law be as follows: for the first year of service commencing upon the effective date of the amendments made to this section during the 1969 Regular Session of the Legislature, one thousand one hundred ninety-five dollars ($1,195); for the first year thereafter, one thousand two hundred fifty-five dollars ($1,255); for the next year thereafter, one thousand three hundred eighteen dollars ($1,318); for the next year, one thousand three hundred eighty-five dollars ($1,385); and for the next year, one thousand four hundred fifty-four dollars ($1,454). The monthly salary of each full-time official reporter with more than five years continuous service shall be one thousand five hundred twenty-seven dollars ($1,527).

Any succeeding appointee to an official reporter position shall be compensated at the first step and advance to each higher step upon completion of each year of service. If the board of supervisors approves, new official reporters may be employed at the second or third step. Any official reporter who has previously elected to be paid on a per diem basis may continue on that basis.

(b) The compensation for each official reporter pro tempore shall be fifty-five dollars ($55) a day for each day he actually is on duty under order of the court.

(c) In addition to the compensation provided in this article, each full-time reporter of the superior court shall be entitled to, and shall receive, the same vacation, sick leave, and similar privileges and benefits as are now, or may hereafter be provided for the employees of the County of Marin, including the right to participate in any group, accident, health or life insurance plan adopted by the board of supervisors of the county.

SEC. 2. Section 70135 of the Government Code is amended to read:

70135. In order to help defray the costs of reporting services, in addition to fees required by other laws for the filing of the first paper in a civil action or special proceeding, there shall be an additional charge of eleven dollars and fifty cents ($11.50).

Except as to papers filed by the County of Marin, the Marin County Flood Control and Water Conservation District, and the Marin County Transit District, such fee shall not be subject to the provisions of Section 6103.

SEC. 3. Section 70141.10 of the Government Code is amended to read:

70141.10. (a) In any county with a population exceeding 205,000 and not exceeding 225,000 as determined by the 1970 federal census, the superior court may provide that the commissioner, in addition to

the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code.

(b) The superior court may, in addition to the commissioner authorized in subdivision (a), also appoint a commissioner-referee who shall be authorized to perform all of the duties set forth in subdivision (a) and, in addition, the duties of a juvenile court referee appointed pursuant to Section 553 of the Welfare and Institutions Code.

(c) Any commissioner or commissioner-referee appointed pursuant to this section shall have been admitted to practice law in California for not less than five years and shall receive a salary recommended by the superior court and approved by the board of supervisors.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local governmental entity or entities which desired legislative authority to act to carry out the program specified in this act.

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## CHAPTER 1267

*An act to amend Section 65303 of the Government Code, relating to general plans.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 65303 of the Government Code is amended to read:

65303. The general plan may include the following elements or any part or phase thereof:

(a) A recreation element showing a comprehensive system of areas and public sites for recreation, including the following, and, when practicable, their locations and proposed development:

(1) Natural reservations.
(2) Parks.
(3) Parkways.
(4) Beaches.
(5) Playgrounds.
(6) Other recreation areas.

(b) The circulation element provided for in Section 65302 (b) may also include recommendations concerning parking facilities and building setback lines and the delineations of such systems on the

land; a system of street naming, house and building numbering; and such other matters as may be related to the improvement of circulation of traffic.

(c) A transportation element showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts, and grade separations. This element of the plan may also include port, harbor, aviation, and related facilities.

(d) A transit element showing a proposed system of transit lines, including rapid transit, streetcar, motor coach and trolley coach lines, and related facilities.

(e) A public services and facilities element showing general plans for sewerage, refuse disposal, drainage, and local utilities, and rights-of-way, easements, and facilities for them.

(f) A public building element showing locations and arrangements of civic and community centers, public schools, libraries, police and fire stations, and other public buildings, including their architecture and the landscape treatment of their grounds.

(g) A community design element consisting of standards and principles governing the subdivision of land, and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other uses.

(h) A housing element consisting of standards and plans for the elimination of substandard dwelling conditions.

(i) A redevelopment element consisting of plans and programs for the elimination of slums and blighted areas and for community redevelopment, including housing sites, business and industrial sites, public building sites, and for other purposes authorized by law.

(j) A historical preservation element for the identification, establishment, and protection of sites and structures of architectural, historical, archaeological or cultural significance, including significant trees, hedgerows and other plant materials. The historical preservation element shall include a program which develops actions to be taken in accomplishing the policies set forth in this element.

Guidelines shall be developed by the Office of Planning and Research by February 1, 1976 in consultation with appropriate public and private organizations concerned with historical preservation.

(k) Such additional elements dealing with other subjects which in the judgment of the planning agency relate to the physical development of the county or city.

## CHAPTER 1268

*An act to amend Sections 17912, 17920, 17921, 17922, and 17958.7 of, to add Section 17958.8 to, and to repeal Section 17913 of, the Health and Safety Code, relating to housing.*

[Approved by Governor September 23, 1974 Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 17912 of the Health and Safety Code is amended to read:

17912. Rules and regulations promulgated pursuant to the provisions of this part, relating to the erection or construction of buildings or structures, shall not apply to existing buildings or structures or to buildings or structures as to which construction is commenced or approved prior to the effective date of the rules or regulations, except by act of the Legislature, but regulations relating to use, maintenance, and change of occupancy shall apply to all hotels, motels, lodginghouses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, approved for construction or constructed before or after the effective date of such rules or regulations.

SEC. 2. Section 17913 of the Health and Safety Code is repealed.

SEC. 3. Section 17920 of the Health and Safety Code is amended to read:

17920. As used in this part:

(a) "Building" means a structure subject to this part.

(b) "Commission" means the Commission of Housing and Community Development.

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

(d) "Noise insulation" means the protection of persons within buildings from excessive noise, however generated, originating within or without such buildings.

(e) "Public entity" has the same meaning as defined in Section 811.2 of the Government Code.

(f) "Substandard building" means any building or any portion of a building including, but not limited to, any dwelling unit, guest room, or suite of rooms, or the premises on which the same is located, in which there exist any of the conditions listed in Chapter 10 of the Uniform Housing Code, latest edition, including inadequate structural resistance to horizontal forces, to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof.

However, a condition which would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a

substandard building, unless the building is being moved, or was constructed, altered, or converted in violation of such requirements in effect at the time of construction, alteration, or conversion.

Any wiring, plumbing, or mechanical equipment, including vents, shall be deemed to have conformed to applicable law in effect at the time of installation and to have been maintained in good condition if currently in good and safe condition and working properly.

SEC. 3.5. Section 17921 of the Health and Safety Code is amended to read:

17921. The commission shall adopt, amend, repeal, and, except as hereinafter provided, the department shall enforce rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, lodginghouses, apartment houses, and dwellings, and buildings and structures accessory thereto. Such rules and regulations may include a schedule of fees to pay the cost of enforcement by the department under Sections 17952 and 17965.

SEC. 4. Section 17922 of the Health and Safety Code is amended to read:

17922. (a) Except as otherwise specifically provided by law, the rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall impose substantially the same requirements as are contained in the most recent editions of the following uniform industry codes as adopted by the organizations specified:

(1) The Uniform Housing Code of the International Conference of Building Officials.

(2) The Uniform Building Code of the International Conference of Building Officials.

(3) The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.

(4) The Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

(5) The National Electrical Code of the National Fire Protection Association.

In promulgating regulations the commission shall consider local conditions and any amendments to the uniform codes referred to in this section. In the absence of adoption by regulation, the most recent editions of the uniform codes referred to in this section shall be considered to be adopted and in effect one year after the date of publication.

(b) Local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set

forth in this part.

(c) Regulations governing alteration and repair of existing buildings shall permit the replacement, retention, and extension of original materials and the continued use of original methods of construction as long as the hotel, lodginghouse, motel, apartment house, or dwelling, or portions thereof, or building and structure accessory thereto, complies with the rules and regulations of the commission or alternative local standards adopted pursuant to Section 17920.7 and does not become or continue to be a substandard building. Building additions or alterations which increase the area, volume, or size of an existing building shall comply with the requirements specified in this part, or in rules and regulations adopted pursuant to this part, for new buildings or structures. However, such additions and alterations shall not cause the building to exceed area or height limitations applicable to new construction.

SEC. 5. Section 17958.7 of the Health and Safety Code is amended to read:

17958.7. The governing body of a city or county before making any modifications or changes pursuant to Section 17958.5 shall make an express finding that such modifications or changes are needed. Such a finding shall be available as a public record and a copy, together with the modification or change, filed with the department. Except as provided in Section 17958.8, nothing contained in this part shall be construed to require the governing body of any city or county to alter in any way building regulations enacted on or before November 23, 1970.

SEC. 6. Section 17958.8 is added to the Health and Safety Code, to read:

17958.8. Local ordinances or regulations governing alterations and repair of existing buildings shall, after July 1, 1975, permit the replacement, retention and extension of original materials and the use of original methods of construction as long as the hotel, lodginghouse, motel, apartment house or dwelling, or portions thereof, or building and structure accessory thereto, complies with the rules and regulations of the commission or alternative local standards adopted pursuant to Section 17920.7 and does not become or continue to be a substandard building.

SEC. 7. It is the intent of the Legislature that the amendment enacted by the Legislature at the 1973–74 Regular Session to Section 17922 of the Health and Safety Code as set forth in subdivision (c) be repealed by new legislation at such time as it is substantially incorporated into the Uniform Codes listed in that section.

SEC. 8. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

# CHAPTER 1269

*An act to amend Sections 654 and 654.05 of the Harbors and Navigation Code, relating to vessels.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 654 of the Harbors and Navigation Code is amended to read:

654. The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled at all times to prevent any excessive or unusual noise and as may be necessary to comply with the provisions of Section 654.05.

The provisions of this section shall not apply to motorboats competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit. In addition, this section shall not apply to motorboats preparing for a race or regatta if authorized by a permit issued by the local entity having jurisdiction over the area where the preparations will occur.

SEC. 2. Section 654.05 of the Harbors and Navigation Code is amended to read:

654.05. No person shall operate any motorboat in or upon the inland waters of this state in such a manner as to exceed the following noise levels:

(a) For engines manufactured before January 1, 1976, a noise level of 86 dbA measured at a distance of 50 feet from the motorboat.

(b) For engines manufactured on or after January 1, 1976, and before January 1, 1978, a noise level of 84 dbA measured at a distance of 50 feet from the motorboat.

(c) For engines manufactured on or after January 1, 1978, a noise level of 82 dbA measured at a distance of 50 feet from the motorboat.

(d) Testing procedures employed to determine such noise levels shall be in accordance with the exterior sound level measurement procedure for pleasure motorboats recommended by the Society of Automotive Engineers in its recommended practice designated SAEJ34. The department may, by regulation, amend such testing procedures when deemed necessary to adjust to advances in technology.

The provisions of this section shall not apply to motorboats competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit. In addition, this section shall not apply to motorboats preparing for a race or regatta if authorized by a permit issued by the local entity having jurisdiction over the area

where the preparations will occur.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act, nor is any obligation created under that section for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature recognizes that during any legislative session a variety of changes in laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

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## CHAPTER 1270

*An act to amend Sections 1658 and 1724 of, and to add Section 1715.1 to, the Business and Professions Code, relating to the practice of dentistry, and making an appropriation therefor.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 1658 of the Business and Professions Code is amended to read:

1658. When any licentiate hereunder desires to have more than one place of practice, he shall, prior to the opening of any additional office, make application therefor to the board, pay the fee required by this chapter, and receive permission in writing from the board to have such additional place of practice.

"Place of practice" means any dental office where any act of dentistry is practiced as defined by Section 1625, and shall include any such place of practice in which the applicant holds any proprietary interest of any nature whatsoever, or in which he holds any right to participate in the management or control thereof.

SEC. 2. Section 1715.1 is added to the Business and Professions Code, to read:

1715.1. The provisions of Sections 1715, 1716, 1717, 1718, 1718.1, 1718.2, and 1718.3 shall also apply to and govern the expiration, renewal, restoration, reinstatement, and reissuance of permission to conduct an additional place of practice.

SEC. 3. Section 1724 of the Business and Professions Code is amended to read:

1724. The amount of charges and fees for dentists prescribed by this chapter is that fixed by the following schedule:

(a) The fee for applicants for examination and for reexamination shall be that fixed by the board in an amount not more than seventy-five dollars ($75). Applicants who are found to be ineligible

to take the examination shall be entitled to a refund in an amount fixed by the board.

(b) The renewal fee shall be fixed by the board at not more than thirty-seven dollars and fifty cents ($37.50).

(c) The delinquency fee shall be fixed by the board at not more than ten dollars ($10).

(d) The restoration fee for a license forfeited for nonregistration shall be fixed by the board at not more than twenty-five dollars ($25).

(e) The penalty for late registration of change of place of practice shall be fixed by the board at not more than ten dollars ($10).

(f) The application fee for permission to conduct an additional place of practice shall be fixed by the board at not more than eighteen dollars and seventy-five cents ($18.75).

(g) The renewal fee for an additional place of practice shall be fixed by the board at not more than fifteen dollars ($15).

(h) The fee for issuance of a substitute certificate shall be fixed by the board at not more than seven dollars and fifty cents ($7.50).

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## CHAPTER 1271

*An act to amend Sections 1778 and 1780 of the Government Code, and to add Section 22849 to the Water Code, relating to vacancies in office.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 1778 of the Government Code is amended to read:

1778. A vacancy in any appointive office on the governing board of a special district shall be filled by appointment by the board of supervisors of the county in which the larger portion of the district is located unless, by the terms of the act under which the district is formed, another method of appointment is expressly provided.

SEC. 2. Section 1780 of the Government Code is amended to read:

1780. Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than a school district, a district organized pursuant to Division 6 (commencing with Section 11501) of the Public Utilities Code, or a district subject to the provisions of Chapter 5 (commencing with Section 22825) of Part 5 of Division 11 of the Water Code, shall be filled by the remaining district board members by appointment if they act within a period of 90 days immediately subsequent to the creation of such vacancy and if they post notice of such vacancy in three conspicuous places in the district not later than 20 days

subsequent to the effective date of such vacancy. If such vacancy is not so filled within such 90-day period, or if the district board members fail to post such notice, the city council of the city in which the district is wholly located or, if the district is not wholly located within a city, the board of supervisors of the county in which the larger portion of the district is located may fill the vacancy by appointment, if the city council, or county board of supervisors, acts within 120 days of the effective date of such vacancy. If such vacancy is filled by appointment, either by authority of the district board, the city council or the county board of supervisors, such appointment shall be for the balance of the unexpired term of the vacant office or until the next election prescribed by Section 2504 of the Elections Code that is scheduled 90 days or more after the date of such appointment, whichever occurs first, at which time the vacancy shall be filled by election. If such vacancy is not filled by appointment within 120 days immediately subsequent to its creation, the district board shall forthwith call a special election for the purpose of filling the vacancy. The person elected to fill the vacancy shall serve for the balance of the unexpired term of the vacant office. Notwithstanding the foregoing, if an election involving the total territory of the district will be conducted not more than 120, nor less than 90, days subsequent to the effective date of such vacancy, the vacancy shall be filled at such election.

SEC. 3. Section 22849 is added to the Water Code, to read:

22849. The board of supervisors of the office county shall fill by appointment vacancies in the offices of directors, provided that any such appointed directors shall be required to run for election in the next succeeding general district election.

If within 60 days after a vacancy on the board of directors occurs the board of supervisors has failed to fill such vacancy, a special election may be called by the board of directors and held in the division affected, for the purpose of filling such vacancy. In the event there are more than two candidates at such special election, only a plurality will be required for election. The candidate elected at such special election shall fill the unexpired term of the vacating director.

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## CHAPTER 1272

*An act to add Article 2.5 (commencing with Section 17540) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code and to repeal Chapter 5.5 (commencing with Section 4900) of Division 2 and Part 3 (commencing with Section 24001) of Division 9 of, the Public Utilities Code, relating to transportation brokers and travel promoters.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Article 2.5 (commencing with Section 17540) is added to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, to read:

Article 2.5. Travel Promoters

17540. The Legislature finds and declares that certain advertising, sales and business practices of travel promoters have worked financial hardship upon the people of this state; that the travel business has a significant impact upon the economy and well-being of this state and its people; that problems have arisen which are peculiar to the travel promoter business; and that the public welfare requires regulation of travel promoters in order to eliminate unfair advertising, sales and business practices; to establish standards which will safeguard the people against financial hardship and to encourage competition, fair dealing and prosperity in the travel business.

17540.1. "Travel promoter" means a person who sells, provides, furnishes, contracts for, arranges, or advertises that he can or may arrange, or has arranged air or sea transportation either separately or in conjunction with other services. Travel promoter does not include: (1) an air carrier, or (2) an ocean carrier, (3) an officially appointed agent of an air carrier or ocean carrier, or (4), any person or organization certified under the provisions of Part 5 (commencing with Section 12140) of Division 2 of the Insurance Code.

17540.2. "Advertise" means to make any representation in the solicitation of air or sea transportation and includes communication with other members of the same partnership, corporation, joint venture, association, organization, group or other entity.

17540.3. "Passenger" is a person on whose behalf money or other consideration has been given or is to be given to another, including another member of the same partnership, corporation, joint venture, association, organization, group or other entity, for travel by air or sea.

17540.4. An air carrier is a transporter by air of persons subject to regulation as such by any governmental agency.

17540.6. A travel promoter shall not advertise that air or sea transportation is or may be available unless he has, prior to such advertisement, contracted for the transportation advertised with an air carrier.

17540.7. "Adequate bond" means a corporate bond of an amount at least equal to the amount required under the contract between the travel promoter and the transportation carrier or company or person providing any other services in conjunction with such transportation.

(a) The people of this state and every person injured by the wrongful act of the principal acting in the course and scope of his

occupation or business or by any official, agent or employee of such principal acting in the course or scope of his employment or agency, may bring an action on the bond in his own name to recover damages suffered by reason of such willful, malicious or wrongful act. A travel promoter filing such a bond shall maintain the bond in force in the proper amount as a condition of continuing to engage in business.

(b) No person so injured may recover upon the bond a sum greater than that which such person paid to the principal, provided that this limitation shall not restrict such person from recovering sums greater than those paid to the principal from sources other than the bond. In no event shall the aggregate liability of the surety company for any and all claims which arise under the bond exceed the amount of the bond.

17540.8. A travel promoter shall not receive money or other valuable consideration in payment for air or sea transportation or any other services offered by the travel promoter in conjunction with such transportation unless at the time of such receipt the travel promoter furnishes to the person making such payment a written statement conspicuously setting forth the following information:

(a) The name and business address and telephone number of the travel promoter.

(b) The amount paid, the date of such payment, the purpose of the payment made, and an itemized statement of the balance due, if any.

(c) The location and number of the trust account or bond required by this article.

(d) The name of the carrier with which the travel promoter has contracted to provide the transportation, the type of equipment to be used, and the date, time and place of each departure.

(e) The conditions, if any, upon which the contract between the travel promoter and the passenger may be canceled, and the rights and obligations of all parties in the event of such cancellation.

(f) The conditions, if any, upon which the contract between the travel promoter and the carrier may be canceled, and the rights and obligations of all parties in the event of such cancellation.

(g) A statement in eight point boldface type that upon cancellation of the transportation through no fault of the passenger, all sums paid to the travel promoter for services not performed in accordance with the contract between the travel promoter and the passenger will be, unless the passenger otherwise advises the travel promoter in writing, promptly refunded by the travel promoter to the passenger or the party who contracted for the passenger.

17540.9. (a) In the event the transportation contracted for is canceled through no fault of the passenger, and unless the passenger otherwise advises the travel promoter in writing, the travel promoter shall promptly return to the passenger all moneys paid for services not performed and goods not delivered in accordance with the contract.

(b) Any misrepresentation with regard to the date, time, place of

all departures or arrivals or type of aircraft or ocean carrier or similar occurrence shall be deemed to be a cancellation necessitating the refund required by this section.

17540.10. (a) A travel promoter shall deposit 90 percent of all sums received for air or sea transportation or any other services or goods offered by the travel promoter in conjunction with such transportation in a trust account in a federally insured bank or savings and loan association.

(b) The trust account required by this section shall be created and maintained for the benefit of the persons paying money to the travel promoter. The travel promoter shall not in any manner encumber the corpus of such account and shall not withdraw money therefrom except: (1) in partial or full payment for the goods or services contracted for by the passengers to the carrier or person providing the other goods or services offered by the travel promoter; or (2) to make the refunds as required by this article or provided for by written contract between the travel promoter and passengers. This section shall not prevent the withdrawal from such account of any interest earned and credited to the trust account for the sole benefit of the travel promoter after all goods and services have been provided as contracted for or the withdrawal at such time of any other sums on deposit in such account.

(c) In lieu of such trust, an adequate bond may be maintained by the travel promoter.

17540.11. If the passenger after making full payment of the fee for air or ocean transportation, or both, requests the ticket or voucher for such transportation, the promoter shall issue the ticket or voucher for such air or ocean transportation, or both, and deliver such ticket or voucher to the passenger.

17540.12. If any provision of this article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

17540.13. In addition to any civil penalties provided in this chapter, violation of this article is a misdemeanor.

SEC. 2. Chapter 5.5 (commencing with Section 4900) of Division 2 of the Public Utilities Code is repealed.

SEC. 3. Part 3 (commencing with Section 24001) of Division 9 of the Public Utilities Code is repealed.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities which, in the aggregate, do not result in significant identifiable cost changes.

## CHAPTER 1273

*An act to amend Sections 20800 and 20800.5 of, to add Section 20800.6 to, and to repeal Sections 20801, 20802, 20803, 20804, 20805, 20806, and 20843 of, the Business and Professions Code, relating to lubricating oils.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 20800 of the Business and Professions Code is amended to read:

20800. Any lubricating oil, regardless of its origin, or any product that is a blend of recycled oil and new oil, shall not be sold, offered for sale, delivered, offered for delivery or stored as a motor oil or lubricating oil for use in an internal combustion engine unless such product conforms to the following specifications:

(a) It shall be free from water and suspended matter when tested by means of centrifuge, in accordance with the standard test therefor.

(b) The flashpoints for the various S.A.E. (Society of Automotive Engineers) classifications shall not be less than the following when tested in accordance with the standard method of test for flash and fire points by means of the Cleveland open cup:

| Viscosity classification | Viscosity SSU at 210° F. | Minimum flash degrees Fahrenheit |
|---|---|---|
| SAE 5W | | 305 |
| SAE 10W | | 335 |
| SAE 20W | | 345 |
| SAE 20 | | 345 |
| SAE 30 | | 355 |
| SAE 40 | | 375 |
| SAE 50 | | 400 |
| Grade 60 | 110 to less than 125 | 435 |
| Grade 70 | 125 to less than 150 | 470 |

(c) It shall meet the motor oil requirements established by the Society of Automotive Engineers for engine oil performance and engine service classification—SAE J183a or the latest revision thereof.

SEC. 2. Section 20800.5 of the Business and Professions Code is amended to read:

20800.5. Any lubricating oil regardless of its origin, or any product that is a blend of recycled oil and new oil shall not be sold, offered for sale, delivered, offered for delivery or stored as a product for use in lubricating transmissions, gears or axles unless such product

conforms to the following specifications.

(a) It shall be free from water and contaminants including but not limited to harmful abrasives, oxidized oil and corrosive material when tested in accordance with the standard tests therefor; contaminants for the purposes of this section shall not include substances added by the manufacturer which could reasonably be expected to improve performance of the product.

(b) The viscosity grade classification number shall be the same as the latest published Society of Automotive Engineers recommended practice when tested in accordance with the latest method published by the American Society for Testing and Materials.

(c) It meets the service requirements contained in the SAE information report on axle and manual transmission lubricants SAE J308b.

SEC. 3. Section 20800.6 of the Business and Professions Code is added, to read:

20800.6. It is unlawful for any person to sell, offer to sell, offer for sale, or deliver or offer to deliver any lubricating oil or motor oil unless the SAE/API service classification is conspicuously marked on each container.

SEC. 3. Section 20801 of the Business and Professions Code is repealed.

SEC. 4. Section 20802 of the Business and Professions Code is repealed.

SEC. 5. Section 20803 of the Business and Professions Code is repealed.

SEC. 6. Section 20804 of the Business and Professions Code is repealed.

SEC. 7. Section 20805 of the Business and Professions Code is repealed.

SEC. 8. Section 20806 of the Business and Professions Code is repealed.

SEC. 9. Section 20843 of the Business and Professions Code is repealed.

SEC. 10. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school district which, in the aggregate, do not result in significant identifiable cost changes.

# CHAPTER 1274

*An act to add Chapter 5 (commencing with Section 160) to Division 1.5 of the Harbors and Navigation Code, relating to dredging, and making an appropriation therefor.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Chapter 5 (commencing with Section 160) is added to Division 1.5 of the Harbors and Navigation Code, to read:

## CHAPTER 5. DREDGING

160. The Legislature recognizes that the orderly and efficient processing of dredging permits is essential to the movement of the waterway commerce of the state, as well as the use of our recreational waterways and marinas, and that the present procedures often include frequent long delays in processing such permits. It is the intent of the Legislature to coordinate and expedite processing of dredging permit applications through state agencies and to encourage cooperation with federal agencies, to the extent permitted by law. It is also the intent of the Legislature to study and establish an interim procedure for processing applications in that area described in Government Code Section 66610 for maintenance dredging of any amount or new dredging of 100,000 cubic yards or less within a 12-month period. It is also the intent of the Legislature that the Resources Agency shall coordinate the permitting procedures of any state agency required or permitted by law to review such applications, shall assure that such agencies respond within a reasonable time on a particular application, shall cooperate with federal review agencies in expediting applications through such agencies, and shall report to the Legislature concerning the future processing of dredging permits through state agencies, the manpower needs of such agencies relative to the efficient processing of permits, the establishment of administrative procedures and regulations necessary for the orderly processing of permits, and the future relationship between state and federal agencies relative to the review of such permits.

161. The Resources Agency shall be the state coordinating agency for all applications for permission to conduct maintenance dredging in the area described in Government Code Section 66610 of any amount or new dredging of 100,000 cubic yards or less within a 12-month period made to any state agency required or permitted by law to review such applications. Applicants for such permission shall apply pursuant to the procedures established by the Resources Agency and in accordance with the provisions of this chapter and shall not apply to other state agencies.

162. The Resources Agency shall adopt a standard application form containing requests for all information needed by state or local agencies required or permitted to review the application. The agency may revise or amend the form when necessary and may adopt any administrative rules, regulations, or time constraints it deems necessary for administration of the provisions of this chapter.

163. The Resources Agency in cooperation with all other state and local agencies shall publish, within 90 days of the effective date of this chapter, a procedural guide for dredging permit applications, including the standard application form, instructions, and rules and regulations concerning the processing of such permits.

164. Applicants shall apply to the Resources Agency for permission to dredge, as defined in this chapter. Within 10 days of the receipt of the application, including evidence of procurement of approval from any person or agency having real estate interest, including the right to extract minerals, and including filing fees equivalent to the filing fee established by each agency, the Resources Agency shall forward copies of the application and other necessary materials to all state agencies having permit jurisdiction or review responsibilities. The Resources Agency shall at such time notify the applicant that his application has been received and forwarded to the pertinent state agencies.

165. Upon receipt of the copy of the application and other necessary materials, each affected agency shall within a reasonable time, as established by the Resources Agency, advise the coordinating agency if the application as received is complete. If each affected agency advises the Resources Agency that the application is complete, the Resources Agency shall so notify the applicant in writing. If any such state agency advises that the application is incomplete, the Resources Agency shall notify the applicant as to what additional information is needed, and require the applicant to take such action as may be necessary to make the application complete within a reasonable time.

166. Upon receipt of the copy of the complete application and other necessary materials, each affected state agency having no time limit for reporting its decision shall review it pursuant to its established procedures, except that it shall report its decision, findings, or recommendations to the Resources Agency not later than 60 days following receipt of the complete application. If the affected agency has a period within which to report, the agency shall report the current status of the application within the agency not later than 60 days following receipt of the complete application. The Resources Agency shall at such time notify the applicant of any decision, findings, or recommendations, or the status of the permit.

167. If an affected agency does not respond within the 60 days, or within the time specified by law, it shall be deemed to have no comment on the application. If it does respond and if it has made a decision regarding the application, it shall submit a statement setting forth reasons for the decision.

168. The Resources Agency shall compile the decisions, reports, and findings of the affected state and local agencies from which such material has been received. If any agency having legal authority to deny the permit has properly denied the permit, the permit shall be declared denied. If the permit is properly granted or denied, the Resources Agency shall within 10 days forward its report containing all comments received and a summary to the applicant and to the Corps of Engineers.

169. The Resources Agency shall report to the Legislature its evaluation of the permit procedures authorized by this chapter on or before February 1, 1976. This report shall identify problems in permitting procedures, make recommendations concerning ways to expedite the process, and advise the Legislature on the feasibility of a statewide application of the new procedures.

170. This chapter shall not be operative after July 1, 1976.

SEC. 2. The sum of twenty-seven thousand dollars ($27,000) is hereby appropriated from the General Fund to the Resources Agency for the costs of administering this act.

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## CHAPTER 1275

*An act to add Sections 99271, 99272, and 99273 to the Public Utilities Code, relating to public transportation.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 99271 is added to the Public Utilities Code, to read:

99271. (a) An operator shall be eligible for allocations under this article, on and after July 1, 1976, only if the current cost of its retirement system is fully funded with respect to the officers and employees of its public transportation system, or if the operator is implementing a plan approved by the transportation planning agency which will fully fund the retirement system for such officers and employees within 40 years.

(b) "Fully funded" with respect to the retirement system, means that the system, at any particular time, has assets determined to be sufficient to provide for the payment of all pension and other benefits to such officers and employees then entitled, or who may become entitled, under terms of the system to an immediate or deferred benefit in respect to service rendered by such officers and employees.

SEC. 2. Section 99272 is added to the Public Utilities Code, to read:

99272. An operator that has a private pension plan shall be

eligible for allocations under this article, on and after July 1, 1976, only if the operator does all of the following:

(a) Conducts periodic actuarial studies of its employee pension plans to determine the annual cost of future pension benefits.

(b) Formulates and adopts financial plans to eliminate, during a reasonable future period, any deficits in its pension fund accruing in years prior to January 1, 1975.

(c) Sets aside and invests, on a current basis, funds sufficient to provide for the payment of future pension benefits.

SEC. 3. Section 99273 is added to the Public Utilities Code, to read:

99273. An operator that has a private pension plan shall be eligible for allocations under this article, on and after July 1, 1976, only if the operator reports in its financial statements, at least annually, all of the following:

(a) The actuarially determined amount of pension liability.

(b) The amount of cash funds set aside and invested to meet the pension liability.

(c) The amount of any deficit in the pension fund.

(d) The financial plan adopted to eliminate the deficit in the pension fund.

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## CHAPTER 1276

*An act to amend Sections 8390, 8391, 8393, and 8395 of, to amend the heading of Chapter 5.6 (commencing with Section 8390) of Division 1 of Title 2 of, and to add Section 8397 to, the Government Code, relating to the California Council of Design and Marketing.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. The heading of Chapter 5.6 (commencing with Section 8390) of Division 1 of Title 2 of the Government Code is amended to read:

### CHAPTER 5.6. CALIFORNIA COUNCIL OF DESIGN AND MARKETING

SEC. 2. Section 8390 of the Government Code is amended to read:

8390. The Legislature finds and declares:

(a) There are pressures on employment opportunities in California brought about by rising population, increasing automation, and active competition of other production centers.

(b) It is becoming increasingly difficult for California enterprisers

to maintain themselves in non-California markets.

(c) It is becoming more difficult for California enterprisers to maintain themselves in their natural California markets.

(d) Employment opportunities are created by free and private California enterprisers responding to a demand for their products, not merely by non-California enterprisers establishing plants or outlets in this state.

(e) Free and private California enterprisers not only create employment opportunities but enable income to be retained in California.

(f) California enterprisers have been unusually aware of the value of excellence in design as a means of creating markets for their goods.

(g) Users of California products, natural, processed and manufactured, are entitled to the best in design and should be encouraged to demand it.

(h) The world demand for California products will be increased by the unique and excellent qualities of California design.

(i) The increased demand for California products through the promulgation of excellence in design will result in increased employment opportunities.

(j) The State of California, therefore, recognizes an obligation to present the needs for excellence in design to California enterprisers; and to encourage domestic and world demand for California-designed and California-made products.

(k) Such obligation should be carried out by educating California enterprisers to the value of excellence in design, by encouraging the adoption by them of programs of excellence in design, by informing domestic and world markets of the availability of well-designed products of California enterprisers, by the promotion of California-made products in those markets, and by cooperating with governmental, commercial, industrial, educational, philanthropic and cultural organizations which are also concerned with the matters contained in this chapter.

(*l*) Such activities will attract users of well-designed products to the California market, will increase California production, will create additional employment opportunities, will increase the number of visitors to California, will maintain the place of this state in the world's markets in the forefront of all the states in the nation, and will implement policy declared by this Legislature in establishing the World Trade Division and the Commission for Economic Development in the Department of Commerce to foster and develop domestic and international trade for the benefit of the entire state.

SEC. 3. Section 8391 of the Government Code is amended to read:

8391. There is in the Department of Commerce, a California Council of Design and Marketing, which is referred to in this chapter as the "council."

SEC. 4. Section 8393 of Government Code is amended to read:

8393. (a) Five members of the council shall be appointed to serve until July 1, 1972; five members shall be appointed to serve until July 1, 1973; and five members shall be appointed to serve until July 1, 1974. Members appointed to fill positions, the terms of which expired in July 1, 1972, July 1, 1973, and July 1, 1974, shall serve for three years until July 1, 1975, July 1, 1976, and July 1, 1977, respectively. Thereafter all members shall be appointed for three-year terms. All members shall hold office until the appointment of their successors, but in no instance shall a member serve more than one year immediately following the expiration of his term. Any vacancies shall be immediately filled by the Governor for the unexpired portion of the term in which they occur.

(b) Each member of the council shall be reimbursed for all necessary expenses actually incurred in the performance of his duties.

(c) The council shall elect annually from its members a chairman and vice chairman.

SEC. 5. Section 8395 of the Government Code is amended to read:

8395. The council shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter including, but not limited to, the following:

(a) To identify the ways in which California products may be increasingly and vigorously marketed through excellence in design and manufacture.

(b) To establish California applied design centers to exhibit products which are designed and made in California which have been selected by the council for their excellence of design. In deciding the excellence of design of products the council shall consider among other elements their functional efficiency, human factors, quality of workmanship, appropriate use of materials and attractiveness of appearance. Such centers shall maintain and distribute comprehensive information about the products designed and made in California. Pilot programs may be undertaken in exhibiting and promoting California fashions and other products. Appropriate fees may be adopted by the council and charged by the centers for the services which they render, but they may not be at a rate which discourages use of the facilities of the centers.

(c) To establish conditions and make awards for design excellence.

(d) To publish and distribute materials related to design excellence.

(e) To display or cause to be displayed California-designed products in California and non-California markets, in public or private exhibitions, including fairs, fairgrounds, museums, exhibition buildings, retail stores, and other distributive facilities in cooperation and conjunction with, whenever possible, the Division of World Trade.

(f) To establish conditions and determine criteria for use of a

California label.

(g) To acquaint California residents with the possibility of careers in design and marketing.

(h) To encourage institutions of learning to adopt and expand their curricula in design and marketing, and to encourage them to include the appreciation of design in courses of instruction in various departments and divisions of these institutions.

(i) To appoint such advisory committees as it deems advisable and necessary to the carrying out of its powers and duties hereunder.

(j) To accept any federal funds granted by act of Congress or by executive order for all or any of the purposes of this chapter.

(k) To accept any gifts, donations, or bequests for all or any of the purposes of this chapter.

(*l*) To adopt such rules and regulations as are necessary to carry out the provisions of this chapter. Such rules and regulations shall be adopted in accordance with the provisions of Chapter 4.5 (commencing with Sec. 11371), of Part 1, Division 3, Title 2 of the Government Code.

(m) To employ such administrative, technical and other personnel as may be necessary for the performance of its powers and duties.

(n) To fix, pursuant to law, the salaries of the personnel employed pursuant to this section.

(o) To hold hearings, make and sign any agreements and to do or perform any acts which may be necessary, desirable or proper to carry out the purposes of this chapter.

(p) To request and obtain from any department, division, board, bureau, commission, or other agency of the state such assistance and data as will enable it properly to carry out its powers and duties hereunder.

SEC. 6. Section 8397 is added to the Government Code, to read:

8397. The council is not liable for any injury caused by its action or failure to take action pursuant to subdivision (c) or subdivision (f) of Section 8395.

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## CHAPTER 1277

*An act to amend Section 13083 of the Education Code, relating to employee organizations.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 13083 of the Education Code is amended to read:

13083. Employee organizations shall have the right to represent

their members in their employment relations with public school employers. Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership. Nothing in this section shall prohibit any employee from appearing in his own behalf in his employment relations with the public school employer.

Recognized employee organizations may obtain the names and home addresses of school district employees provided the employee organization pays to the school district a fee not less than the cost of preparation of same. The district may require that such information be confidential to the employee organization. The school district shall establish procedures for restriction of addresses of employees who wish such to remain confidential to the district.

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## CHAPTER 1278

*An act to add Section 32121.5 to the Health and Safety Code, relating to hospital districts, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 32121.5 is added to the Health and Safety Code, to read:

32121.5. Notwithstanding any other provision of this division, a local hospital district may enter into a contract of employment with a hospital administrator, the duration of which shall not exceed four years, but which may periodically be renewed upon expiration for not more than four years.

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

In order to help assure competent administration of hospitals of local hospital districts, it is necessary that this act go into effect immediately.

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## CHAPTER 1279

*An act to amend Section 14695 of the Education Code, relating to school district retirement plans, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 14695 of the Education Code is amended to read:

14695. The balance of the assets delivered to the district pursuant to subdivision (c) of Section 14694, after the transfers, deposits and payments required by such section, or after establishment of reserves from which such deposits and payments shall be made, shall be allocated and distributed as follows:

(a) Sixty-five percent of such balance shall be distributed to the undistributed reserve of the general fund of the district to be reduced to cash as necessary and appropriated in any year by majority vote of the governing board. Until the balance of the assets has been reduced to cash, the governing board may invest and reinvest the assets in securities legal for the investment of funds of the State Teachers' Retirement System when in the judgment of the governing board any sale and reinvestment is advisable. Ten percent of this amount shall be used only for maintenance operation.

(b) Twenty percent of such balance shall be transferred to a special account in the undistributed reserve of the district's general fund to be reduced to cash as necessary in order to be used only for the purpose of reducing the tax collected pursuant to Section 14111 in order to provide the contributions required by Section 14100 to the Teacher's Retirement Fund. In the event that the special account is not wholly distributed for the purpose of making such contribution, the balance in the special account shall be released to the undistributed reserve. Until the balance of the assets has been reduced to cash, the governing board may invest and reinvest the assets in securities legal for the investment of funds of the State Teachers' Retirement System when in the judgment of the governing board any sale and reinvestment is advisable.

(c) Fifteen percent of such balance shall be held intact by the district in an annuity reserve fund from which shall be provided a supplementary annuity at time of retirement under any California public retirement system to or on behalf of those members of the local district retirement system who were on the active roll or members on the retired roll of such local district retirement system as of June 30, 1972, and those members added to the active and retired rolls between June 30, 1972, and any later date of discontinuance, and those probationary or permanent certificated employees of the district holding memberships in California public retirement systems other than the local district retirement system who are making contributions to such systems on June 30, 1972, or on any later date of discontinuance. The supplemental annuity may be paid in lump sum or in installments for the life of the person eligible, or his beneficiary, after his retirement.

No such participant in the annuity reserve fund shall have vested

rights to the benefits of this annuity reserve fund until he has continued in active service for a period of five years from the date of discontinuance of the local district retirement system, except participants who have separated from service by reason of retirement, including deferred retirement, or death.

An account shall be opened in the name of each person eligible to participate in the benefits of the annuity reserve fund to which shall be credited his share of the annuity reserve fund. The individual participant's share of this fund shall bear the same ratio to the total of this fund as his annuity savings contributions, including interest earned, to the retirement system, to which he is making annuity contributions as of June 30, 1972, or any later date of discontinuance, or, if a retired member, the date of retirement prior to June 30, 1972, bears to the total annuity savings contributions, including interest earned, of all such participants in the retirement systems to which they are making contributions at the date of discontinuance, including total contributions to the local district retirement system previously made by living members on the retired roll. The fund shall include principal and interest in the account of any participant forfeited because said participant separated from service, except by reason of retirement, including deferred retirement, or death, within five years from June 30, 1972, or other date of discontinuance. Such forfeiture shall be treated as earnings of the fund.

As of June 30 each year, the earnings of the preceding 12 months less administrative expense shall be credited to the accounts of the remaining participants in the annuity reserve fund on the ratio that the participant's individual account balance bears to the total balance of the annuity reserve fund. The cost of administering the fund shall be charged against the assets of the fund, as approved by the governing board of the school district.

If a participant separates from service prior to June 30, of any year, the earnings since the preceding June 30 shall remain in the fund. Any member whose accumulated contributions to the local retirement system exceed the amount required by law to be deposited by the member in the State Teachers' Retirement System's Annuity Fund upon discontinuance of the local system may deposit to his credit all or part of such excess amount in the annuity reserve fund.

The governing board of the school district which maintained the discontinued local district retirement system shall establish an annuity reserve fund board of not more than seven members, the majority of whom shall be composed of certificated employees who are participants in the annuity reserve fund. The certificated employees on the annuity reserve fund board shall be elected by participants in the annuity reserve fund. The annuity reserve fund board shall have the authority to make rules and regulations necessary for the management of the annuity reserve fund in accordance with modern business practice. The local district retirement board shall continue to function as the annuity reserve

board pending its establishment.

Annuity reserve fund board shall invest the funds in securities which are legal for the investment of funds of the State Teachers' Retirement System and shall sell the securities and reinvest the proceeds in securities legal for the investment of funds of the State Teachers' Retirement System when in the judgment of the annuity reserve fund board any sale and reinvestment is advisable.

All securities and cash of the annuity reserve fund shall be held in a trust fund in the county treasury. The county treasurer, as one of his official duties, shall be a member ex officio of the annuity reserve fund board established to invest the assets of this fund.

Any funds raised for the support of the local district retirement system and not appropriated to any specific account shall be transferred to the annuity reserve fund. All payments from the district's annuity reserve fund shall be made in the same manner as payments from school district funds.

The annuity reserve fund board may, at its discretion, request the district governing board to hold an election among existing annuity reserve fund participants as to whether the board should distribute existing funds in the annuity fund. The annuity reserve fund board may prescribe all rules and regulations regarding such an election and is authorized to distribute such funds if a majority of such members so elect.

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

In order to secure approval of teachers for a dissolution of funds prior to the beginning of the new school year in September 1974 it is essential that this act take effect as soon as possible.

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## CHAPTER 1280

*An act to amend Section 9027 and 9029 of the Government Code, relating to meetings of the Legislature.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 9027 of the Government Code is amended to read:

9027. All meetings of the Assembly and Senate and the committees and subcommittees thereof, and any conference committee on the budget, shall be open and public and all the proceedings shall be conducted openly so that the public may remain informed, except as otherwise provided in this article.

All meetings of any conference committee other than that on the budget shall be open to press representatives accredited by the Joint Rules Committee.

SEC. 2. Section 9029 of the Government Code is amended to read:

9029. Nothing contained in this article shall be construed to prevent: the Assembly or the Senate or a committee or subcommittee thereof from holding executive sessions to consider the appointment of members to committees or to the chairmanship or vice chairmanship thereof, or to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee, or an elected public official, or to consider matters relating to internal house management, or to consider assignment of bills to committee, or affecting the safety and security of the State Capitol or Members of the Legislature, its staff and employees, or the Members of the Assembly or the Senate from meeting privately in caucus with members of their own political party, or, except as provided in Section 9027, a legislative conference committee other than a conference committee on the budget, consisting of members of both houses duly appointed and meeting to consider legislation when the first house refused to concur in amendments of the second house.

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## CHAPTER 1281

*An act to add Section 13737.1 to the Education Code, relating to school classified employees, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 13737.1 is added to the Education Code, to read:

13737.1. Any classified employee who, after June 1, 1969, and prior to the effective date of amendments to Section 13737 made by Chapter 1034 of the Statutes of 1972, took a voluntary demotion or voluntary reduction in assigned time in lieu of layoff, and who continues to be in such status on the effective date of this section, shall, on and after the effective date of this section, be accorded the rights and benefits of the amendments to Section 13737 made by Chapter 1034 of the Statutes of 1972; provided, however, that no appointment to a position made from a valid employment or promotional list subsequent to March 7, 1973, and prior to August 15, 1974, shall be nullified or otherwise affected by this section.

SEC. 2. Notwithstanding Section 2231 of the Revenue and

Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because there are no state-mandated local costs in this act.

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

In order that benefits accorded school classified employees by this act may be effective with respect to employment for the 1974–75 school academic year, it is necessary that this act go into effect immediately.

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## CHAPTER 1282

*An act to amend Section 31285.4 of the Education Code, relating to medical schools, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 31285.4 of the Education Code is amended to read:

31285.4. The commission shall have the authority to contract on behalf of the state with private colleges and universities maintaining and operating a recognized school of medicine and accredited by the Joint Liaison Committee of the American Medical Association and the Association of American Medical Colleges, which have an affirmative action program approved by the State Fair Employment Practice Commission for the equitable recruitment of instructors and medical students, for the purpose of inducing said colleges and universities to refrain from reducing enrollment and to increase enrollment in the medical schools located in California. The provisions of this paragraph shall not apply to the recruitment of instructors on the basis of religious affiliation at sectarian medical schools and colleges.

To further this purpose, the commission is authorized to contract with non-state-supported medical schools to increase their enrollment above the number of total students enrolled for the 1970–71 academic year. The commission is authorized to make annual payments of twelve thousand dollars ($12,000) for each medical student enrolled up to the total enrollment above the enrollment for the 1970–71 academic year. The annual payment for each additional medical student enrolled shall be decreased by the amount of any federal funds granted per medical student enrolled in any such schools during the academic year. The commission may also

enter into similar contracts with medical schools formed on or after January 1, 1971, which have at least provisional accreditation from the Joint Liaison Committee of the American Medical Association and the Association of American Medical Colleges.

SEC. 1.5. During the 1972–73 and 1973–74 academic years, Loma Linda University Medical School, a non-state-supported medical school situated in this state, undertook to expand its enrollment of medical students. It did so in anticipation of being reimbursed a portion of the increased costs thereof pursuant to Section 31285.4 of the Education Code. Such expectation was not fulfilled due to the school's failure to adopt an approved affirmative action plan with respect to faculty hiring though, in all other respects, the college did conform to the criteria for reimbursement set forth in Section 31285.4. The purpose and goals of the state medical contract program were fulfilled in that the school did substantially increase its enrollment of medical students for the 1972–73 and 1973–74 academic years, and in doing so contributed significantly to the state's need for more medical practitioners. In doing so, and in anticipation of being reimbursed, the school incurred additional costs which now threaten its financial integrity and its ability to maintain the higher enrollment level. It is the intent of the Legislature that, from funds previously appropriated for that purpose but as yet unexpended, the medical school herein described be reimbursed for the 1972–73 and 1973–74 fiscal years to the extent otherwise authorized by Section 31285.4, as if such school had qualified as a contracting medical school for those fiscal years.

SEC. 2. From funds appropriated by Section 3 of this act, the State Scholarship and Loan Commission shall make payments authorized by Section 1.5 of this act. The amount of such payment shall be decreased by the amount of any federal funds received by the medical school described in Section 1.5 of this act on account of any medical student enrolled therein during the 1972–73 or 1973–74 academic year. Except as herein provided, all of the provisions of Chapter 4.6 (commencing with Section 31285.1) of Division 22 of the Education Code shall apply with respect to contracts and payments made pursuant to this section.

SEC. 3. The unexpended balances remaining from amounts appropriated under Item 298 of the Budget Act of 1972, subitem (d) of Item 330 of the Budget Act of 1973, and by Chapter 1112 of the Statutes of 1973, are hereby reappropriated to the State Scholarship and Loan Commission for expenditure for the purposes of Section 2 of this act.

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

In order that the resources of independent medical schools in this state may be utilized to the greatest possible extent, it is necessary that this act, which facilitates cooperative programs between the

state and private medical schools, go into effect immediately.

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## CHAPTER 1283

*An act to amend Section 13203 of the Vehicle Code and to amend Section 564 of the Welfare and Institutions Code, relating to juvenile offenses, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 13203 of the Vehicle Code is amended to read:

13203. In no event shall a court suspend the privilege of any person to operate a motor vehicle or as a condition of probation prohibit the operation of a motor vehicle for a period of time longer than that specified in this code. Any such prohibited order of a court, whether imposed as a condition of probation or otherwise, shall be null and void, and the department shall restore or reissue a license to any person entitled thereto irrespective of any such invalid order of a court.

SEC. 2. Section 564 of the Welfare and Institutions Code is amended to read:

564. Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may

(1) Reprimand the minor and take no further action, or

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted as provided in the Vehicle Code or, notwithstanding Section 13203 of the Vehicle Code or any other provision of law, when the Vehicle Code does not provide for the suspension or restriction of driving privileges, that in addition to any other order, the driving privileges of the minor be suspended or restricted for a period of not to exceed 30 days.

(b) That the minor attend traffic school over a period not to exceed 60 days.

(c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars ($50), and to the Driver Training Penalty Assessment Fund a penalty assessment in the amount provided in Section 42050 of the Vehicle Code for offenses not relating to parking

or registration or offenses by pedestrians.

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(e) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

SEC. 2.5. Section 564 of the Welfare and Institutions Code is amended to read:

564. (A) Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may do any of the following:

(1) Reprimand the minor and take no further action.

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter.

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted as provided in the Vehicle Code or, notwithstanding Section 13203 of the Vehicle Code or any other provision of law, when the Vehicle Code does not provide for the suspension or restriction of driving privileges, that, in addition to any other order, the driving privileges of the minor be suspended or restricted for a period of not to exceed 30 days.

(b) That the minor attend traffic school over a period not to exceed 60 days.

(c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars ($50), and to the Driver Training Penalty Assessment Fund a penalty assessment in the amount provided in Section 42050 of the Vehicle Code for offenses not relating to parking or registration or offenses by pedestrians.

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(e) That the minor produce satisfactory evidence that the vehicle or its equipment has been made to conform with the requirements of the Vehicle Code pursuant to Section 40150 of the Vehicle Code.

(f) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

(B) The judge, referee, or traffic hearing officer shall retain

jurisdiction of the case until all orders made under this section have been fully complied with.

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

In order for the changes provided in this act to take effect at the earliest possible time it is necessary that this act take immediate effect.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 2299 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 564 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 2299, that Section 564 of the Welfare and Institutions Code, as amended by Section 2 of this act, shall remain operative until the effective date of Senate Bill No. 2299, and that on the effective date of Senate Bill No. 2299 Section 564 of the Welfare and Institutions Code, as amended by Section 2 of this act, be further amended in the form set forth in Section 2.5 of this act to incorporate the changes in Section 564 proposed by Senate Bill No. 2299. Therefore, if this bill and Senate Bill No. 2299 are both chaptered and become effective on or before January 1, 1975, and Senate Bill No. 2299 is chaptered before this bill and amends Section 564, Section 2.5 of this act shall become operative on the effective date of Senate Bill No. 2299.

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## CHAPTER 1284

*An act to amend Section 12081 of the Health and Safety Code, to amend Sections 142.1, 142.5, 143, 144.5, 6305, 6309, 6310, 6315, 6319, 6324, 6410, 6431, 6506, 6600, 6601, 6602, 6603, 6611, 6613, 6614, 6617, 6630, 6632, 6633, 6703, 7991, 7998, 7999, and 8001 of, to add Section 6308.5 to, and to repeal Section 6453 of, and to repeal and add Chapter 8 (commencing with Section 6650) of Part 1 of Division 5 of, the Labor Code, and to repeal and add Section 106 of Chapter 993 of the Statutes of 1973, relating to industrial safety.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 12081 of the Health and Safety Code is amended to read:

12081. Except as limited by Chapter 6 (commencing with Section 140), Division 1 of the Labor Code, the State Fire Marshal shall prepare and adopt, in accordance with the provisions of Chapter 4.5 (commencing at Section 11371), Part 1, Division 3, Title 2 of the Government Code, reasonable regulations which are not in conflict

with this part, relating to the sale, use, handling, possession, and storage of explosives.

The regulations adopted by the State Fire Marshal shall:

(a) Make reasonable allowances for storage facilities in existence when the regulations become effective. No allowance, however, shall be made for storage facilities which constitute a distinct hazard to life and property, nor shall any allowance be made for storage facilities wherein proper safeguards for the control and security of explosives cannot be maintained.

(b) Be based on performance standards wherever possible.

(c) Make reasonable allowances for the storage of gunpowder for commercial and private use. No allowance, however, shall be made for storage facilities which constitute a distinct hazard to life and property, nor shall any allowance be made for storage facilities wherein proper safeguards for the control and security of explosives cannot be maintained.

In making the regulations the State Fire Marshal shall consider as evidence of generally accepted safety standards the publications of the National Fire Protection Association, the United States Bureau of Mines, the United States Department of Defense, and the Institute of Makers of Explosives.

SEC. 2. Section 142.1 of the Labor Code is amended to read:

142.1. The board shall meet at least monthly. The meetings shall be rotated throughout the state at locations designated by the chairman. All meetings held by the board shall be open and public. Notice of board meetings shall be published in Sacramento, San Francisco, Fresno, Los Angeles and San Diego in papers of general circulation at least 20 calendar days prior to each such meeting. Written notice of all such meetings and a proposed agenda shall be given to all persons who make request for such notice in writing to the board.

SEC. 3. Section 142.5 of the Labor Code is amended to read:

142.5. Upon the fixing of a time and place for a hearing to consider the adoption, amendment, or repeal of an occupational safety and health standard or order, the board shall publish, at least 20 calendar days prior to each meeting, a notice of such hearing in one or more daily newspapers of general circulation published and circulated in San Francisco and in one or more daily newspapers of general circulation published and circulated in the County of Los Angeles. No defect or inaccuracy in such notice or in the publication thereof invalidates any standard or order issued by the board after a hearing.

SEC. 4. Section 143 of the Labor Code is amended to read:

143. (a) Any employer may apply to the board for a permanent variance from an occupational safety and health standard, order, special order, or portion thereof, upon a showing of an alternate program, method, practice, means, device, or process which will provide equal or superior safety for employees.

(b) The board shall issue such variance if it determines on the

record, after opportunity for an investigation where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The variance so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question.

(c) The board is authorized to grant a variance from any standard or portion thereof whenever it determines such variance is necessary to permit an employer to participate in an experiment approved by the director designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

(d) A permanent variance may be modified or revoked upon application by an employer, employees, or the division, or by the board on its own motion, in the manner prescribed for its issuance under this section at any time.

SEC. 5. Section 144.5 of the Labor Code is amended to read:

144.5. (a) The State Department of Health in connection with the enforcement of occupational safety and health standards adopted pursuant to this chapter shall do all of the following:

(1) Upon request from the Division of Industrial Safety, assist in the conduct of inspections or investigations related to specific workplaces for the evaluation of occupational health problems or environmental conditions which may be harmful to the health of employees. The State Department of Health shall report its finding to the division as soon as practicable.

(2) Upon request of the Division of Industrial Safety, any employer or employee, or on its own initiative, conduct special investigations or studies of occupational health problems which are unrelated to a specific enforcement action to the extent the circumstances indicate and priorities permit. Studies initiated by the State Department of Health shall be coordinated with and reported to the division.

(3) Provide a continuing program of training for safety engineers of the Division of Industrial Safety in the recognition of health hazards, in dealing with such hazards that do not require specialized competence or equipment and in acquainting them with the skills available from the State Department of Health and local health agencies.

(b) The State Department of Health may enter into written agreements with local health departments to conduct inspections and evaluations of occupational health problems including environmental and sanitary conditions in places of employment when appropriate. Such agreements shall be entered into only with the specific agreement of the Department of Industrial Relations and

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only after a finding that the local health department can meet the necessary enforcement performance standards.

SEC. 6. Section 6305 of the Labor Code is amended to read:

6305. (a) "Occupational safety and health standards and orders" means standards and orders adopted by the standards board pursuant to Chapter 6 (commencing with Section 140) of Division 1 and general orders heretofore adopted by the Industrial Safety Board or the Industrial Accident Commission.

(b) "Special order" means any order written by the chief or his authorized representative to correct an unsafe condition, device, or place of employment which poses a threat to the health or safety of an employee and which cannot be made safe under existing standards or orders of the standards board. Such orders shall have the same effect as any other standard or order of the standards board, but shall apply only to the employment or place of employment described in the written order of the chief's authorized representative.

SEC. 7. Section 6308.5 is added to the Labor Code, to read:

6308.5. Hearings conducted by the division pursuant to this part shall give any affected employer or other affected person the opportunity to submit facts or arguments, but may be conducted informally, either orally or in writing.

SEC. 8. Section 6309 of the Labor Code is amended to read:

6309. Whenever the division learns or has reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee, it may, of its own motion, or upon complaint, summarily investigate the same, with or without notice or hearings. However, when the division secures a complaint from an employee, the employee's representative, or an employer of an employee directly involved in an unsafe place of employment, that his employment or place of employment is not safe, it shall summarily investigate the same as soon as possible, but not later than three working days after receipt of such complaint, with or without notice or hearing. Complaints of serious hazards and conditions posing imminent danger to life and safety of employees will take priority over other complaints placed earlier in time, but otherwise the time limitations herein are applicable. The division may enter and serve any necessary order relative thereto. The division is not required to respond to any complaint within such period where, from the facts stated in the complaint, it determines that the complaint is intended to willfully harass an employer or is without any reasonable basis.

The division shall keep complete and accurate records of any such complaints, whether verbal or written, and shall inform the complainant, whenever his identity is known, of any action taken by the division in regard to the subject matter of the complaint, and the reasons for such action. The division shall, pursuant to authorized regulations, conduct an informal review of any refusal by a representative of the division to issue a citation with respect to any

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such alleged violation. The division shall furnish the employee or the representative of employees requesting such review a written statement of the reasons for the division's final disposition of the case.

The name of any person who submits to the division a complaint regarding the unsafeness of an employment or place of employment shall be kept confidential by the division upon the request of that person.

The requirements of this section shall not relieve the division of its requirement to inspect and assure that all places of employment are safe and healthful for employees. The division shall maintain the capability to receive and act upon complaints at all times.

SEC. 9. Section 6310 of the Labor Code is amended to read:

6310. (a) No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or relating to his rights or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any rights afforded him.

(b) Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in the terms and conditions of such employment by his employer because such employee has made a bona fide complaint to the division of unsafe working conditions, or work practices, in his employment or place of employment shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by such acts of the employer. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for such rehiring or promotion by a grievance procedure, arbitration, or hearing authorized by law, is guilty of a misdemeanor.

SEC. 10. Section 6315 of the Labor Code is amended to read:

6315. There shall be within the division a Bureau of Investigations. The bureau shall be responsible for directing accident investigations involving violations of standards, orders, or special orders in which there is a serious injury to five or more employees, death, or request for prosecution by a division representative, and for preparing cases for prosecution, including evidence and findings.

(a) The supervisor of the bureau shall be the administrative chief of the bureau.

(b) The bureau shall be staffed by as many attorneys and investigators as are necessary to carry out the purposes of this chapter.

(c) The supervisor of the bureau and such investigators as are designated by him shall have a right of access to all places of employment necessary to the investigation, may collect any evidence or samples they deem necessary to an investigation, and shall have all of the powers enumerated in Section 6314.

(d) The supervisor and investigators of the bureau may serve all processes and notices throughout the state.

(e) In any case where the bureau is required to conduct an investigation, and in which there is a serious injury or death, the results of the investigation shall be referred by the bureau to the city attorney or district attorney having jurisdiction for appropriate action.

SEC. 11. Section 6319 of the Labor Code is amended to read:

6319. (a) If, after an inspection or investigation, the division issues a citation under this chapter, it shall, within a reasonable time after the termination of such inspection or investigation, notify the employer by certified mail of the citation, and that the employer has 15 working days from receipt of the notice within which to notify the appeals board that he wishes to contest the citation for any reason set forth in Section 6600.

(b) Any employer served by certified mail with a notice of civil penalty may appeal to the appeals board within 15 working days from receipt of that notice for any reason set forth in Section 6600.

(c) The director shall promulgate regulations covering the assessment of civil penalties under this chapter which give due consideration to the appropriateness of the penalty with respect to the following factors:

(1) The size of the business of the employer being charged.

(2) The gravity of the violation.

(3) The good faith of the employer.

(4) The history of previous violations.

(d) The employer shall not be liable for a civil penalty under this part for any citation issued by a division representative providing consulting services pursuant to Sections 6354 and 6355.

SEC. 12. Section 6324 of the Labor Code is amended to read:

6324. The application to the superior court accompanied by affidavit showing that such place of employment, machine, device, apparatus, or equipment is being operated in violation of a safety order or standard, and that such use or operation constitutes a menace to the life or safety of any person employed thereabout and accompanied by a copy of the order or standard applicable thereto is a sufficient prima facie showing to warrant, in the discretion of the court, the immediate granting of a temporary restraining order. No bond shall be required from the division as a prerequisite to the granting of any restraining order.

SEC. 13. Section 6410 of the Labor Code is amended to read:

6410. The reports required by Sections 6409 and 6413 shall be made to the Division of Labor Statistics and Research in the form and detail and within the time limits prescribed by the Division of Labor Statistics and Research, and shall answer specifically all questions required by the Division of Labor Statistics and Research under its rules and regulations.

Nothing in this chapter requiring recordkeeping and reporting by employers shall relieve such employer of maintaining records and making reports to the assistant secretary, United States Department of Labor, as required under the Federal Occupational Safety and



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Health Act of 1970 (P.L. 91-596). The Division of Labor Statistics and Research shall prescribe and provide the forms necessary to maintenance of the required records, and the Division of Industrial Safety shall enforce by citation and penalty assessment any violation of the recordkeeping requirements of this chapter.

All state and local government employers shall maintain records and make reports in the same manner and to the same extent as required of other employers by this section.

SEC. 14. Section 6431 of the Labor Code is amended to read:

6431. Any employer who violates any of the posting or recordkeeping requirements as prescribed by regulations adopted pursuant to Sections 6408 and 6410, shall be assessed a civil penalty of up to one thousand dollars ($1,000) for each violation.

SEC. 15. Section 6453 of the Labor Code is repealed.

SEC. 16. Section 6506 of the Labor Code is amended to read:

6506. Any employer denied a permit upon application, or whose permit is revoked, may appeal such denial or revocation to the director.

SEC. 17. Section 6600 of the Labor Code is amended to read:

6600. Any employer served with a citation or notice pursuant to Section 6317, or a notice of proposed penalty under this part, may appeal to the appeals board within 15 working days from the receipt of such citation or such notice with respect to violations alleged by the division, abatement periods, amount of proposed penalties, and the reasonableness of the changes required by the division to abate the condition.

SEC. 18. Section 6601 of the Labor Code is amended to read:

6601. If within 15 working days from receipt of the citation or notice of civil penalty issued by the division, the employer fails to notify the appeals board that he intends to contest the citation or notice of proposed penalty, and no notice contesting the abatement period is filed by any employee or representative of the employee within such time, the citation or notice of proposed penalty shall be deemed a final order of the appeals board and not subject to review by any court or agency. The 15-day period may be extended by the appeals board for good cause.

SEC. 19. Section 6602 of the Labor Code is amended to read:

6602. If an employer notifies the appeals board that he intends to contest a citation issued under Section 6317 or notice of proposed penalty issued under Section 6319, or if, within 15 working days of the issuance of a citation any employee or representative of employee files a notice with the division or appeals board alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the appeals board shall afford an opportunity for a hearing. The appeals board shall thereafter issue a decision, based on findings of fact, affirming, modifying or vacating the division's citation or proposed penalty or directing other appropriate relief.

SEC. 20. Section 6603 of the Labor Code is amended to read:

6603. (a) The rules of practice and procedure adopted by the

appeals board shall be consistent with Sections 11507, 11507.6, 11507.7, 11510, 11513, 11514, 11515, 11516, and 11525 of the Government Code, and shall provide affected employees or representatives of affected employees an opportunity to participate as parties to a hearing under Section 6602.

(b) The superior courts shall have jurisdiction over contempt proceedings, as provided in Section 11525 of the Government Code.

SEC. 21. Section 6611 of the Labor Code is amended to read:

6611. (a) If the employer fails to appear, the appeals board may dismiss the appeal or may take action upon the employer's express admissions or upon other evidence, and affidavits may be used without any notice to the employer. Where the burden of proof is upon the employer to establish the appeals board action sought, the appeals board may act without taking evidence. Nothing in this section shall be construed to deprive the employer of the right to make any showing by way of mitigation.

(b) The appeal may be reinstated by the appeals board upon a showing of good cause by the employer for his failure to appear.

SEC. 22. Section 6613 of the Labor Code is amended to read:

6613. The appeals board, a hearing officer, or any party to the action or proceeding, may, in any investigation or hearing before the appeals board, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state. To that end the attendance of witnesses and the production of records may be required. Depositions may be taken outside the state before any officer authorized to administer oaths. The appeals board or a hearing officer in any proceeding before the appeals board may cause evidence to be taken in other jurisdictions before the agency authorized to hear similar matters in such other jurisdictions.

SEC. 23. Section 6614 of the Labor Code is amended to read:

6614. (a) At any time within 30 days after the service of any final order or decision made and filed by the appeals board or a hearing officer, any party aggrieved directly or indirectly by any final order or decision, made and filed by the appeals board or a hearing officer under any provision contained in this division, may petition the appeals board for reconsideration in respect to any matters determined or covered by the final order or decision and specified in the petition for reconsideration. Such petition shall be made only within the time and in the manner specified in this chapter.

(b) At any time within 30 days after the filing of an order or decision made by a hearing officer and the accompanying report, the appeals board may, on its own motion, grant reconsideration.

SEC. 24. Section 6617 of the Labor Code is amended to read:

6617. The petition for reconsideration may be based upon one or more of the following grounds and no other:

(a) That by such order or decision made and filed by the appeals board or hearing officer, the appeals board acted without or in excess of its powers.

(b) That the order or decision was procured by fraud.

(c) That the evidence does not justify the findings of fact.

(d) That the petitioner has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing.

(e) That the findings of fact do not support the order or decision.

SEC. 25. Section 6630 of the Labor Code is amended to read:

6630. The findings and conclusions of the appeals board on questions of fact are conclusive and final and are not subject to review. Such questions of fact shall include ultimate facts and the findings and conclusions of the appeals board. The appeals board and each party to the action or proceeding before the appeals board shall have the right to appear in the mandate proceeding. Upon the hearing, the court shall enter judgment either affirming or annulling the order or decision, or the court may remand the case for further proceedings before the appeals board.

SEC. 26. Section 6632 of the Labor Code is amended to read:

6632. No court of this state, except the Supreme Court, the courts of appeal, and the superior court to the extent herein specified, has jurisdiction to review, reverse, correct, or annul any order or rule, or decision of the appeals board, or to suspend or delay the operation or execution thereof, or to restrain, enjoin, or interfere with the appeals board in the performance of its duties.

SEC. 27. Section 6633 of the Labor Code is amended to read:

6633. The filing of a petition for, or the pendency of, a writ of mandate shall not of itself stay or suspend the operation of any order, rule or decision of the appeals board, but the court before which the petition is filed may stay or suspend, in whole or in part, the operation of the order or decision of the appeals board subject to review, upon the terms and conditions which it by order directs.

SEC. 28. Chapter 8 (commencing with Section 6650) of Part 1 of Division 5 of the Labor Code is repealed.

SEC. 29. Chapter 8 (commencing with Section 6650) is added to Part 1 of Division 5 of the Labor Code, to read:

## CHAPTER 8. ENFORCEMENT OF CIVIL PENALTIES

6650. After the exhaustion of the review procedures provided for in Chapter 7 (commencing with Section 6600) of this part, the director may apply to the appropriate superior court for an order directing payment of a civil penalty. The application, which shall include a certified copy of the notice of civil penalty or the decision of the appeals board, shall constitute a sufficient showing to warrant the issuance of the order.

6651. No fees shall be charged by the clerk of any court for the performance of any official service required by this chapter.

SEC. 30. Section 6703 of the Labor Code is amended to read:

6703. Sections 6701 and 6702 shall apply to all portable and all mobile internal combustion engines used inside factories,

manufacturing plants, warehouses, buildings and other enclosed structures unless the operation of such an engine used inside a particular factory, plant, warehouse, building or enclosed structure does not result in harmful exposure to concentrations of dangerous gases or fumes in excess of maximum acceptable concentrations as determined by the standards board.

SEC. 31. Section 7991 of the Labor Code is amended to read:

7991. To obtain a license under Section 7990, and to renew such a license, a person shall pass an oral and written examination given by the division. The division shall offer such examination in Spanish, or any other language, when requested by the applicant. The division shall administer such examination orally when requested by an applicant who cannot write. Application for such license shall cost fifteen dollars ($15), which is nonreturnable. Licenses shall be renewable every five years at a fee of fifteen dollars ($15).

SEC. 32. Section 7998 of the Labor Code is amended to read:

7998. The division shall also develop tests, available in English, Spanish, or other languages where a sufficient portion of employees exists to show need, to qualify gas testers and safety representatives in tunnels and mines.

SEC. 33. Section 7999 of the Labor Code is amended to read:

7999. No person shall be qualified to operate as a gas tester, or serve as a safety representative in a tunnel or underground mine unless he holds a certificate issued by the division. No certificate may be issued or renewed unless the applicant or licensee, as the case may be, has passed an examination given by the division.

SEC. 34. Section 8001 of the Labor Code is amended to read:

8001. A fee sufficient to cover costs of examination and certification of gas testers and safety representatives for tunnels and mines, but not more than fifteen dollars ($15) for original applications and fifteen dollars ($15) for renewals, may be charged by the division. Renewals shall be made every five years.

SEC. 35. Section 106 of Chapter 993 of the Statutes of 1973 is repealed.

SEC. 36. Section 106 is added to Chapter 993 of the Statutes of 1973, to read:

Sec. 106. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section, nor shall there be an appropriation made by this act, because the Legislature finds that this act and any executive regulations or safety orders issued pursuant thereto merely implement federal law and regulations.

## CHAPTER 1285

*An act to amend Section 1134 of the Code of Civil Procedure, and to amend Sections 26821, 26821.2, 26822, 26822.2, 26823, 26824, 26825, 26826, 26826.2, 26827, 26827.2, and 26830 of, to add Sections 26821.2, 26822.2, 26826.2, 26827, and 26827.2 to, and to repeal Sections 26821.2, 26822.2, 26826.2, 26827, and 26827.2 of, the Government Code, relating to filing fees.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 1134 of the Code of Civil Procedure is amended to read:

1134. In courts other than justice courts, the statement must be filed with the clerk of the court in which the judgment is to be entered, who must endorse upon it, and enter a judgment of such court for the amount confessed with the costs hereinafter set forth. At the time of filing, the plaintiff shall pay as court costs which shall become a part of the judgment the following fees: in superior courts fifteen dollars ($15) until December 31, 1975, and thereafter ten dollars ($10) and in municipal courts ten dollars ($10) until December 31, 1975, and thereafter nine dollars ($9). No fee shall be collected from the defendant. No fee shall be paid by the clerk of the court in which said confession of judgment is filed for the law library fund nor for services of any court reporter. The statement and affidavit, with the judgment endorsed thereon, becomes the judgment roll.

SEC. 2. Section 26821 of the Government Code is amended to read:

26821. The fee for the filing of the first paper in a civil action or special proceeding, except an adoption proceeding, is twenty-six dollars ($26) until December 31, 1975, and thereafter eighteen dollars ($18); provided, however, in each civil action in which the demand is for one thousand dollars ($1,000) or less, the filing fee shall be twelve dollars ($12).

SEC. 3. Section 26821.2 of the Government Code is amended to read:

26821.2. In any county with a population exceeding 1,000,000, as determined by the 1970 Federal Decennial Census, the fee for the filing of the first paper in a civil action or special proceeding, except an adoption proceeding, is thirty-one dollars ($31); provided, however, in each civil action in which the demand is for one thousand dollars ($1,000) or less, the filing fee shall be twelve dollars ($12).

This section shall remain in effect until December 31, 1975, and on such date is repealed.

SEC. 3.5. Section 26821.2 is added to the Government Code, to

read:

26821.2. In any county with a population of more than 700,000 and less than 710,000, as determined by the 1960 Federal Decennial Census, or with a population exceeding 4,000,000, the fee for the filing of the first paper in a civil action or special proceeding, except an adoption proceeding, is twenty-three dollars ($23); provided, however, in each civil action in which the demand is for one thousand dollars ($1,000) or less, the filing fee shall be twelve dollars ($12).

This section shall become operative on December 31, 1975.

SEC. 4. Section 26822 of the Government Code is amended to read:

26822. The fee for filing the papers transmitted from another court on the transfer of a civil action or a special proceeding is twenty-six dollars ($26) until December 31, 1975, and thereafter eighteen dollars ($18).

SEC. 5. Section 26822.2 of the Government Code is amended to read:

26822.2. In any county with a population exceeding 1,000,000, as determined by the 1970 Federal Decennial Census, the fee for filing the papers transmitted from another court on the transfer of a civil action or a special proceeding thirty-one dollars ($31).

This section shall remain in effect until December 31, 1975, and on such date is repealed.

SEC. 5.5. Section 26822.2 is added to the Government Code, to read:

26822.2. In any county with a population of more than 700,000 and less than 710,000, as determined by the 1960 Federal Decennial Census, or with a population exceeding 4,000,000, the fee for filing the papers transmitted from another court on the transfer of a civil action or a special proceeding is twenty-three dollars ($23).

This section shall become operative on December 31, 1975.

SEC. 6. Section 26823 of the Government Code is amended to read:

26823. When the venue in a case in a superior court is changed, the fee for making up and transmission of transcript and papers is ten dollars ($10) until December 31, 1975, and thereafter four dollars ($4) and a further sum equal to the fee for filing in the court to which the case is transferred. The clerk shall transmit the filing fee with the papers in the case to the clerk or judge of the court to which the case is transferred.

SEC. 7. Section 26824 of the Government Code is amended to read:

26824. The fee for filing the papers transmitted on appeal from a justice court in a civil action or a special proceeding is fifteen dollars ($15) until December 31, 1975, and thereafter ten dollars ($10).

SEC. 8. Section 26825 of the Government Code is amended to read:

26825. The fee for filing the papers transmitted on appeal from

a municipal court in a civil action or a special proceeding is fifteen dollars ($15) until December 31, 1975, and thereafter eight dollars ($8).

SEC. 9. Section 26826 of the Government Code is amended to read:

26826. Upon filing the first paper in the action on behalf of any defendant, intervenor, respondent, correspondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, the fee is nine dollars ($9) until December 31, 1975, and thereafter five dollars ($5).

As used in this section the word "paper" does not include a stipulation for the appointment of a judge pro tempore or of a court investigator or the report made by such investigator or the declaration of a spouse filed in an order to show cause proceeding.

SEC. 10. Section 26826.2 of the Government Code is amended to read:

26826.2. In any county with a population exceeding 1,000,000, as determined by the 1970 Federal Decennial Census, upon filing the first paper in the action on behalf of any defendant, intervenor, respondent, correspondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, the fee is eleven dollars ($11).

As used in this section the word "paper" does not include a stipulation for the appointment of a judge pro tempore or of a court investigator or the report made by such investigator or the declaration of a spouse filed in an order to show cause proceeding.

This section shall remain in effect until December 31, 1975, and on such date is repealed.

SEC. 10.5. Section 26826.2 is added to the Government Code, to read:

26826.2. In any county with a population of more than 700,000 and less than 710,000, as determined by the 1960 Federal Decennial Census, or with a population exceeding 4,000,000, upon filing the first paper in the action on behalf of any defendant, intervenor, respondent, correspondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, the fee is seven dollars ($7).

This section shall become operative on December 31, 1975.

SEC. 11. Section 26827 of the Government Code is amended to read:

26827. The fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee, or a petition for letters of guardianship, or a petition for letters of conservatorship, or a petition for compromise of minor's claim, is twenty-six dollars ($26). For filing any subsequent petition for letters of administration, special letters of administration, letters testamentary, letters of guardianship, letters of conservatorship, or a first account of a testamentary trustee, or a petition to contest any

will or codicil, in the same proceeding, by a person other than the original petitioner, the fee is twenty-six dollars ($26). When the subsequent petition is filed and the petitioner is the same person named in the original petition, no fee shall be charged. When the public administrator or an employee of the Department of Mental Hygiene in his official capacity is the petitioner, he shall be required to pay the fee only out of the assets of the estate coming into his possession.

This section shall remain in effect until December 31, 1975, and on such date is repealed.

SEC. 11.5. Section 26827 is added to the Government Code, to read:

26827. The fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee, or a petition for letters of guardianship, or a petition for letters of conservatorship, or a petition for compromise of minor's claim, is eighteen dollars ($18). For filing any subsequent petition for letters of administration, special letters of administration, letters testamentary, letters of guardianship, or letters of conservatorship, or a petition to contest any will or codicil, in the same proceeding, the fee is twelve dollars ($12). When the subsequent petition is filed to amend a previously filed petition, but the petitioner is the same person named in the original petition, no fee shall be charged. When the public administrator or an employee of the Department of Mental Hygiene in his official capacity is the petitioner, he shall be required to pay the fee only out of the assets of the estate coming into his possession.

This section shall become operative on December 31, 1975.

SEC. 12. Section 26827.2 of the Government Code is amended to read:

26827.2. In each county with a population exceeding 1,000,000, as determined by the 1970 Federal Decennial Census, the fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee, or a petition for letters of guardianship, or a petition for letters of conservatorship, or a petition for compromise of minor's claim, is thirty-one dollars ($31). For filing any subsequent petition for letters of administration, special letters of administration, letters testamentary, letters of guardianship, or letters of conservatorship, or a first account of a testamentary trustee, or a petition to contest any will or codicil, in the same proceeding, by a person other than the original petitioner, the fee is thirty-one dollars ($31). When the subsequent petition is filed and the petitioner is the same person named in the original petition, no fee shall be charged. When the public administrator or an employee of the Department of Mental Hygiene in his official capacity is the petitioner, he shall be required to pay the fee only out of the assets of the estate coming into his possession.

This section shall remain in effect until December 31, 1975 and on such date is repealed.

SEC. 12.5. Section 26827.2 is added to the Government Code, to read:

26827.2. In each county with a population of more than 700,000 and less than 710,000, as determined by the 1960 Federal Decennial Census, the fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee, or a petition for letters of guardianship, or a petition for letters of conservatorship, or a petition for compromise of minor's claim, is twenty-three dollars ($23). For filing any subsequent petition for letters of administration, special letters of administration, letters testamentary, letters of guardianship, or letters of conservatorship, or a petition to contest any will or codicil, in the same proceeding, the fee is seventeen dollars ($17). When the subsequent petition is filed to amend a previously filed petition, but the petitioner is the same person named in the original petition, no fee shall be charged. When the public administrator or an employee of the Department of Mental Hygiene in his official capacity is the petitioner, he shall be required to pay the fee only out of the assets of the estate coming into his possession.

This section shall become operative on December 31, 1975.

SEC. 13. Section 26830 of the Government Code is amended to read:

26830. The fee for filing any notice of intention to move for a new trial of any civil action or special proceeding is five dollars ($5) until December 31, 1975, and thereafter three dollars ($3).

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## CHAPTER 1286

*An act to add Section 1797.5 to the Civil Code, and to amend Sections 11705 and 11713 of, and to add Chapter 6 (commencing with Section 11950) to Division 5 of, the Vehicle Code, relating to mobilehomes.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 1797.5 is added to the Civil Code, to read:

1797.5. Every dealer shall display a notice of reasonable size stating the existence of a one-year warranty and a sample copy of such warranty. The notice shall be posted in each area where purchase orders and conditional sales contracts are written.

SEC. 2. Section 11705 of the Vehicle Code, as amended by Chapter 384 of the Statutes of 1974, is amended to read:

11705. (a) The department, after notice and hearing, may suspend or revoke the license issued to a dealer, transporter, manufacturer, manufacturer branch, distributor, or distributor branch upon determining that the person to whom the license was issued is not lawfully entitled thereto, or has committed any of the following acts:

(1) Filed an application for the license thereafter issued using a false or fictitious name not registered with the proper authorities, or knowingly made any false statement or knowingly concealed any material fact, in the application for such license.

(2) Has made, or knowingly or negligently permitted, any illegal use of the special plates issued to such license.

(3) Has used a false or fictitious name, knowingly made any false statement, or knowingly concealed any material fact, in any application for the registration of a vehicle, or otherwise committed a fraud in such application.

(4) Failed to deliver to a transferee lawfully entitled thereto a properly endorsed certificate of ownership.

(5) Has knowingly purchased, sold, or otherwise acquired or disposed of a stolen motor vehicle.

(6) Failed to provide and maintain a clear physical division between the type of business licensed pursuant to this chapter and any other type of business conducted at the established place of business.

(7) Has willfully violated any of the terms or provisions of Sections 3064 and 3065 or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(8) Has violated one or more of the terms and provisions of Division 3 (commencing with Section 4000) or a rule or regulation adopted pursuant thereto, or Section 1651.

(9) Has violated one or more of the terms and conditions of Division 4 (commencing with Section 10500) or the rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(10) Has violated one or more of the provisions of Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(11) Has violated any of the terms or provisions of Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651 of this code.

(12) Has violated any of the terms or provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code or the rules and regulations adopted pursuant thereto under the authority of Section 1651 of this code.

(13) Has committed and has been convicted of a crime of a felony or a crime of moral turpitude.

(14) Has submitted a check, draft, or money order to the

department for any obligation or fee due the state and it is thereafter dishonored or refused payment upon presentation.

(15) Has caused any person to suffer any loss or damage by reason of any fraud or deceit practiced on him or fraudulent representations made to such person in the sale or purchase of a vehicle or parts or accessories thereof.

(16) Has violated any of the terms and conditions of Chapter 3 (commencing with Section 1797) of Title 1.7 of Part 4 of Division 3 of the Civil Code.

(17) Has violated any of the terms or provisions of Chapter 6 (commencing with Section 11950) of Division 5.

For the purposes of this subdivision, the term "fraud" includes any act or omission which is included within the definition of either "actual fraud" or "constructive fraud" as defined in Sections 1572 and 1573 of the Civil Code, and the term "deceit" has the same meaning as defined in Section 1710 of the Civil Code. In addition, the terms "fraud" and "deceit" include, but are not limited to, the following: a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; an intentional failure to disclose a material fact; any act falling within the provisions of Section 484 of the Penal Code.

(b) Any of the causes specified in Section 11703 as a cause for refusal to issue a license and certificate to a transporter, manufacturer, manufacturer branch, distributor, distributor branch, or dealer applicant shall be cause to suspend or revoke a license and certificate issued to a transporter, manufacturer, manufacturer branch, distributor, distributor branch, or dealer.

(c) Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 3. Section 11713 of the Vehicle Code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To make or disseminate or cause to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading; or to so make or disseminate or cause to be so disseminated any such statement as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein, or as so advertised.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer; provided however, that this subdivision does not apply to advertising or offering for sale or

exchange any used mobilehome, as defined by Section 18008 of the Health and Safety Code, or used commercial coach, as defined by Section 18012 of the Health and Safety Code, other than a recreational vehicle, as defined by Section 18010.5 of the Health and Safety Code, where such advertising or offering for sale is not contrary to any terms of a contract between the seller of the mobilehome or commercial coach and the owner of the mobilehome park, and which mobilehome or commercial coach is either in place on a lot rented or leased for human habitation within an established mobilehome park, as defined in Section 18214 of the Health and Safety Code, or is otherwise located, pursuant to a local zoning ordinance or permit, on a lot where its presence has been authorized or its continued presence and such use would be authorized, for a total and uninterrupted period of at least one year.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if such vehicle falls within the purview of Section 665 of this code.

(e) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(f) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(g) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state unless, prior to the sale, such amount has been paid by a dealer to the state in order to avoid penalties that would have accrued because of late payment of such fees.

(h) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing with Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(i) To deliver, following sale, a vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 (commencing with Section 24000) of this code.

(j) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

(k) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no downpayment is required in connection with the sale of a vehicle when a downpayment is in fact required and the buyer is advised or induced to finance such downpayment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(*l*) To participate in the sale of a motor vehicle reported to the Department of Motor Vehicles under the provisions of Section 5900 of this code without making the return and payment of any sales tax

due and required by Section 6451 of the Revenue and Taxation Code.

(m) To permit the use of his dealer's license, supplies, or books by any other person for the purpose of permitting that person to engage in the sale of vehicles required to be registered under this code, or to permit the use of his dealer's license, supplies, or books to operate a branch location to be used by any other person, if, in either situation, the licensee has no financial or equitable interest or investment in the vehicles sold by, or the business of, or branch location used by, such person, or has no such interest or investment other than commissions, compensations, fees, or any other thing of value received for the use of the dealer's license, supplies, or books to engage in the sale of vehicles.

(n) To violate any of the provisions of Article 10 (commencing with Section 28050) of Chapter 5 of Division 12 of this code.

(o) To fail to deliver or honor the terms and conditions of any warranty as set forth in Chapter 3 (commencing with Section 1797) of Title 1.7 of Part 4 of Division 3 of the Civil Code.

(p) To violate any of the terms or provisions of Chapter 6 (commencing with Section 11950) of Division 5.

SEC. 4. Chapter 6 (commencing with Section 11950) is added to Division 5 of the Vehicle Code, to read:

## CHAPTER 6. SALE OF MOBILEHOMES

11950. (a) Every mobilehome dealer shall, upon the buyer's signing of a purchase order or conditional sales contract, establish an escrow account into which shall be deposited any cash or cash equivalent received from the buyer as whole or partial payment for the mobilehome.

(b) No moneys shall be disbursed from the escrow account to the dealer until the buyer receives delivery of the mobilehome on the site and the mobilehome has passed inspection pursuant to Sections 18613 and 18614 of the Health and Safety Code.

(c) The escrow shall terminate and a full refund shall be made to the buyer 120 days from the date of the sales contract unless delivery is made within this period; provided, however, that the parties may extend the time in writing for 30-day periods with notice to the escrow agent.

(d) The provisions of this section shall apply to all sales by a mobilehome dealer of mobilehomes required to be moved under permit issued pursuant to Section 35790.

(e) Except for those persons or corporations described in subdivision (a) or (c) of Section 17006 of the Financial Code, the Department of Housing and Community Development shall adopt rules and regulations for the establishment and maintenance of the escrow accounts with escrow agents or escrow companies licensed and regulated by the State of California.

SEC. 5. This act shall become operative on July 1, 1975.

# CHAPTER 1287

*An act to amend Section 564 of the Welfare and Institutions Code, relating to juveniles.*

[Approved by Governor September 23, 1974. Filed with Secretary of State September 23, 1974.]

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

SECTION 1. Section 564 of the Welfare and Institutions Code is amended to read:

564. (A) Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may do any of the following:

(1) Reprimand the minor and take no further action.

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter.

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted as provided in the Vehicle Code.

(b) That the minor attend traffic school over a period not to exceed 60 days.

(c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars ($50), and to the Driver Training Penalty Assessment Fund a penalty assessment in the amount provided in Section 42050 of the Vehicle Code for offenses not relating to parking or registration or offenses by pedestrians.

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(e) That the minor produce satisfactory evidence that the vehicle or its equipment has been made to conform with the requirements of the Vehicle Code pursuant to Section 40150 of the Vehicle Code.

(f) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

(B) The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

SEC. 2. Section 564 of the Welfare and Institutions Code is amended to read:

564. (A) Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing

officer may do any of the following:

(1) Reprimand the minor and take no further action.

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter.

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted as provided in the Vehicle Code or, notwithstanding Section 13203 of the Vehicle Code or any other provision of law, when the Vehicle Code does not provide for the suspension or restriction of driving privileges, that, in addition to any other order, the driving privileges of the minor be suspended or restricted for a period of not to exceed 30 days.

(b) That the minor attend taffic school over a period not to exceed 60 days.

(c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars ($50), and to the Driver Training Penalty Assessment Fund a penalty assessment in the amount provided in Section 42050 of the Vehicle Code for offenses not relating to parking or registration or offenses by pedestrians.

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(e) That the minor produce satisfactory evidence that the vehicle or its equipment has been made to conform with the requirements of the Vehicle Code pursuant to Section 40150 of the Vehicle Code.

(f) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

(B) The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 2791 are both chaptered and amend Section 564 of the Welfare and Institutions Code, and this bill is chaptered after Assembly Bill No. 2791, that the amendments to Section 564 proposed by both bills be given effect and incorporated in Section 564 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 2791 are both chaptered, both amend Section 564, and Assembly Bill No. 2791 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

## CHAPTER 1288

*An act relating to the California State University and Colleges, and making an appropriation therefor.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Notwithstanding the provisions of the final paragraph of Item 359 of Section 2 of the Budget Act of 1974 (Chapter 375 of the Statutes of 1974), the Trustees of the California State University and Colleges may authorize expenditures, commencing with the spring semester or winter quarter of the 1974–1975 academic year, from the material and services fees which would require a fee level above one hundred thirty-six dollars ($136), or comparable level for less than full-time students, but which would not require a fee level above one hundred forty-four dollars ($144), or comparable level for less than full-time students.

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## CHAPTER 1289

*An act to amend Sections 12912.5, 13409, and 13742 of the Education Code, relating to education.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 12912.5 of the Education Code is amended to read:

12912.5. "Narcotics offense" as used in Sections 13175, 13207, 13220.16, 13218, 13255, and 13586 means any one or more of the following offenses:

(a) Any offense in Sections 11350 to 11355, inclusive, 11366, 11368, and 11550 of the Health and Safety Code.

(b) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses.

(c) Any offense committed under former Sections 11500 to 11503, inclusive, 11557, 11715, and 11721 of the Health and Safety Code.

(d) Any attempt to commit any of the above-mentioned offenses.

SEC. 2. Section 13409 of the Education Code is amended to read:

13409. Whenever any certificated employee of a school district is charged with the commission of any sex offense as defined in Section 12912 by complaint, information or indictment filed in a court of

competent jurisdiction, the governing board of the school district shall immediately place the employee upon compulsory leave of absence for a period of time extending for not more than 10 days after the date of the entry of the judgment in the proceedings. The governing board of the school district may extend the compulsory leave of absence of the employee beyond such period by giving notice to the employee within 10 days after the entry of judgment in the proceedings that the employee will be dismissed at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in this article.

Any employee placed upon compulsory leave of absence pursuant to this section shall continue to be paid his regular salary during the period of his compulsory leave of absence if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of the compulsory leave of absence in case the employee is convicted of such charges, or fails or refuses to return to service following an acquittal of the offense or dismissal of the charges. If the employee is acquitted of the offense, or the charges against him are dismissed, the school district shall reimburse the employee for the cost of the bond upon his return to service in the school district.

If the employee does not elect to furnish bond, or other security acceptable to the governing board of the district, and if the employee is acquitted of the offense, or the charges against him are dismissed, the school district shall pay to the employee his full compensation for the period of the compulsory leave of absence upon his return to service in the school district.

Whenever any certificated employee of a school district is charged with the commission of any narcotics offense as defined in Section 12912.5, or a violation of subdivision 1 of Section 261 of the Penal Code, Sections 11357 to 11361, inclusive, 11363, 11364, or 11377 to 11382, inclusive, insofar as such sections relate to any controlled substances in paragraph (4) or (5) of subdivision (b) of Section 11056, or any controlled substances in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, of the Health and Safety Code, by complaint, information, or indictment filed in a court of competent jurisdiction, the governing board of the school district may immediately place the employee upon compulsory leave in accordance with the procedure in this section.

SEC. 3. Section 13742 of the Education Code is amended to read:

13742. For reasonable causes an employee may be suspended without pay for not more than 30 days except as provided in this section or may be demoted or dismissed. In such case the personnel director shall within 10 days of the suspension, demotion, or dismissal file written charges with the commission and give to the employee or deposit in the United States registered mail with postage prepaid,

addressed to the employee at his last known place of address, a copy of the charges.

Whenever an employee of a school district is charged with the commission of any sex offense as defined in Section 12912 or any narcotics offense as defined in Section 12912.5, or a violation of subdivision 1 of Section 261 of the Penal Code, Sections 11357 to 11361, inclusive, 11363, 11364, or 11377 to 11382, inclusive, insofar as such sections relate to, any controlled substances in paragraph (4) or (5) of subdivision (b) of Section 11056, or any controlled substances in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, of the Health and Safety Code by complaint, information or indictment filed in a court of competent jurisdiction, the governing board of the school district may immediately suspend the employee for a period of time extending for not more than 10 days after the date of the entry of the court judgment; provided, that the suspension may be extended beyond such 10-day period in case the governing board gives notice within such 10-day period that it will dismiss the employee 30 days after the service of the notice, unless he demands a hearing. An employee so suspended shall continue to be paid his regular salary during the period of the suspension if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of the suspension in case the employee is convicted of such charges, or he does not return to service after such period of suspension. If the judgment determines that the employee is not guilty of such charges, or if the complaint, information or indictment is dismissed, the school district shall reimburse the employee for the cost of the bond; or, if the employee has not elected to furnish such bond, the school district shall pay to the employee his full compensation during the period of the suspension; provided, he returns to service after such period of suspension.

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## CHAPTER 1290

*An act to amend Sections 68097, 68097.1, 68097.2, 68097.5, 68097.6, 68097.7, 68097.9, and 68097.10 of the Government Code, relating to subpoenaed public employees.*

[Approved by Governor September 25, 1974 Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 68097 of the Government Code is amended to read:

68097. Witnesses in civil cases may demand the payment of their

mileage and fees for one day, in advance, and when so demanded shall not be compelled to attend until the allowances are paid except as hereinafter provided for members of the California Highway Patrol, sheriffs, deputy sheriffs, marshals, deputy marshals, firemen, and city policemen.

For the purposes of this section and Sections 68097.1 through 68097.10, the term "member of the California Highway Patrol" shall include those persons employed as vehicle inspection specialists by the California Highway Patrol.

SEC. 2. Section 68097.1 of the Government Code is amended to read:

68097.1. Whenever a member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal, fireman or city policeman is required as a witness before any court or other tribunal in any civil action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties, a subpoena requiring his attendance may be served by delivering a copy either to such member personally or to his immediate superior. The attendance of a member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal, fireman or city policeman may be required pursuant to this section only in accordance with the provisions of Section 1989 of the Code of Civil Procedure.

As used in this section and in Sections 68097.2 and 68097.5, "tribunal" means any person or body before whom or which attendance of witnesses may be required by subpoena, including an arbitrator in arbitration proceedings.

SEC. 3. Section 68097.2 of the Government Code is amended to read:

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

The party at whose request such subpoena is issued shall reimburse the public entity for the full cost to the public entity incurred in reimbursing the officer as provided for in this section, for each day that such officer is required to remain in attendance pursuant to such subpoena. The amount of seventy-five dollars ($75) shall be deposited with the clerk of the court or with the tribunal prior to the issuance of a subpoena pursuant to this section for each day that such officer is required to remain in attendance pursuant to such subpoena.

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

If the actual expenses should later prove to be more than the amount deposited, the difference shall be paid to the public entity by the party at whose request the subpoena is issued.

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

SEC. 4. Section 68097.5 of the Government Code is amended to read:

68097.5. No member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal, fireman or city policeman shall be ordered to return by the court for subsequent proceedings beyond the day stated in the subpoena referred to in Sections 68097.1, 68097.2, 68097.3 and 68097.4, or the day upon which such witness appeared pursuant to the provisions of Section 68097.9, unless the party at whose request such subpoena was issued or the party at whose request the witness is ordered to return, shall first deposit with the clerk of the court or with the tribunal the same sum required to be deposited for the issuance of a subpoena in the first instance.

SEC. 5. Section 68097.6 of the Government Code is amended to read:

68097.6. The provisions of Sections 68097.1, 68097.2, 68097.3, 68097.4 and 68097.5 of this code shall be applicable to subpoenas issued for the taking of depositions of members of the California Highway Patrol, sheriffs, deputy sheriffs, marshals, deputy marshals, firemen or city policemen pursuant to Section 2019 of the Code of Civil Procedure.

SEC. 6. Section 68097.7 of the Government Code is amended to read:

68097.7. Any person who pays or offers to pay any money or other form of consideration for the services of any member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal, fireman or city policeman as a witness in any action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties in any manner other than as provided in Sections 68097.1, 68097.2, 68097.3, 68097.4, 68097.5 and 68097.6 is guilty of a misdemeanor and any member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal, fireman or city policeman who asks or receives any such payment except as provided in Sections 68097.2 and 68097.4 is likewise guilty of a misdemeanor.

SEC. 7. Section 68097.9 of the Government Code is amended to read:

68097.9. A member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal, fireman or city policeman who has been subpoenaed pursuant to the provisions of Section

68097.1, 68097.3, or 68097.6, may, in lieu of attendance at the time specified in the subpoena, agree with the party at whose request such subpoena was issued to appear at another time or pursuant to such notice as may be agreed upon.

SEC. 8. Section 68097.10 of the Government Code is amended to read:

68097.10. Whenever a member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal, fireman or city policeman appears as a witness pursuant to Section 68097.1 and reimbursement is not made as provided for in Section 68097.2, then the California Highway Patrol, or the public entity employing the sheriff, deputy sheriff, marshal, deputy marshal, fireman or city policeman shall have standing to bring an action in order to recover such funds.

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## CHAPTER 1291

*An act to add Section 1607.5 to the Health and Safety Code, relating to blood donations by minors.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 1607.5 is added to the Health and Safety Code, to read:

1607.5. (a) Notwithstanding any other provision of law, a person who has attained the age of 17 may serve as a donor of blood, and a blood bank may accept such donation, if he has the written consent of a parent thereto.

(b) Notwithstanding any other provision of law, a person under the age of 17 may serve as a donor of blood, and a blood bank may accept such donation, if he has the written consent of his parents thereto and the written authorization of a physician.

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## CHAPTER 1292

*An act to amend Section 25.5 of the Civil Code, relating to blood donations by minors.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 25.5 of the Civil Code is amended to read:

25.5. Notwithstanding any other provision of law, a minor who has attained the age of 15 may, with the consent of his parent or parents, consent to the donation of his blood and to the penetration of tissue which is necessary to accomplish such donation. Such consent shall not be subject to his disaffirmance because of minority.

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## CHAPTER 1293

*An act to amend Sections 13805, 13811, 13812, 13821, 13822, 13823, 13824.5, 13825, 13827, 13834, 13835.1, 13837, 13838.5, 13840, 13849, 13850, 13852, 13854, 13855, 13883, 13899, 13931, 13932, 13946, 13948, 13963, 13964, 13966, 13968.5, 13969, 13971, 13984, 13986, 13987, 13990, 13994, 13995, 13997, 13999, 14020, 14030.5, 14033, 14035, 14044, 14045, 14056, 14070.1, 14070.5, 14080.2, 14087, 14116.5, 14154, 14220.7, 14221, 14222, 14223, 14224.5, 14242, 14397, 14405 and the title of Article 22 (commencing with Section 14260) of Chapter 4 of Division 10 of, to amend and renumber Section 13838.1 of, to add Sections 13815, and 13816 to, and to repeal Sections 13806, 13839, 13841, 13851, 13860, 13861, 13969.1, 13972, 13985, 13991.5, 14000, 14037, 14038, 14038.1, 14095, 14119.7, 14138, 14140, 14330, 14331, 14332, 14333, 14334, 14334.6, 14392.5, 14451, 14452, 14453, 14454, 14455.1, 14455.2, 14455.3, 14455.4, 14455.5, 14455.6, 14455.7, 14455.8, 14455.9, 14456, and 14457, and the heading of Article 31 (commencing with Section 14451) of Chapter 4 of Division 10 of, the Education Code, relating to State Teachers' Retirement System.*

[Approved by Governor September 25, 1974 Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 13805 of the Education Code is amended to read:

13805. The costs of administration of the system shall be paid from the Teachers' Retirement Fund and such costs may not exceed the amount made available by law during any fiscal period.

SEC. 2. Section 13806 of the Education Code is repealed.

SEC. 6. Section 13811 of the Education Code is amended to read:

13811. For the purposes of payments into or out of the Teachers' Retirement Fund for adjustments of errors or omissions, the period of limitation of actions otherwise applicable shall not commence to run until the error or omission is discovered, as evidenced by the filing with this system of a claim or demand against this system or by the making of a claim or order for payment by this system against the former member, retirant, or his beneficiary, except that with respect to actions against a retirant, or beneficiary based upon erroneous payment from or to this system the period of limitation shall

commence from the date of such payment.

SEC. 7. Section 13812 of the Education Code is amended to read:

13812. When the compensation of a member is a factor in any computation to be made under this chapter, including but not limited to computation of members' and school districts' or other employing agencies' contributions to the Teachers' Retirement Fund and excluding computation of compensation earnable during time prior to July 1, 1956, there shall be excluded from such computations any compensation based on overtime service performed by a member.

SEC. 8. Section 13815 is added to the Education Code, to read:

13815. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

SEC. 9. Section 13816 is added to the Education Code, to read:

13816. The retirement board has the authority to negotiate, and enter into agreements with other states of the United States on the subject of the transfer of members' contributions and regular interest between the retirement systems of California and other states.

SEC. 10. Section 13821 of the Education Code is amended to read:

13821. "Accumulated retirement contributions" means the sum of all member contributions with credited interest and does not include accumulated annuity deposit contributions and accumulated tax-sheltered annuity contributions.

SEC. 11. Section 13822 of the Education Code is amended to read:

13822. "Accumulated annuity deposit contributions" means the sum of all the annuity deposits standing to the credit of the member's account, together with credited interest.

SEC. 12. Section 13823 of the Education Code is amended to read:

13823. "Accumulated tax-sheltered annuity contributions" means the tax-sheltered contributions made by a member and standing to the credit of the member's account, together with credited interest.

SEC. 13. Section 13824.5 of the Education Code is amended to read:

13824.5. "Annual salary" means salaries earned during a school year excluding salaries for overtime service. For purposes of determining the amount of family allowances under Section 14186 and disability benefits under Section 14260, salary shall include any disability, survivor or family benefits that are part of a grant established and paid monthly to the teacher or his dependents prior to the teacher's death or disability and includes projected earned salary.

SEC. 14. Section 13825 of the Education Code is amended to read:

13825. "Annuity" means payments for life derived from the "accumulated annuity deposit contributions" or the "accumulated tax-sheltered annuity contributions" of a member.

SEC. 15. Section 13827 of the Education Code is amended to read:

13827. "Annuity deposit contributions" means additional contributions made by a member above those required for credited service for the purpose of providing additional retirement income.

SEC. 16. Section 13834 of the Education Code is amended to read:

13834. "Death benefits," means the benefits provided by Sections 14070, 14180 and 14185, and the family benefits provided in Section 14186.

The lump sum "death benefit" provided in the Old Age, Survivors and Disability Insurance program under the Federal Social Security Act, is considered as provided from the member's contributions, and shall not be offset against any payments from this system.

SEC. 17. Section 13835.1 of the Education Code is amended to read:

13835.1. "Disability allowance" means monthly payments by this system to a disabilitant.

SEC. 18. Section 13837 of the Education Code is amended to read:

13837. "Employment" means employment in a position requiring membership in the system.

SEC. 18.5. Section 13838.1 as added by Chapter 298 of the Statutes of 1974 is amended and renumbered, to read:

13838.15. "Final compensation" with respect to a member whose salary has been reduced by 5 or more percent after age 58 because of a reduction in school funds shall mean the highest average annual compensation earnable by the member during any three years during his membership in the system if the member elects to be subject to this section.

SEC. 19. Section 13838.5 of the Education Code is amended to read:

13838.5. "Improvement factor" means an increase of 2 percent in benefits for each year commencing on a September 1, following the first anniversary of the effective retirement date, or the date on which monthly benefits commenced to accrue to any beneficiary other than a retirant or such other periods as specifically stated in this chapter. Such factor shall not be compounded nor shall it be applicable to annuities payable from the accumulated annuity deposit contributions or the accumulated tax-sheltered annuity contributions. The Legislature reserves the right to adjust the amount of the "improvement factor" up or down as economic conditions dictate. No adjustments of the improvement factor shall reduce the monthly retirement allowance or benefit below that which would be payable to the recipient under this chapter had this section not been enacted.

SEC. 20. Section 13839 of the Education Code is repealed.

SEC. 21. Section 13840 of the Education Code is amended to read:

13840. "Local system" means any retirement system, exclusive of this system, in which public school teachers are members, operated by a city, city and county, county, or other political subdivision of the state.

SEC. 22. Section 13841 of the Education Code is repealed.

SEC. 23. Section 13849 of the Education Code is amended to read:

13849. "Retirement" means withdrawal from membership with a retirement allowance. A member of this system is retired with the mailing of the first warrant from this system.

SEC. 24. Section 13850 of the Education Code is amended to read:

13850. "Retirement allowance" means the monthly payment from the system to a retirant or his beneficiary under an option.

SEC. 25. Section 13851 of the Education Code is repealed.

SEC. 26. Section 13852 of the Education Code is amended to read:

13852. "Service" means service performed for compensation in a position requiring membership in the system except as provided in Article 8 (commencing with Section 13980).

SEC. 27. Section 13854 of the Education Code is amended to read:

13854. "Tax-sheltered annuity" means payments for life derived from the accumulated tax-sheltered annuity contributions of a member.

SEC. 28. Section 13855 of the Education Code is amended to read:

13855. "Tax-sheltered annuity contributions" means contributions made by an employer for the purchase of an annuity contract for a member under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of the United States.

SEC. 29. Section 13860 of the Education Code is repealed.

SEC. 30. Section 13861 of the Education Code is repealed.

SEC. 31. Section 13883 of the Education Code is amended to read:

13883. The board shall determine the service performed by members to be credited toward qualification for retirement, and shall fix retirement allowances and modify the allowances.

SEC. 32. Section 13899 of the Education Code is amended to read:

13899. The board shall keep in convenient form such data as is necessary for the actuarial valuation of the system.

In not to exceed six-year periods, the board shall make an actuarial investigation into the mortality, service, and other experience of members and beneficiaries and shall make an actuarial valuation of the assets and liabilities of the system. From time to time, the board shall determine the rates of return on investments of the several funds. Upon the basis of any or all of such investigation, valuation, and determination, the board shall adopt for the system such rates of return on investments, rates of contribution to the Teachers' Retirement Fund, mortality, service, and other tables as are deemed necessary.

SEC. 33. Section 13931 of the Education Code is amended to read:

13931. Each member shall file a statement with the board, at the option of, and upon the form furnished by, the board, giving:

(a) His date of birth.

(b) All service previously performed by him in a position requiring membership in the system or its predecessors.

(c) The beneficiaries under the system to receive any benefits,

payable upon the death of the member or beneficiary.

SEC. 34. Section 13932 of the Education Code is amended to read:

13932. Each county superintendent shall give immediate notice in writing to the board of the employment, death, resignation, or discharge of any person employed in a position requiring membership in the system, by the county or by a school district in the county.

Every other employing agency shall give similar notice with respect to each person employed by it in a position requiring membership in the system.

SEC. 35. Section 13946 of the Education Code is amended to read:

13946. Any person who is a member who subsequently is employed by the same or a different school district or by a county superintendent, to perform duties which require membership in a different public retirement system in this state, shall continue to be a member, unless he elects, in writing and files in the office of the system, within 90 days after such entry, not to continue as a member in his new position.

Continuance of his membership in this system, of any person so employed prior to June 26, 1961, is hereby ratified, validated and confirmed, and for all purposes he shall be considered as having been a member without interruption as far as the employment is concerned, unless such person elects within 90 days after the date upon which notice of such right to elect, is mailed by this system to the member's latest address on file in the office of this system, not to be a member of the system with respect to the duties which are not so requisite.

SEC. 36. Section 13948 of the Education Code is amended to read:

13948. Members who accept a position with the state to perform service of an educational nature in the State Department of Education, the Commission for Teacher Preparation and Licensing, the office of the Chancellor of the California Community Colleges, or as Superintendent of Public Instruction, or as a Deputy or Associate Superintendent of Public Instruction and are continuing to be members, shall receive credit for service performed in such position unless they elect in writing and file with the system within 90 days after entry in the position not to continue as members or receive credited service for time performed in the position.

SEC. 37. Section 13963 of the Education Code is amended to read:

13963. Persons employed on a substitute basis, who are not already members when they become employed and who perform less than 100 complete days of service during the school year are excluded from membership in the system.

If, at the end of a pay period, a substitute teacher has performed 100 or more complete days of substitute service in that school year and subsequently performs one or more complete days of such service in that school year, he shall become a member on the first day of the pay period during which such additional service was performed.

SEC. 38. Section 13964 of the Education Code is amended to read:

13964. Persons not already members who are employed on a part-time basis and who will perform less than 24 hours of service per pay period, or persons who will serve less than four days per pay period on a daily basis are excluded from membership in the system.

SEC. 39. Section 13966 of the Education Code is amended to read:

13966. Persons not already members who are employed as part-time teachers and who are concurrently employed in full-time positions as members of another retirement system, or a system administered and supported by the United States government, supported wholly or in part by public funds are excluded from membership in the system.

SEC. 40. Section 13968.5 of the Education Code is amended to read:

13968.5. For the purposes of this article, a pay period may be not less than four weeks or more than one calendar month.

SEC. 41. Section 13969 of the Education Code is amended to read:

13969. Any person who is a member of the Public Employees' Retirement System and who subsequently is employed in a position requiring membership in this system is excluded from membership if he elects, by a writing filed in the office of Board of Administration of the Public Employees' Retirement System, within 90 days after such entry, to continue as a member of the Public Employees' Retirement System in the new duties.

SEC. 42. Section 13969.1 of the Education Code is repealed.

SEC. 43. Section 13971 of the Education Code is amended to read:

13971. Nothing in this article shall be construed or applied to exclude from membership in this system any member who accepts a position requiring membership in this system in which position he has the right to elect membership in this or another retirement system and who elects membership in the other retirement system, or who enters a position which does not require membership in this system, but time served in which is included in this chapter.

Time served after becoming a member of the other system shall not be credited to the member under this system, nor shall contributions or benefits under this system be based upon such time or the salary received by the member during such time, except as provided in the definition of "final compensation" contained in Section 13838.

SEC. 44. Section 13972 of the Education Code is repealed.

SEC. 45. Section 13984 of the Education Code is amended to read:

13984. A member shall receive credit for service performed in a position prior to the date the position was made eligible for membership in this system or its predecessors.

SEC. 46. Section 13985 of the Education Code is repealed.

SEC. 47. Section 13986 of the Education Code is amended to read:

13986. A member shall receive credit for time during which he is prevented from performing service in a position requiring membership, by act of God, or by reason of the closing of a school

by any duly authorized officer or body. If by reason of a member's Japanese ancestry, he was required by the Wartime Civil Control Administration to leave his teaching position in California and returned prior to July 1, 1972, to a position requiring membership in the State Teachers Retirement System, he shall be given by the system four years of service credit in the system.

SEC. 48. Section 13987 of the Education Code is amended to read:

13987. A member shall receive credit for service performed in teaching positions in publicly supported and publicly administered universities and colleges in this state provided he does not have credited service therefor in any other retirement system.

SEC. 49. Section 13990 of the Education Code is amended to read:

13990. Service shall be computed by school years and not by calendar years, portions of years served being accumulated and counted as service. All of the service performed during any one school year in a position requiring membership in this system shall not count for more than one year, and the service credited under this system to any member as performed during any school year, shall not exceed the fraction of a year which makes one year of service, when added to the service credited to such member under the Public Employees' Retirement System, the Retiring Annuities System of the University of California, or any locally administered retirement system in California as performed during such year.

In lieu of any other benefits provided by this chapter, any member who performed service prior to July 1, 1956, shall receive retirement benefits for that service at least equal to the benefits which he would have received for that service under the provisions of this chapter as they existed on June 30, 1956. The provisions of this paragraph do not apply to service which is credited in the San Francisco City and County Employees Retirement System.

SEC. 50. Section 13991.5 of the Education Code is repealed.

SEC. 51. Section 13994 of the Education Code is amended to read:

13994. A member may elect to receive credit for time during which he serves in the active military service of the United States or of this state including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full-time paid service of the American Red Cross performed prior to September 10, 1957, during war with any foreign power or during other national emergency, or in time of peace if he is drafted for such service by the United States government, if he was employed in a position requiring membership, or in a position time served in which is included in this chapter, within one year prior to entering such service.

Time during which a member for other cause is absent without compensation, on leave or otherwise, shall not be included.

Time included under this section shall be considered as served in the state in which the member was last employed before entering

such service.

SEC. 52. Section 13995 of the Education Code is amended to read:

13995. A member who voluntarily requests or agrees to an extension of his original term of enlistment, service, or tour of duty shall not receive credit for time during which he serves in such military service and which is after January 1, 1958, or after the expiration of six months following the date of termination of such original term of enlistment, service, or tour of duty, whichever is later. In no event shall a member receive credit for more than four years of such military service performed after July 1, 1968.

SEC. 53. Section 13997 of the Education Code is amended to read:

13997. Time during which a member is excused from performance of his duties, such as but not limited to, sick leave, holidays, or vacation, whether or not he is required to perform any portion of such duties during such time, and for which he receives compensation, including disability from any insurance carrier of his employer, under the Labor Code on account of industrial injury or disease, in an amount less than the full compensation earnable by him while performing his duties when not so excused, shall be credited as service in the proportion that the compensation paid to the member bears to the full compensation which would be earnable by him while performing his duties on a full-time basis. For purposes of this article, any certificated employee on a sabbatical leave as provided under Section 13457 receives full-time service credit for time spent on such leave, after July 1, 1956, providing the member pays to the system additional contributions based on the compensation, which is the difference between compensation earned and the compensation earnable during the period of sabbatical leave, in the amount of:

(a) Eight percent of such compensation as employer and state cost of granting service credit, and

(b) The member's regular contribution rate as applied to such compensation. Regular interest shall be due on all contributions required under this section from the end of the school year during which the sabbatical leave was taken until date of payment of such contributions.

The employing school district may pay the amount required as employer and state costs in subdivision (a).

53a. Section 13999 of the Education Code is amended to read:

13999. Every person who was a member or retirant of the California State Teachers' Retirement System on June 30, 1944, may receive credit for time served outside this state prior to July 1, 1944, as follows:

(a) Credit for time served in a position which in this state requires membership, in other states of the United States and its territories and possessions and in Canada.

(b) Credit for time served in teaching positions in publicly supported and publicly administered universities or colleges in the United States and its territories and possessions and in Canada.

(c) Credit for time served in teaching positions in schools supported and administered by the United States government.

(d) Credit for time served as a physiotherapist during World War I in the Medical Department of the United States Army; provided, he was employed in a position requiring membership in this system within one year prior to entering such service.

(e) Credit for time served in publicly supported residential schools for the deaf and blind outside this state and credit for time served in the California School for the Deaf or the California School for the Blind, or in special classes maintained by the public schools of this state for the instruction of the deaf, the hard of hearing, the blind, or the semisighted.

SEC. 54. Section 14000 of the Education Code is repealed.

SEC. 55. Section 14020 of the Education Code is amended to read:

14020. Contributions made by a member shall be credited to his individual account by the board.

SEC. 56. Section 14030.5 of the Education Code is amended to read:

14030.5. If a member of a local retirement system transfers to the State Teachers' Retirement System as a member of the local system, and has accumulated contributions in his account in excess of those required by the State Teachers' Retirement System, the excess amount shall be refunded unless the individual makes application to have the excess amount credited to his (a) individual account in the Annuity Deposit Fund, or (b) member's account established under Chapter 91 of the Statutes of 1972.

Such application shall be submitted to the Los Angeles City Unified School District within 30 days of notification of the amount of excess contributions.

SEC. 57. Section 14033 of the Education Code is amended to read:

14033. Subject to rules prescribed by the board, any member may elect to make tax-sheltered annuity contributions for the purpose of providing additional retirement income.

SEC. 58. Section 14035 of the Education Code is amended to read:

14035. Employers of members, public officials and public agencies shall remit to the system, monthly or at other intervals fixed by the board, tax-sheltered annuity contributions made, and shall file with the board, reports of such contributions segregated according to members making them, all in accordance with such rules as may be adopted by the board.

SEC. 59. Section 14037 of the Education Code is repealed.

SEC. 60. Section 14038 of the Education Code is repealed.

SEC. 61. Section 14038.1 of the Education Code is repealed.

SEC. 62. Section 14044 of the Education Code is amended to read:

14044. No member may be required to pay contributions for service credited under Section 13994 which was performed prior to January 1, 1950, provided he was continuously performing such service prior to that date and returned to an employment in a position requiring membership in this system within six months after

the termination of such service.

SEC. 63. Section 14045 of the Education Code is amended to read:

14045. No member may be required to pay contributions for service credited under Section 13994 while on a military leave of absence if he entered such service after January 1, 1950, and returned to a position requiring membership within six months after the termination of such service.

SEC. 64. Section 14056 of the Education Code is amended to read:

14056. If a county superintendent of schools or employing agency other than a school district submits monthly reports late or in unacceptable form, the board may assess penalties.

The board may assess penalties based on one-half of the sum of the contributions covered by the report for late or unacceptable submission of reports at a rate of interest approximating the average rate yielded on moneys invested by the board during the previous year, but not to exceed 5 percent per annum. The penalties so assessed are deemed interest earned in the year in which received.

SEC. 66. Section 14070.1 of the Education Code is amended to read:

14070.1. When a member's contributions are returned to him, as provided in Section 14070, all rights to benefits pertaining to the service credits represented by those contributions are forfeited. Such rights and benefits, based upon service performed prior to refund, shall not be restored until the member has redeposited the total of the refunded contributions, and paid the regular interest thereon as provided in Article 13 (commencing with Section 14080) of this chapter.

SEC. 67. Section 14070.5 of the Education Code is amended to read:

14070.5. The board shall deduct 4 percent of the refundable balance or twenty-five dollars ($25), whichever is less, from each refund made upon termination of service. The amounts deducted are appropriated to the State Teachers' Retirement System and shall be credited to the support appropriation provided for in Section 13805 as reimbursements for the fiscal year during which such amounts are deducted.

SEC. 68. Section 14080.2 of the Education Code is amended to read:

14080.2. An election pursuant to Section 14080 to redeposit accumulated retirement contributions may be made by a member any time prior to the date of his retirement or payment of disability allowance, whichever occurs first.

An election to redeposit refunded contributions shall be considered as an election to repay all contributions previously refunded.

If any payment due because of such election is not received at the Sacramento office of the system within 120 days of its due date, the election shall be canceled. Upon such cancellation of election any payments made under the election shall be refunded.

In the event of cancellation of the election the member may at any time prior to the date of his retirement or payment of disability allowance, whichever occurs first, again elect to redeposit accumulated retirement contributions previously withdrawn or refunded, in accordance with Section 14080 and all the laws, rules and regulations pertaining thereto.

A disabilitant who elected not to redeposit contributions may at any time and prior to the date of subsequent retirement elect to redeposit, pursuant to Section 14080, after attainment of three years of credited service subsequent to the last disability payment.

SEC. 69. Section 14087 of the Education Code is amended to read:

14087. If the Los Angeles Unified School District's assets or the Los Angeles Community College District's assets contributed are recorded in the State Teachers' Retirement System's accounts at a total amount different than the total member annuity savings (active member accumulated contributions) and present value of retired roll being financed from local system reserves transferred to the State Teachers' Retirement System, the difference shall be recorded in the State Teachers' Retirement System's account as a deferred item which is to be amortized over a 25-year period.

SEC. 70. Section 14095 of the Education Code is repealed.

SEC. 71. Section 14116.5 of the Education Code is amended to read:

14116.5. All persons on the San Francisco system retired rolls on June 30, 1972, shall remain on the local rolls. The State Teachers' Retirement System will continue the subvention in Section 14121 for those persons, will apply the percentage update and annual improvement factor to payments being made by the State Teachers' Retirement System directly to the retirant, and will pay the two-thousand-dollar ($2,000) retired death benefit upon their death. The retired death benefit will be reduced by the retired lump-sum death benefit payable by the San Francisco system.

The allowance that would have been payable had the member retired solely under the State Teachers' Retirement System, including the percentage update calculated under Sections 14332, 14333 and 14334, shall be taken into account in computing the amount of increase for the ten-dollar ($10) a month per year of service minimum benefit.

SEC. 72. Section 14119.7 of the Education Code is repealed.

SEC. 73. Section 14138 of the Education Code is repealed.

SEC. 74. Section 14140 of the Education Code is repealed.

SEC. 75. Section 14154 of the Education Code is amended to read:

14154. A member's marriage, divorce, annulment of marriage or the termination of membership by refund constitutes a revocation of his previous designation of a beneficiary except as provided herein.

Any designation of beneficiary in effect on October 1, 1967, which was filed prior to the occurrence of any of the conditions specified herein is void.

After any revocation or voidance of a beneficiary designation, a

member may designate the same or another beneficiary or beneficiaries in accordance with Section 14153.

A nomination of beneficiary filed with the system after an interlocutory decree in a dissolution of marriage action has been issued by the court shall continue to be valid after filing of the final decree of the dissolution of marriage.

SEC. 76. Section 14220.7 of the Education Code is amended to read:

14220.7. When a person who has been granted a disability allowance after June 30, 1972, reaches age 60, or at such later date when there are no eligible children, his disability allowance shall be terminated and thereafter he shall receive the allowance payable for service retirement at that age, calculated on the projected earned salary and projected service. The allowance payable under this section, excluding tax-sheltered and annuity deposits, shall not be greater than the terminated disability allowance.

SEC. 77. Section 14221 of the Education Code is amended to read:

14221. Unless specifically provided to the contrary, no person retired for service shall accept employment in a position requiring membership in the system, or in any teaching capacity in a public school, within one year after the effective date of retirement. In no event shall a person accept such employment until after notifying the board at its office in Sacramento, and if retirement is for disability, until the system has determined by medical examination that he is no longer disabled. If any person fails to comply with these requirements the employment shall be invalid.

SEC. 78. Section 14222 of the Education Code is amended to read:

14222. If any person retired pursuant to this article is reemployed in a position requiring membership in the system or in any teaching capacity in a public school, or if any person retired for or receiving a disability allowance ceases to be incapacitated, his retirement allowance or disability allowance shall cease, and he shall be reinstated to membership in the system.

SEC. 79. Section 14223 of the Education Code is amended to read:

14223. Upon termination of a retirement or disability allowance which began to accrue on or after July 1, 1972, the person's individual account shall be credited with the amount of his accumulated retirement contributions as they were on the effective date of retirement or disability allowance, less the sum of all payments made under subdivision (a) of Section 14240 or Section 14260. The reduction shall not be greater than the total of such accumulated retirement contributions.

Upon the termination of a retirement, the person's accumulated annuity deposit contribution and accumulated tax-sheltered annuity contribution accounts shall be credited with the amounts of such contributions as they were on the effective date of retirement less the sum of all payments made under subdivisions (b) and (c) of Section 14240.

SEC. 80. Section 14224.5 of the Education Code is amended to

read:

14224.5. Allowances payable under subdivision (a) of Section 14240 or Section 14260 shall be increased by application of the improvement factor.

SEC. 82. Section 14242 of the Education Code is amended to read:

14242. For the purpose of calculating retirement allowances, credit for service performed between June 30, 1956, and July 1, 1968, on a part-time basis in each school year shall be based on the ratio that service performed bears to the minimum full-time service required for credit for a year of service.

SEC. 83. The title of Article 22 (commencing with Section 14260) of Chapter 4 of Division 10 of the Education Code is amended to read:

Article 22. Benefits for Disability

SEC. 84. Section 14330 of the Education Code is repealed.

SEC. 85. Section 14331 of the Education Code is repealed.

SEC. 86. Section 14332 of the Education Code is repealed.

SEC. 87. Section 14333 of the Education Code is repealed.

SEC. 88. Section 14334 of the Education Code is repealed.

SEC. 89. Section 14334.6 of the Education Code is repealed.

SEC. 90. Section 14392.5 of the Education Code is repealed.

SEC. 91. Section 14397 of the Education Code is amended to read:

14397. If any person entitled to a benefit from the system is a minor who has no guardian of his estate, the benefit, not to exceed two thousand dollars ($2,000), may be paid to the person entitled to the custody of the minor to hold for the minor, upon the written statement, duly acknowledged and verified, of the person that the total estate of the minor does not exceed two thousand five hundred dollars ($2,500) in value.

The payment shall constitute full discharge of any and all liabilities of the board and system.

The person shall account to the minor for the money when the minor reaches the age of majority.

Notwithstanding the provisions of this section, a natural parent or an adoptive parent having custody of the minor will not be required to establish a guardianship for the purpose of collecting a survivor benefit, family benefit or death benefit.

SEC. 92. Section 14405 of the Education Code is amended to read:

14405. Whenever a refund cannot be made under the provisions of Section 14072, or a benefit cannot be paid because the member cannot be found, all accumulated contributions credited to his account shall be transferred to the Teachers' Retirement Fund.

If a person whose entire accumulated contributions were transferred to the Teachers' Retirement Fund returns to a position requiring membership, the system shall return all such contributions to his account with interest that would have been credited to his account had the funds not been transferred.

SEC. 93. Section 14451 of the Education Code is repealed.

SEC. 93.5. The heading of Article 31 (commencing with Section 14451) of Chapter 4 of Division 10 of the Education Code is repealed.

SEC. 94. Section 14452 of the Education Code is repealed.

SEC. 95. Section 14453 of the Education Code is repealed.

SEC. 96. Section 14454 of the Education Code is repealed.

SEC. 97. Section 14455.1 of the Education Code is repealed.

SEC. 98. Section 14455.2 of the Education Code is repealed.

SEC. 99. Section 14455.3 of the Education Code is repealed.

SEC. 100. Section 14455.4 of the Education Code is repealed.

SEC. 101. Section 14455.5 of the Education Code is repealed.

SEC. 102. Section 14455.6 of the Education Code is repealed.

SEC. 103. Section 14455.7 of the Education Code is repealed.

SEC. 104. Section 14455.8 of the Education Code is repealed.

SEC. 105. Section 14455.9 of the Education Code is repealed.

SEC. 106. Section 14456 of the Education Code is repealed.

SEC. 107. Section 14457 of the Education Code is repealed.

SEC. 108. If both this bill and Senate Bill 940 of the 1973–74 Regular Session are chaptered, then Section 13838.5 of the Education Code, as amended by Section 19 of this act, shall be repealed at the same time as Section 13838.5 of the Education Code, as amended by Senate Bill No. 940, becomes operative.

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## CHAPTER 1294

*An act to add Section 4661.5 to the Labor Code, relating to workmen's compensation payments.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 4661.5 is added to the Labor Code, to read:

4661.5. Notwithstanding any other provision of this chapter, the amount of temporary total disability indemnity for compensable injuries, pursuant to this division, that have existed in excess of two years shall be computed using the temporary disability indemnity average weekly earnings amount specified in Section 4453 or 4460 in effect on the date each disability payment is made to the injured employee.

SEC. 2. The provisions of this act shall only apply to original injuries sustained on or after the effective date of the act.

# CHAPTER 1295

*An act to amend Sections 6880.20 and 16749 of, and to add Section 20905.8 to, the Education Code, relating to school districts.*

[Approved by Governor September 25, 1974 Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 6880.20 of the Education Code is amended to read:

6880.20. The governing board shall establish in the county treasury a fund to be known as the "development center for handicapped pupils fund" into which shall be paid all funds received by the district for, or from the operation of, centers established pursuant to this article. The costs incurred in the maintenance and operation of centers shall be paid from the fund.

No other funds of a district derived from the receipts of district taxes, except a district tax levied under Section 6880.16, or derived from moneys apportioned to the district for the support of the schools thereof, except state moneys expressly appropriated from the General Fund for the support of centers, may be expended for, or in connection with, a center.

SEC. 2. Section 16749 of the Education Code is amended to read:

16749. The governing board of any school district shall establish in the county treasury a fund to be known as the "child development fund" into which shall be paid all funds received by the district for, or from the operation of, child development services under this division. The costs incurred in the maintenance and operation of child development services shall be paid from the fund, with accounting to reflect specific funding sources.

No other funds of a district derived from the receipt of district taxes or derived from moneys apportioned to the district for the support of schools thereof, except state moneys appropriated for the support of child development services, fees, and federal funds, may be expended for, or in connection with child development services.

SEC. 3. Section 20905.8 is added to the Education Code, to read:

20905.8. Notwithstanding Section 20905, the revenue limit determined pursuant to Section 20905 shall be decreased to offset amounts required to be paid from the development center for the handicapped pupils fund pursuant to Section 6880.20 and the child development fund pursuant to Section 16749 for contributions authorized or required to be paid by the district on account of services of employees of a development center for the handicapped and services of employees providing child development services.

## CHAPTER 1296

*An act to amend Section 69600 of the Government Code, relating to courts, and making an appropriation therefor.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 69600 of the Government Code is amended to read:

69600. In the County of Santa Clara there shall be 26 judges of the superior court.

SEC. 2. The sum of one hundred twenty thousand dollars ($120,000) is hereby appropriated from the General Fund to the State Controller for payment to Santa Clara County as a state block grant to meet the requirements of Section 2231 of the Revenue and Taxation Code, provided that the amount appropriated by this bill shall be deemed the full annual cost of the mandated program, and further provided that disbursement of the funds herein shall not diminish payment by the state pursuant to Sections 68206 and 75101 of the Government Code.

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## CHAPTER 1297

*An act to amend Section 72602 of, and to repeal Section 72602.3 of, the Government Code, relating to municipal courts.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

| | |
|---|---|
| Whittier Municipal Court District | 3 |
| San Antonio Municipal Court District | 3 |
| East Los Angeles Municipal Court District | 3 |
| Inglewood Municipal Court District | 3 |
| South Bay Municipal Court District | 5 |
| Compton Municipal Court District | 6 |
| Downey Municipal Court District | 2 |
| Los Angeles Municipal Court District | 64 |

| | |
|---|---|
| Santa Anita Municipal Court District | 1 |
| Alhambra Municipal Court District | 3 |
| Los Cerritos Municipal Court District | 2 |
| Long Beach Municipal Court District | 5 |
| Beverly Hills Municipal Court District | 3 |
| Santa Monica Municipal Court District | 3 |
| Burbank Municipal Court District | 2 |
| Glendale Municipal Court District | 2 |
| Pasadena Municipal Court District | 4 |
| El Monte Municipal Court District | 4 |
| Pomona Municipal Court District | 3 |
| South Gate Municipal Court District | 1 |
| Citrus Judicial District | 4 |
| Antelope Municipal Court District | 1 |
| Culver Municipal Court District | 2 |
| Newhall Municipal Court District | 2 |

SEC. 2. Section 72602.3 of the Government Code is repealed.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local governmental entity or entities which desired legislative authority to act to carry out the program specified in this act.

SEC. 4. This act shall become operative on March 1, 1975.

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## CHAPTER 1298

*An act to amend Section 69591 of the Government Code, relating to courts, and making an appropriation therefor.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 69591 of the Government Code is amended to read:

69591. In the County of Orange there shall be 33 judges of the superior court.

SEC. 2. The sum of one hundred twenty thousand dollars ($120,000) is hereby appropriated from the General Fund to the State Controller for payment to Orange County as a block state grant to meet the requirements of Section 2231 of the Revenue and Taxation Code, provided that the amount appropriated by this act shall be deemed the full annual cost of the mandated program, and further provided that disbursement of the funds herein shall not diminish payment by the state pursuant to Sections 68206 and 75101

of the Government Code.

SEC. 3. This act shall become operative January 7, 1975, or on the date the Orange County Board of Supervisors adopts a resolution agreeing to pay local costs in excess of the appropriation provided by this act, whichever is later.

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## CHAPTER 1299

*An act to amend Sections 73101, 73101.5, 73104, 73105, 73106, 73107, 73109, 73110, 73113, 73113.5, 73116, 73118, 73121, and 73641 of, and to add Sections 73114 and 73122 to, the Government Code, relating to municipal courts.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 73101 of the Government Code is amended to read:

73101. The San Bernardino County Municipal Court District shall consist of the following divisions, embracing that territory which is within the following judicial districts in the County of San Bernardino on the date specified, and as such divisions are thereafter modified by the board of supervisors or operation of law.

(a) On November 8, 1967:

(1) East Division—that territory within the Redlands Judicial District.

(2) Central Division—that territory within the San Bernardino Judicial District.

(3) Valley Division—that territory within the Fontana and Rialto Judicial Districts.

(4) West Valley Division—that territory within the West Valley Municipal Court District.

(5) Victorville Division—that territory within the Victor Judicial District.

(b) On August 5, 1973:

(1) Barstow Division—that territory within the Barstow and Yermo-Belleville Judicial Districts.

(c) On November 26, 1973:

(1) Chino Division—that territory within the Chino Judicial District.

Any reference in this or any other code to the Desert Division of the San Bernardino County Municipal Court District shall be deemed to refer to the Victorville Division of such district.

SEC. 2. Section 73101.5 of the Government Code is amended to read:

73101.5. There shall be the following number of judges in the

divisions of the San Bernardino County Municipal Court District: in the East Division, one; in the Central Division, four; in the Valley Division, two; in the West Valley Division, four; in the Victorville Division, one; and in the Barstow Division, one; and in the Chino Division, one.

SEC. 3. Section 73104 of the Government Code is amended to read:

73104. Within each division of the San Bernardino County Municipal Court District, even in divisions having only one judge, there shall be a supervising judge of the division.

SEC. 4. Section 73105 of the Government Code is amended to read:

73105. The supervising judges of the divisions of the San Bernardino County Municipal Court District shall constitute a council of supervising judges. The council of supervising judges shall, by majority vote, elect one of the judges of the district to serve as presiding judge of the district and shall formulate rules and regulations not inconsistent with law or rules and regulations adopted and prescribed by the Judicial Council for transfer of cases, assignment of judges, scheduling of vacations of judges, and other administrative matters such as will promote uniformity of procedures and efficiency and economy in the business of the district. Such rules and regulations shall be administered by the municipal court administrator under the supervision and control of the presiding judge of the district. Any rules and regulations adopted pursuant to Section 72002.1 shall be adopted by a majority vote of the council of supervising judges.

SEC. 5. Section 73106 of the Government Code is amended to read:

73106. The council of supervising judges shall meet quarterly, and more often if necessary, upon the call in writing of the presiding judge of the district or of any two supervising judges. At the last meeting of each calendar year, the council of supervising judges shall elect the presiding judge of the district for the next ensuing year commencing January 1, shall review the business of the district, and shall make such recommendations to the board of supervisors and to the Judicial Council as it deems desirable or necessary to promote the administration of justice in the courts of the district.

SEC. 6. Section 73107 of the Government Code is amended to read:

73107. There shall be one clerk of the San Bernardino Municipal Court District to be known as the municipal court administrator who shall be appointed by a majority vote of the council of supervising judges from among applicants certified to such council on the basis of a competitive examination pursuant to personnel rules and regulations of the County of San Bernardino. He shall receive a salary at a rate specified in range 87 of the salary schedule. He shall be the appointing power for those positions listed in Section 73113.

SEC. 7. Section 73109 of the Government Code is amended to

read:

73109. The municipal court administrator shall be the administrative officer of the district under the control and supervision of the presiding judge of the district. The council of supervising judges shall prescribe and regulate by majority vote the duties and authority of the municipal court administrator, among which shall be:

(a) To direct and coordinate the nonjudicial activities of the district.

(b) To coordinate the personnel practices in compliance with rules of the district and those of the County of San Bernardino.

(c) To prepare and administer the budget of the district.

(d) To coordinate with other county agencies the acquisition, utilization, maintenance, and disposition of county facilities, equipment and supplies necessary for operation of the district.

(e) To initiate studies and prepare appropriate recommendations and reports to the presiding judge of the district and the council of supervising judges relating to the business of the district, including, but not limited to, such matters as standardization of forms, procedures, and of classification and compensation of officers and employees.

(f) To collect, compare, and analyze statistical data on a continuing basis concerning the status of judicial and nonjudicial business of the district and to prepare periodic reports and recommendations based on such data.

(g) To make arrangements for and attend all meetings of the council of supervising judges, to assist the presiding judge of the district in the preparation of the agenda, and to prepare minutes of the meetings of the council.

(h) To serve as liaison for the district with other persons, committees, boards, groups, and associations as directed by the presiding judge of the district or the council of supervising judges.

SEC. 8. Section 73110 of the Government Code is amended to read:

73110. There shall be one marshal of the San Bernardino County Municipal Court District who shall be appointed by, and serve at the pleasure of, a majority of the council of supervising judges and who shall receive a salary at a rate specified in range 82 of the salary schedule. The marshal shall be the appointing power for those positions listed in Section 73113 as being appointed by the marshal.

SEC. 9. Section 73113 of the Government Code is amended to read:

73113. The number of positions within each job classification which may be filled by appointment by the municipal court administrator and the marshal and the salary range prescribed in Section 73113.5 which constitutes the compensation for each job classification are as follows:

Appointed by the Municipal Court Administrator

| Number | Salary range | Job classification |
|---|---|---|
| 1 | 76 | Assistant municipal court administrator |
| 2 | 73 | Clerk of the municipal court II |
| 5 | 69 | Clerk of the municipal court I |
| 2 | 65 | Assistant clerk of the municipal court II |
| 3 | 58 | Municipal court chief clerk |
| 5 | 55 | Assistant clerk of the municipal court I |
| 17 | 54 | Municipal court clerk II |
| 1 | 53 | Addiction counselor, municipal court |
| 1 | 48 | Municipal court clerk I |
| 1 | 47 | Secretary I |
| 4 | 47 | Clerk IV |
| 7 | 45 | Account clerk II |
| 21 | 44 | Clerk III |
| 41 | 39 | Clerk II |
| 3 | 34 | Clerk I |

Appointed by the Marshal

| Number | Salary range | Job classification |
|---|---|---|
| 1 | 73 | Marshal's captain |
| 1 | 70 | Marshal's lieutenant |
| 7 | 67 | Marshal's sergeant |
| 37 | 62 | Deputy marshal |
| 1 | 50 | Administrative clerk I |
| 8 | 44 | Clerk III |
| 7 | 39 | Clerk II |

SEC. 10. Section 73113.5 of the Government Code is amended to read:

73113.5. Whenever reference is made to a numbered salary range in any section of this chapter, the salary schedule found in the salary ordinance of San Bernardino County in effect on June 1, 1974, shall apply.

Salaries are to be paid biweekly in accordance with the same provisions which govern payment of classified employees of the County of San Bernardino.

Each salary range shall have nine (9) steps labeled as follows: A, 1, B, 2, C, 3, D, 4, E. The salary schedule incorporated by reference by this section shows the hourly, biweekly, and approximate monthly rate for each step in the salary range. The biweekly and approximate monthly rate are computed on the basis of full-time employment.

The hiring salary for each position set forth shall be the salary in column A. A service period of 13 pay periods shall be required for a salary increase from column A to column B. An additional service

period of 26 pay periods shall be required for a salary increase from column B to column C; 26 additional pay periods shall be required for a salary increase from column C to column D; and 26 additional pay periods shall be required for a salary increase from column D to column E.

Administration of the salary plan provided by this chapter, including the hiring date; increases within range; salary on promotion, transfer, or demotion; salary on position reclassification, and all other relevant matters, shall be in accordance with the current personnel rules and ordinances of the County of San Bernardino.

Notwithstanding any other provisions of law, the salary and classifications of municipal court employees provided by Sections 73107, 73110, 73113, and this section may be increased or decreased within the range limits of the salary schedule incorporated by reference by this section in order to provide classification and compensation that is comparable to county employees of similar qualifications and experience in the classified service of San Bernardino County as such comparability is determined by the board of supervisors. Any salary increases granted or reclassifications made pursuant to this paragraph shall be effective only until January 1, 1977.

SEC. 11. Section 73114 is added to the Government Code, to read:

73114. By order entered in the minutes of the court, a majority of the supervising judges may appoint up to three secretaries as the business of the court requires, to be classified as Secretary II. Each shall receive a salary at a rate specified in range 50 of the salary schedule and be otherwise subject to the salary plan provided by Section 73113.5.

SEC. 12. Section 73116 of the Government Code is amended to read:

73116. Trial jurors for each session of the courts of the district shall be selected from persons residing within the divisions within which such sessions are held. Upon adoption of a rule pertaining thereto by the council of supervising judges, any division may use the same jury panel as that summoned for service in the superior court. When selected from the superior court panel, persons so selected for jury duty in the municipal court division need not be residents of the division.

SEC. 13. Section 73118 of the Government Code is amended to read:

73118. In any civil action or proceedings, in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of this title, a fee of ten dollars ($10) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceedings, in the following instances:

(a) Upon the filing of a complaint or other first paper;

(b) Upon the filing of an answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff;

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or a special proceeding. The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 (commencing with Section 72050) of Chapter 8 of this title.

The fee required by this section shall be taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of the court. It is not subject to Section 6103.

SEC. 14. Section 73121 of the Government Code is amended to read:

73121. By majority vote, the council of supervising judges may appoint a court commissioner who shall meet the qualifications and have the powers and duties specified in Sections 72190 and 72190.1 of this code, and Sections 259 and 259a of the Code of Civil Procedure. Any commissioner so appointed shall also have the power and duties of, a traffic referee as provided in Article 9 (commencing with Section 72400) of Chapter 8 of Title 8. The salary of the commissioner for all duties performed pursuant to this section shall be equal to 75 percent of the salary of a judge of the municipal court.

SEC. 15. Section 73122 is added to the Government Code, to read:

73122. By majority vote, the council of supervising judges may appoint one senior own-recognizance officer who shall receive a salary at a rate specified in range 66 of the salary schedule, and two own-recognizance officers who shall receive a salary at a rate specified in range 63 of the salary schedule. Any such appointment shall not be operative until approved by a majority vote of a committee composed of one representative of the council of supervising judges, one representative of the superior court judges of the county, and one representative of the county sheriff.

SEC. 16. Section 73641 of the Government Code is amended to read:

73641. There shall be five judges.

SEC. 17. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs that may be incurred by any local government entity pursuant to the act, because the affected local government entities have requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

SEC. 18. This act shall become operative January 15, 1975.

## CHAPTER 1300

*An act to amend Section 73681 of the Government Code, relating to municipal courts.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 73681 of the Government Code is amended to read:

73681. There shall be seven judges.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local governmental entity or entities which desired legislative authority to act to carry out the program specified in this act.

SEC. 3. This act shall become operative on January 7, 1975.

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## CHAPTER 1301

*An act to amend Sections 69604, 73562, 73563.1, 73563.2, 74222, 74223.1, and 74223.2 of, to add Sections 73563 and 74223 to, and to repeal Sections 73563 and 74223 of, the Government Code, relating to courts, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 25, 1974 Filed with Secretary of State September 25, 1974 ]

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

SECTION 1. Section 69604 of the Government Code is amended to read:

69604. In the County of Stanislaus there shall be six judges of the superior court.

SEC. 2. Section 73562 of the Government Code is amended to read:

73562. There shall be one chief municipal court clerk who shall receive a monthly salary at the rate specified in range 42 of the salary schedule.

SEC. 3. Section 73563 of the Government Code is repealed.

SEC. 4. Section 73563 is added to the Government Code, to read:

73563. The chief municipal court clerk may appoint:

(a) Two senior municipal court clerks each of whom shall receive a monthly salary at the rate specified in range 34A of the salary schedule.

(b) Six municipal court clerks who shall receive a monthly salary at the rate specified in range 32A of the salary schedule.

(c) One senior typist-clerk who shall receive a monthly salary at the rate specified in range 28A of the salary schedule.

(d) One senior account clerk who shall receive a monthly salary at the rate specified in range 29A of the salary schedule.

(e) One stenographer clerk II who shall receive a monthly salary at the rate specified in range 28 of the salary schedule.

(f) Four legal process clerks each of whom shall receive a monthly salary at the rate specified in range 27A of the salary schedule.

(g) Seven typist-clerks II each of whom shall receive a monthly salary at the rate specified in range 26A of the salary schedule.

SEC. 5. Section 73563.1 of the Government Code is amended to read:

73563.1. Whenever reference to a numbered salary range is made in any section of this article, the schedule found in the salary resolution of Monterey County in effect on March 15, 1974, shall apply.

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule incorporated by this article, shall, for the first 12 months of service, receive the rate of monthly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step E of such range.

SEC. 6. Section 73563.2 of the Government Code is amended to read:

73563.2. Certain classes of positions prescribed in Article 7 (commencing with Section 73560) of Chapter 10, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Resolution of Monterey County. In order to maintain parity of compensation and employee benefits between attachés of the Monterey-Carmel Municipal Court District and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Monterey-Carmel Municipal Court District in Monterey County.

On the effective date of any amendment to said resolution adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent number of ranges in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed four range

numbers of the salary range number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is not reflected in the salary range number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary range number.

Table of Positions

| Court classification | County classification |
|---|---|
| Chief municipal court clerk | Assistant county clerk |
| Senior municipal court clerk | Senior municipal court clerk |
| Municipal court clerk | Municipal court clerk |
| Senior typist-clerk | Senior typist-clerk |
| Senior account clerk | Senior account clerk |
| Stenographer clerk II | Stenographer clerk II |
| Legal process clerk | Legal process clerk |
| Typist-clerk II | Typist-clerk II |

Salary adjustments made pursuant to this section shall be effective only until January 1 following the adjournment of the next succeeding regular session of the Legislature.

Attachés of the Monterey-Carmel Municipal Court District shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification, including anniversary dates, changes thereto, and step advancements.

SEC. 7. Section 74222 of the Government Code is amended to read:

74222. There shall be one chief municipal court clerk who shall receive a monthly salary at the rate specified in range 42 of the salary schedule.

SEC. 8. Section 74223 of the Government Code is repealed.

SEC. 9. Section 74223 is added to the Government Code, to read:

74223. The chief municipal court clerk may appoint:

(a) Two senior municipal court clerks each of whom shall receive a monthly salary at the rate specified in range 34A of the salary schedule.

(b) Seven municipal court clerks each of whom shall receive a monthly salary at the rate specified in range 32A of the salary schedule.

(c) One senior typist-clerk who shall receive a monthly salary at the rate specified in range 28A of the salary schedule.

(d) One senior account clerk who shall receive a monthly salary at the rate specified in range 29A of the salary schedule.

(e) One stenographer-clerk II who shall receive a monthly salary at the rate specified in range 28 of the salary schedule.

(f) Four legal process clerks each of whom shall receive a monthly

salary at the rate specified in range 27A of the salary schedule.

(g) Seven typist-clerks II each of whom shall receive a monthly salary at the rate specified in range 26A of the salary schedule.

SEC. 10. Section 74223.1 of the Government Code is amended to read:

74223.1. Whenever reference to numbered salary range is made in any section of this article, the schedule found in the salary resolution of Monterey County in effect March 15, 1974, shall apply.

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule incorporated by this article, shall for the first 12 months of service, receive the rate of monthly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

SEC. 11. Section 74223.2 of the Government Code is amended to read:

74223.2. Certain classes of positions prescribed in Article 22 (commencing with Section 74220) of Chapter 10, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Resolution of Monterey County. In order to maintain parity of compensation and employee benefits between attachés of the Salinas Municipal Court District and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Salinas Municipal Court District in Monterey County.

On the effective date of any amendment to said resolution adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent number of ranges in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed four range numbers of the salary range number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is not reflected in the salary range number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary range number.

Table of Positions

| Court classification | County classification |
|---|---|
| Chief municipal court clerk | Chief municipal court clerk |
| Senior municipal court clerk | Senior municipal court clerk |
| Municipal court clerk | Municipal court clerk |
| Senior typist-clerk | Senior typist-clerk |
| Senior account clerk | Senior account clerk |
| Stenographer-clerk II | Stenographer-clerk II |
| Legal process clerk | Legal process clerk |
| Typist-clerk II | Typist-clerk II |

Salary adjustments made pursuant to this section shall be effective only until January 1 following the adjournment of the next succeeding regular session of the Legislature.

Attachés of the Salinas Municipal Court District shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification, including anniversary dates, changes thereto, and step advancements.

SEC. 12. The sum of sixty thousand dollars ($60,000) is hereby appropriated from the General Fund to the State Controller for payment to Stanislaus County as a state block grant to meet the requirements of Section 2231 of the Revenue and Taxation Code with respect to Section 1 of this act, provided, that the amount appropriated by this bill shall be deemed the full annual costs of the program mandated by Section 1 of this act, and further provided, disbursement of the funds herein shall not diminish payment by the state under provisions of Government Code Sections 68206 and 75101.

Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation other than the appropriation provided in the above paragraph is made by this act nor shall any reimbursement be made for any other costs that may be incurred by any local government entity pursuant to the act, because the affected local government entities have requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The employees whose salaries and employment positions are affected by this act have reached an agreement with the Board of Supervisors of the County of Monterey. In order to avoid unnecessary delay and reduce inconvenience to those employees and citizens affected by the provisions of this act, it is necessary that this act go into immediate effect at the earliest possible time.

SEC. 14. Notwithstanding the provisions of Section 13, Section 1, and Section 12 of this act shall become operative on January 7, 1975.

4 2057 62 11 410 446

## CHAPTER 1302

*An act to amend Section 69594 of the Government Code, relating to superior courts, and making an appropriation therefor.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

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

69594. In the County of San Bernardino there shall be 15 judges.

SEC. 2. The sum of sixty thousand dollars ($60,000) is hereby appropriated from the General Fund to the State Controller for disbursement to San Bernardino County as a state block grant to meet the requirements of Section 2231 of the Revenue and Taxation Code, provided that the amount appropriated by this act shall be deemed the full annual costs of the mandated program, and further provided that disbursement of the fund herein shall not diminish payment by the state pursuant to Sections 68206 and 75101 of the Government Code.

SEC. 3. This act shall become operative on January 7, 1975.

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## CHAPTER 1303

*An act to amend Sections 73642, 73643, 73644, 73648, 73649, 73951, 73952, 73953, 73958, 73959, 74342, 74343.1, 74343.5, 74343.6, 74350, 74351, 74357, and 74370 of the Government Code, relating to courts.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 73642 of the Government Code is amended to read:

73642. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 50 of the salary schedule provided in Section 74343.1. In no event shall the salary of the clerk be less than ten (10) schedule ranges higher than that specified for the position of assistant clerk.

SEC. 2. Section 73643 of the Government Code is amended to read:

73643. The clerk may appoint with the approval of the judges:

(a) One assistant clerk who shall receive a biweekly salary at a rate specified in Schedule No. 47.5. In no event shall the

compensation of the assistant clerk be less than 20 percent below that specified for the assistant clerk of the San Diego Judicial District.

(b) Eleven deputy clerks IV, each of whom shall receive a monthly salary at a rate specified in Schedule No. 38.

(c) Thirteen deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule No. 33.

(d) Twelve deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule No. 30.

(e) Twelve deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule No. 26.5. Appointments to this position shall be at step B of the schedule.

(f) Four deputy clerks who shall be keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule No. 29. The deputy clerk assigned as supervising keypunch operator shall receive a monthly salary at a rate two (2) schedules higher than that which such deputy clerk keypunch operator was receiving prior to such assignment.

(g) Any person occupying a position specified in subdivision (b), (c), (d), or (e) and performing as a certified interpreter shall be paid at a monthly rate which shall be three salary ranges higher than that specified for the position as set forth in Section 74343.1, except that no more than two such certified interpreters shall be so compensated at any one time.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b), (c), (d), and (e) of that section are applicable to the attachés appointed pursuant to this section.

SEC. 3. Section 73644 of the Government Code: is amended to read:

73644. By order entered in the minutes of the court, a majority of judges of the court may appoint one judicial secretary to be known as judicial secretary of the court, who shall be an attaché of such court. The judicial secretary shall receive a monthly salary at a rate specified in Schedule No. 34.5 of the salary schedule provided in Section 74343.1, commencing at step D at initial employment and advancing to step E at the end of one year of continuous service.

The position of judicial secretary shall be deemed comparable to the position of assistant secretary authorized by Section 69892. Whenever the salary of assistant secretary is adjusted by the board of supervisors, a commensurate adjustment shall be made to the salary of judicial secretary and shall be effective on the same date as the effective date of the assistant secretary salary adjustment. But any such adjustment shall not be more than 20 percent higher or 20 percent lower than the range specified by this section and shall be effective only until 60 days after the final adjournment of the 1975–76 Regular Session of the Legislature.

Notwithstanding the provisions of Section 73648, the judicial secretary shall receive and be entitled to the same vacations, sick

leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for by rule for the assistant secretaries of the Superior Court of the County of San Diego by the judges thereof.

SEC. 4. Section 73648 of the Government Code is amended to read:

73648. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the classifications of attachés of the municipal court shall receive, and they shall be entitled to the same vacations, holidays, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego in the comparable classifications specified in subdivision (e) of Section 74343.1 of this chapter, including the right to participate in a retirement plan, and in any group health, accident or life insurance plan adopted by the Board of Supervisors of San Diego County, and in the tuition refund and suggestion awards programs adopted by the board. For purposes of this subdivision only, the clerk and assistant clerk shall receive the same privileges and benefits as are received by the classifications of probation officer and chief assistant probation officer, respectively, of the classified civil service of the County of San Diego. Such privileges and benefits shall be retroactively applied. The municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's

office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 5. Section 73649 of the Government Code is amended to read:

73649. Official reporters in the Municipal Court of the El Cajon Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall receive the same monthly salary or per diem as is paid the official reporters of the Superior Court of the County of San Diego. These salaries shall be a charge against the general fund of the county.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem as is paid the official reporters pro tempore of the Superior Court of the County of San Diego, which shall be a charge against the general fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund, including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

Notwithstanding the provisions of Section 73648, official reporters shall receive and be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for by rule for the official reporters of the Superior Court of the County of San Diego by the judges thereof.

SEC. 6. Section 73951 of the Government Code is amended to read:

73951. There shall be six judges.

SEC. 7. Section 73952 of the Government Code is amended to read:

73952. There shall be one clerk, who shall be appointed by the majority of judges of the court and who shall receive a monthly salary

at a rate specified in Schedule No. 50 of the salary schedule provided in Section 74343.1. In no event shall the salary of the clerk be less than 10 schedule ranges higher than that specified for the position of assistant clerk.

SEC. 8. Section 73953 of the Government Code is amended to read:

73953. The clerk may appoint:

(a) One assistant clerk who shall receive a biweekly salary at a rate specified in Schedule No. 47.5. In no event shall the compensation of the assistant clerk be less than 20 percent below that specified for the assistant clerk of the San Diego Judicial District.

(b) One supervising deputy clerk who shall receive the monthly salary specified in Schedule No. 41.

(c) Eight deputy clerks IV, each of whom shall receive the monthly salary specified in Schedule No. 38.

(d) Sixteen deputy clerks III, each of whom shall receive the monthly salary specified in Schedule No. 33.

(e) Thirteen deputy clerks II, each of whom shall receive the monthly salary specified in Schedule No. 30.

(f) Eleven deputy clerks I, each of whom shall receive the monthly salary specified in Schedule No. 26.5. Appointments to such positions shall be at step B of the schedule.

(g) Two keypunch operators, each of whom shall receive the monthy salary specified in Schedule No. 29.

(h) One deputy clerk who shall be a stenographer and who shall receive a monthly salary at a rate specified in Schedule No. 32.5.

(i) Any person occupying a position specified in subdivision (b), (c), (d), (e) or (f) and performing as a certified interpreter shall be paid at a monthly rate which shall be three salary ranges higher than that specified for the position as set forth in Section 74343.1, except that no more than four such certified interpreters shall be so compensated at any one time.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1. The provisions of subdivisions (a), (b), (c), (d) and (e) of that section apply to the attachés appointed pursuant to this section. In no event shall the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of this section be less than his salary on such day.

SEC. 9. Section 73958 of the Government Code is amended to read:

73958. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous

position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the classifications of attachés of the municipal court shall receive, and they shall be entitled to the same vacations, holidays, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego in the comparable classifications specified in subdivision (e) of Section 74343.1, including the right to participate in a retirement plan, in any group health, accident or life insurance plan, and in the tuition refund and suggestion awards programs adopted by the Board of Supervisors of San Diego County. For purposes of this subdivision only, the clerk and assistant clerk shall receive the same privileges and benefits as are received by the classifications of probation officer and chief assistant probation officer, respectively, of the classified service of the County of San Diego. Such privileges and benefits shall be retroactively applied. The municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 10. Section 73959 of the Government Code is amended to read:

73959. Official reporters in the Municipal Court of the North County Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall receive the same monthly salary or per diem as is paid the official reporters of the Superior Court of the County of San Diego. These salaries shall be a charge against the

general fund of the county.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in such sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem as is paid the official reporters pro tempore of the Superior Court of the County of San Diego, which shall be a charge against the general fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund, including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

Notwithstanding the provisions of Section 73958, official reporters shall receive and be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for by rule for the official reporters of the Superior Court of the County of San Diego by the judges thereof.

SEC. 10.5. Section 74342 of the Government Code is amended to read:

74342. There shall be one clerk who shall be appointed by a majority of the judges of the court and who, notwithstanding the provisions of Section 74343.1, shall serve at the pleasure of the judges. He shall receive a monthly salary at a rate specified in Schedule 57.5 of the salary schedule provided in Section 74343.1. In no event shall the compensation of the clerk be less than 12 schedule ranges higher than that specified for the position of assistant clerk.

SEC. 11. Section 74343.1 of the Government Code is amended to read:

74343.1. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

| Range and schedule number | A | B | C | D | E |
|---|---|---|---|---|---|
| 22 | $378 | $397 | $417 | $438 | $460 |
| 22.5 | 387 | 407 | 427 | 449 | 471 |
| 23 | 397 | 417 | 438 | 460 | 483 |

| | | | | | |
|---|---|---|---|---|---|
| 23.5 | 407 | 427 | 449 | 471 | 495 |
| 24 | 417 | 438 | 460 | 483 | 507 |
| 24.5 | 427 | 449 | 471 | 495 | 519 |
| 25 | 438 | 460 | 483 | 507 | 532 |
| 25.5 | 449 | 471 | 495 | 519 | 545 |
| 26 | 460 | 483 | 507 | 532 | 559 |
| 26 5 | 471 | 495 | 519 | 545 | 573 |
| 27 | 483 | 507 | 532 | 559 | 587 |
| 27.5 | 495 | 519 | 545 | 573 | 601 |
| 28 | 507 | 532 | 559 | 587 | 616 |
| 28.5 | 519 | 545 | 573 | 601 | 631 |
| 29 | 532 | 559 | 587 | 616 | 647 |
| 29.5 | 545 | 573 | 601 | 631 | 663 |
| 30 | 559 | 587 | 616 | 647 | 679 |
| 30.5 | 573 | 601 | 631 | 663 | 696 |
| 31 | 587 | 616 | 647 | 679 | 713 |
| 31.5 | 601 | 631 | 663 | 696 | 731 |
| 32 | 616 | 647 | 679 | 713 | 749 |
| 32.5 | 631 | 663 | 696 | 731 | 767 |
| 33 | 647 | 679 | 713 | 749 | 786 |
| 33.5 | 663 | 696 | 731 | 767 | 805 |
| 34 | 679 | 713 | 749 | 786 | 825 |
| 34.5 | 696 | 731 | 767 | 805 | 845 |
| 35 | 713 | 749 | 786 | 825 | 866 |
| 35.5 | 731 | 767 | 805 | 845 | 887 |
| 36 | 749 | 786 | 825 | 866 | 909 |
| 36.5 | 767 | 805 | 845 | 887 | 931 |
| 37 | 786 | 825 | 866 | 909 | 954 |
| 37.5 | 805 | 845 | 887 | 931 | 978 |
| 38 | 825 | 866 | 909 | 954 | 1,002 |
| 38.5 | 845 | 887 | 931 | 978 | 1,027 |
| 39 | 866 | 909 | 954 | 1,002 | 1,052 |
| 39.5 | 887 | 931 | 978 | 1,027 | 1,078 |
| 40 | 909 | 954 | 1,002 | 1,052 | 1,105 |
| 40.5 | 931 | 978 | 1,027 | 1,078 | 1,132 |
| 41 | 954 | 1,002 | 1,052 | 1,105 | 1,160 |
| 41.5 | 978 | 1,027 | 1,078 | 1,132 | 1,189 |
| 42 | 1,002 | 1,052 | 1,105 | 1,160 | 1,218 |
| 42.5 | 1,027 | 1,078 | 1,132 | 1,189 | 1,248 |
| 43 | 1,052 | 1,105 | 1,160 | 1,218 | 1,279 |
| 43.5 | 1,078 | 1,132 | 1,189 | 1,248 | 1,311 |
| 44 | 1,105 | 1,160 | 1,218 | 1,279 | 1,343 |
| 44.5 | 1,132 | 1,189 | 1,248 | 1,311 | 1,376 |
| 45 | 1,160 | 1,218 | 1,279 | 1,343 | 1,410 |
| 45.5 | 1,189 | 1,248 | 1,311 | 1,376 | 1,445 |
| 46 | 1,218 | 1,279 | 1,343 | 1,410 | 1,481 |
| 46.5 | 1,248 | 1,311 | 1,376 | 1,445 | 1,518 |
| 47 | 1,279 | 1,343 | 1,410 | 1,481 | 1,555 |
| 47.5 | 1,311 | 1,376 | 1,445 | 1,518 | 1,594 |

| | | | | | |
|---|---|---|---|---|---|
| 48 | 1,343 | 1,410 | 1,481 | 1,555 | 1,633 |
| 48 5 | 1,376 | 1,445 | 1,518 | 1,594 | 1,674 |
| 49 | 1,410 | 1,481 | 1,555 | 1,633 | 1,715 |
| 49.5 | 1,445 | 1,518 | 1,594 | 1,674 | 1,758 |
| 50 | 1,481 | 1,555 | 1,633 | 1,715 | 1,801 |
| 50 5 | 1,518 | 1,594 | 1,674 | 1,758 | 1,846 |
| 51 | 1,555 | 1,633 | 1,715 | 1,801 | 1,891 |
| 51.5 | 1,594 | 1,674 | 1,758 | 1,846 | 1,938 |
| 52 | 1,633 | 1,715 | 1,801 | 1,891 | 1,986 |
| 52.5 | 1,674 | 1,758 | 1,846 | 1,938 | 2,035 |
| 53 | 1,715 | 1,801 | 1,891 | 1,986 | 2,085 |
| 53.5 | 1,758 | 1,846 | 1,938 | 2,035 | 2,137 |
| 54 | 1,801 | 1,891 | 1,986 | 2,085 | 2,189 |
| 54.5 | 1,846 | 1,938 | 2,035 | 2,137 | 2,243 |
| 55 | 1,891 | 1,986 | 2,085 | 2,189 | 2,298 |
| 55.5 | 1,938 | 2,035 | 2,137 | 2,243 | 2,355 |
| 56 | 1,986 | 2,085 | 2,189 | 2,298 | 2,413 |
| 56.5 | 2,035 | 2,137 | 2,243 | 2,355 | 2,473 |
| 57 | 2,085 | 2,189 | 2,298 | 2,413 | 2,534 |
| 57.5 | 2,137 | 2,243 | 2,355 | 2,473 | 2,588 |
| 58 | 2,189 | 2,298 | 2,413 | 2,534 | 2,661 |
| 58.5 | 2,243 | 2,355 | 2,473 | 2,588 | 2,727 |
| 59 | 2,298 | 2,413 | 2,534 | 2,661 | 2,794 |
| 59.5 | 2,355 | 2,473 | 2,588 | 2,727 | 2,863 |
| 60 | 2,413 | 2,534 | 2,661 | 2,794 | 2,934 |
| 60.5 | 2,473 | 2,588 | 2,727 | 2,863 | 3,007 |
| 61 | 2,534 | 2,661 | 2,794 | 2,934 | 3,081 |
| 61.5 | 2,588 | 2,727 | 2,863 | 3,007 | 3,158 |
| 62 | 2,661 | 2,794 | 2,934 | 3,081 | 3,235 |
| 62.5 | 2,727 | 2,863 | 3,007 | 3,158 | 3,316 |

(a) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this section, shall, for the first six months of service, receive monthly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the pay period following six months continuous service in step A, the initial rate of compensation of such person shall be increased to step B of the salary schedule for the position occupied. Upon the first day of the pay period following six months continuous service in step B, the initial rate of compensation of such person shall be increased to step C of the salary schedule for the position occupied. On and after the first day of the pay period following six months of continuous service at step C, such compensation shall be increased to step D of the salary schedule. On and after the first day of the pay period following 12 months of continuous service at step D, such compensation shall be increased to step E of the salary schedule.

The provisions of this subdivision shall not apply to any person

employed on and after January 1, 1975, and any such person shall be entitled to receive the same step increases as set forth in the Salary Ordinance of the County of San Diego in effect July 1, 1974, for those persons employed by the County of San Diego on or after July 1, 1974.

(b) When any person in the service of the County of San Diego or in the service of another municipal court in San Diego County is appointed to a position in the service of the court compensated at a higher salary range than the salary range for the position relinquished or when any person in the service of the court is appointed or promoted to another position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the position relinquished; but if not, he shall receive initially that step schedule pertaining to such position which will provide a one-step increase in his compensation.

(c) Officers and attachés may be voluntarily transferred from a position in the service of a court in one judical district to a position in the service of a court in another judicial district within the County of San Diego, from a position in the service of the County of San Diego to a position in the service of a court or between the offices of clerk and marshal within the same judicial district in the same manner that classified employees of the County of San Diego may be transferred between departments of the county. In determining the step of the salary range at which such transferred employee shall be paid, the employee may be given credit for continuous prior service in the service of the court or the County of San Diego from which he was transferred.

(d) When any person in the service of the court is demoted to another position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

(e) The hereinafter enumerated classes of positions in the court are deemed to be comparable in job level to certain classifications in the classified civil service of San Diego County and whenever the salaries of such classifications in the service of San Diego County are adjusted by the board of supervisors, the salaries of the comparable classifications in the clerk's office shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the ranges specified in this article. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event that the salary of any of the San Diego County classifications listed in this section are adjusted by the board of supervisors on any date prior to the effective date of any amendments to this article enacted by the Legislature at

the 1973–74 Regular Session of the Legislature, commensurate adjustments shall be applied to the salaries of the comparable classifications in the clerk's office, such adjustments to take effect on the effective date of any amendments of this article enacted at the 1973–74 Regular Session of the Legislature. Any salary adjustments made as a result of this section shall be effective only until January 1, 1977.

The comparable classifications are as follows:

| Municipal court classification | County classification |
|---|---|
| Deputy clerk, chief clerk | Superior court clerk |
| Deputy clerk, assistant chief clerk | Superior court clerk |
| Deputy clerk I | Junior clerk |
| Deputy clerk II | Intermediate clerk |
| Deputy clerk III | Senior clerk |
| Deputy clerk IV | Superior court clerk |
| Supervising deputy clerk | Superior court clerk |
| Supervising keypunch operator | Supervising keypunch operator |
| Keypunch operator | Keypunch operator |
| Court interpreter | Senior clerk |
| Deputy clerk stenographer | Senior stenographer |

SEC. 12. Section 74343.5 of the Government Code is amended to read:

74343.5. (a) In the event that the Board of Supervisors of the County of San Diego consolidates all or a substantial part of the National Judicial District with the San Diego Judicial District, the clerk of the San Diego Municipal Court may appoint three additional deputy clerks III, and five additional deputy clerks II. In the event the board of supervisors consolidates all or a substantial part of the Coronado Judicial District with the San Diego Judicial District, the clerk of the San Diego Municipal Court may appoint two additional deputy clerk III and three additional deputy clerk II. In the event that the board of supervisors consolidates all or a substantial part of the East County Judicial District with the El Cajon Judicial District, the clerk of the El Cajon Municipal Court may appoint one additional deputy clerk III, and one additional deputy clerk II. In the event that the board of supervisors consolidates all or a substantial part of the Fallbrook Judicial District with the North County Judicial District, the clerk of the North County Municipal Court may appoint one additional deputy clerk III, and one additional deputy clerk II. In the event that the board of supervisors consolidates all or a substantial part of the Ramona Judicial District with either the El Cajon or North County Judicial Districts, the clerk of the court to which such consolidation has been made may appoint one additional deputy clerk III, and two additional deputy clerks II.

(b) The clerk of a superseded justice court and each employee in his office on the day preceding the effective date of the consolidation shall succeed to the additional position which is most nearly

comparable to the position he held in the office of the superseded justice court. Any person succeeding to such a position who has attained permanent status in the classified service of the County of San Diego shall succeed to a permanent position in the superseding municipal court without further examination, qualification, or certification and without serving further probationary service. Any person who has not attained permanent status in the classified service of the County of San Diego shall be required to complete a probationary period of six months in the position to which he succeeds, except that service as a county employee in a comparable position shall be counted toward completion of the probationary period.

(c) Each person succeeding to a position in a superseding municipal court shall receive a monthly salary at the rate specified in the appropriate schedule provided by Section 74343 and Section 74343.1 of this code. Each person succeeding to a position in a superseding municipal court shall be given credit for prior service in a comparable position in the office of the clerk of the superseded justice court and in no event shall the salary of any such person be less than that he received on the day prior to the effective date of the consolidation. Each person succeeding to an additional position shall transfer with him any unused vacation or sick leave credit to which he is entitled as a county employee on the day prior to the effective date of the consolidation.

SEC. 13. Section 74343.6 of the Government Code is amended to read:

74343.6. In the event that the judge of a justice court superseded pursuant to a consolidation specified in Section 74343.5, does not or cannot succeed to any judgeship which may become available, there shall be created in the office of the clerk of the superseding municipal court one additional position of deputy clerk IV to which the judge, at his election, may succeed. Notwithstanding any other provision of this code, such position will be the only position within the superseding municipal court to which the judge may succeed. If the judge elects not to succeed to the clerk IV position, the position shall remain vacant, but if he elects to succeed to that position, he shall receive a monthly salary at the rate specified in the appropriate schedule provided by Section 74343 and Section 74343.1 of this code. He shall succeed at step C of the appropriate schedule. He shall succeed to the position without further examination, qualification, or certification and without serving probationary service. He shall be given credit for prior service with the County of San Diego and he shall transfer with him any unused vacation or sick leave credit to which he is entitled as a county employee on the day prior to the effective date of the consolidation.

SEC. 14. Section 74350 of the Government Code is amended to read:

74350. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective

positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the classifications of attachés of the municipal court shall receive, and they shall be entitled to the same vacations, holidays, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego in the comparable classifications specified in subdivision (e) of Section 74341.1, including the right to participate in a retirement plan, in any group health, accident or life insurance plan adopted by the Board of Supervisors of San Diego County, and in the tuition refund and suggestion awards programs adopted by the board. For purposes of this subdivision only, the clerk and assistant clerk shall receive the same privileges and benefits as are received by the classifications of probation officer and chief assistant probation officer, respectively, of the classified service of the County of San Diego. Such privileges and benefits shall be retroactively applied. The majority of all the municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of the regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 15. Section 74351 of the Government Code is amended to read:

74351. Official reporters in the Municipal Court of the San Diego

Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall be paid a monthly salary equal to that paid to regular official reporters for the Superior Court of the County of San Diego. There shall also be one official reporter appointed by the court as chief reporter, such appointment to be entered upon the minutes of the court, who shall receive compensation in the sum of 15 percent per month in addition to any sum otherwise provided by this section. These salaries shall be a charge against the general fund of the county.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases be compensated at a rate equal to that paid to official reporters pro tempore for the Superior Court of the County of San Diego, which shall be a charge against the general fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

Notwithstanding the provisions of Section 74350, official reporters shall receive and be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for by rule for the official reporters of the Superior Court of the County of San Diego by the judges thereof.

SEC. 16. Section 74357 of the Government Code is amended to read:

74357. By order entered upon the minutes of the court, a majority of the judges of the Municipal Court of the San Diego Judicial District may appoint as many competent judicial secretaries as the business of the court requires, not to exceed five, to be known as judicial secretaries of such court, who shall be attachés of such court. The judicial secretaries shall hold office during the pleasure of the judges of such court. Of the judicial secretaries, one shall be appointed by the presiding judge as the chief judicial secretary, such appointment to be entered upon the minutes of the court, who, while serving in

that capacity, shall receive a monthly salary at a rate comparable to senior assistant secretary of the superior court. The value in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1.

Each judicial secretary shall receive a monthly salary at the rate specified in Schedule 34.5, commencing at step D at initial employment and advancing to step E at the end of one year of continuous service. The position of judicial secretary shall be deemed to be comparable in job level to the position of assistant secretary authorized by Section 69892. Whenever the salaries of senior assistant secretaries and assistant secretaries are adjusted by the Board of Supervisors of San Diego County, the salaries of chief judicial secretary and judicial secretaries shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the range specified in this section and shall be effective on the same date as the effective date of the action by the board of supervisors on the positions of senior assistant secretary and assistant secretary. Any salary adjustment made as a result of this section shall be effective only until January 1, 1976.

Notwithstanding the provisions of Section 74350, judicial secretaries shall receive and be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for by rule for the senior assistant and assistant secretaries of the Superior Court of the County of San Diego by the judges thereof.

SEC. 17. Section 74370 of the Government Code is amended to read:

74370. In addition to the compensation provided in this article the marshals and other attachés of the municipal court shall receive, and they shall be entitled to the same vacation, sick leaves, leaves of absence, and all privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in any group accident, health, or life insurance plan adopted by the board of supervisors of the county. It is further provided that the privileges and benefits hereinbefore provided shall be retroactively applied.

For purposes of providing the privileges and benefits specified in this section, each classification in the marshal's office shall receive benefits equal to those of the comparable classification in the classified civil service of San Diego County as specified in Section 74374. The position of marshal shall receive no less employee benefits than those provided for the position of assistant marshal.

SEC. 18. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the

program specified in this act.

SEC. 19. This act shall become operative January 7, 1975.

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## CHAPTER 1304

*An act to amend Section 69609 of the Government Code, relating to courts, and making an appropriation therefor.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 69609 of the Government Code is amended to read:

69609. In the County of Placer there shall be three judges of the superior court.

SEC. 2. The sum of sixty thousand dollars ($60,000) is hereby appropriated from the General Fund to the State Controller for disbursement as a state block grant to pay Placer County for the costs of this act notwithstanding the provisions of Section 2231 of the Revenue and Taxation Code, provided, that the funds appropriated herein shall be deemed full reimbursement for the first fiscal year in which this act is effective, and further provided that disbursement of the funds herein shall not diminish payment by the state pursuant to Sections 68206 and 75101 of the Government Code.

SEC. 3. This act shall become operative on January 7, 1975.

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## CHAPTER 1305

*An act to amend Section 69581 of the Government Code, relating to judges, and making an appropriation therefor.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 69581 of the Government Code is amended to read:

69581. In the County of Butte there shall be three judges of the superior court.

SEC. 2. The sum of sixty thousand dollars ($60,000) is hereby appropriated from the General Fund to the State Controller for disbursement as a state block grant to pay Butte County for the costs of this act notwithstanding the provisions of Section 2231 of the Revenue and Taxation Code; provided, that the funds appropriated

herein shall be deemed full reimbursement for the first fiscal year in which this act is effective, and further provided that disbursement of the funds herein shall not diminish payment by the state pursuant to Sections 68206 and 75101 of the Government Code.

SEC. 3. This act shall become operative on January 7, 1975.

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## CHAPTER 1306

*An act to amend Sections 74341, 74352, and 74376 of, and to repeal and add Article 30 (commencing with Section 74740) of Chapter 10 of Title 8 of the Government Code, relating to courts.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 74341 of the Government Code is amended to read:

74341. There shall be 22 judges. Each of the next two vacancies occurring in the number of judges after the effective date of the amendments made to this section at the 1974 portion of the 1973–74 legislative session shall cause a corresponding reduction in the number of judges authorized. However, in no event shall the authorized number of judges be reduced below 20.

SEC. 2. Section 74352 of the Government Code is amended to read:

74352. In any civil action or proceedings filed in the San Diego, El Cajon, North County, or South Bay Judicial Districts, where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys fees and costs exceeds three hundred dollars ($300), in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of this title, a fee of eleven dollars ($11) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceedings, in the following instances:

(a) Upon the filing of a complaint or other first paper;

(b) Upon the filing of an answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff;

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or a special proceeding.

The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 (commencing with Section 72050) of Chapter 8 of this title.

SEC. 3. Section 74376 of the Government Code is amended to

read:

74376. In the event that the number of judges provided by Sections 73641, 73951, 74341, and 74741 is increased, or that additional municipal court judicial districts are provided in the County of San Diego, thereby causing an increase in the number of judges, the marshal of the municipal courts may appoint one deputy marshal, who shall receive compensation at the rate specified by subdivision (f) of Section 74364 and Section 74374, for each additional judge appointed or elected.

SEC. 4. Article 30 (commencing with Section 74740) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 5. Article 30 (commencing with Section 74740) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 30. South Bay Judicial District

74740. Notwithstanding Section 71040, there shall be a municipal court in a judicial district, embracing the Cities of Chula Vista, Coronado, Imperial Beach, National City, and such other contiguous area as the board of supervisors may direct, designated the South Bay Judicial District.

This article applies to the municipal court established pursuant to this section.

74741. There shall be two judges. The judges of the superseded Justice Courts of the Coronado and National Judicial Districts shall, if eligible to be a judge of a court of record and if they elect to do so, succeed to these positions. Otherwise, the original appointment or election to one or both of these positions shall be in the manner prescribed by law.

74742. There shall be one clerk. The judge of any superseded justice court, if he is ineligible for appointment as a judge under Section 74741 shall, at his option, succeed to this position. Otherwise, the clerk shall be appointed by the judges of the court. The clerk shall receive a monthly salary at a rate specified in salary range 44 of Section 74743.1.

74743. The clerk may appoint with the approval of the judges and of the board of supervisors:

(a) Three deputy clerks IV who shall receive a monthly salary at a rate specified in salary range 40.

(b) Six deputy clerks III, each of whom shall receive a monthly salary at a range specified in salary range 35.

(c) A combined total of 10 deputy clerks II, each of whom shall receive a monthly salary at a rate specified in salary range 32.5, and deputy clerks I, who shall receive a monthly salary at a rate specified in salary range 28.5. Appointments into the classification of deputy clerk I shall be at step B of the salary range.

Each of the permanent employees of the superseded Justice Courts of the Coronado and National Judicial Districts shall, at his option, be appointed into one of the above positions and

classifications most nearly equivalent to the position and classification he held in a justice court on the day prior to the effective date of this section. Such appointment shall be without further examination, qualification or certification.

The value in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective salary range number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b), (c), (d) and (e) of that section are applicable to the attachés appointed pursuant to this section.

74743.1. In the event that there shall be an increase in the number of judges as provided in Section 74741, the clerk of the court may appoint one deputy clerk IV, one deputy clerk III, and one deputy clerk II, for each respective additional judge so appointed. Such additional deputy clerks shall receive the monthly salaries specified for their respective classifications by Section 74743.

74744. Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county. In determining the rate of compensation to be paid to the officers and employees named in this article, service in any city, municipal or justice court of the State of California and service in the sheriff's department or constabulary of the County of San Diego shall be deemed to be service in the respective offices and employments in the Municipal Court of the South Bay Judicial District.

74745. The municipal court shall hold sessions in the City of Chula Vista and at such other places as the board of supervisors, by ordinance, may designate.

74746. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this article shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the attachés of the municipal court shall receive, and they shall be entitled to the same vacations, sick leave, leaves of absence, and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in a retirement plan, in any group health, accident or life insurance plan adopted by the Board of Supervisors of San Diego County, and in the tuition refund and suggestion awards programs adopted by the board. Such privileges and benefits shall be retroactively applied. The municipal court judges may adopt

rules for the conduct of the personnel privileges to be afforded the attachés of the court.

Any adjustment of privileges and benefits made hereafter under this subdivision shall not extend longer than 60 days after the final adjournment of the next succeeding regular session of the Legislature after such adjustment of privileges and benefits.

(c) All attachés may be appointed, promoted, removed, suspended, or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension, or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché shall serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list, provided, that the number of such positions in the clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

Official reporters in the Municipal Court of the South Bay Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall receive the same monthly salary or per diem as is paid the official reporters of the Municipal Court of the San Diego Judicial District. These salaries shall be a charge against the general fund of the county.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but who shall receive the fees provided by Sections 69947 to 69953, inclusive. In lieu of the per diem fees provided in such sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem as is paid the official reporters pro tempore of the Municipal Court of the San Diego Judicial District, which shall be a charge against the general fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore unless otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund, including fees for transcription of testimony and

proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

74748. In no event will the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of this section be less than the amount of his salary on such day.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

SEC. 7. This act shall become operative July 1, 1975.

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## CHAPTER 1307

*An act to amend Section 74131 of the Government Code, relating to courts.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 74131 of the Government Code is amended to read:

74131. There shall be five judges in the Riverside Judicial District, which shall include the City of Riverside. There shall be three judges in the Desert Judicial District, which shall include the Cities of Palm Springs and Indio. There shall be one judge in the Corona Judicial District, which shall include the City of Corona.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

SEC. 3. This act shall become operative on January 7, 1975.

## CHAPTER 1308

*An act to amend Section 69595 of the Government Code, relating to courts, and making an appropriation therefor.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 69595 of the Government Code is amended to read:

69595. In the County of San Diego there shall be 33 judges of the superior court.

SEC. 2. The sum of two hundred forty thousand dollars ($240,000) is hereby appropriated from the General Fund to the State Controller for payment to San Diego County as a state block grant to meet the requirement of Section 2231 of the Revenue and Taxation Code, provided that the amount appropriated by this bill shall be deemed the full annual cost of the mandated program, and further provided that disbursement of the funds herein shall not diminish payment by the state pursuant to Sections 68206 and 75101 of the Government Code.

SEC. 3. This act shall become operative on January 15, 1975.

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## CHAPTER 1309

*An act to amend Sections 70047, 70056.5, 73341, 73347, 73351, 73351.1, 73352, 73355, 73357, and 73360.1 of the Government Code, relating to courts.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 70047 of the Government Code is amended to read:

70047. In Contra Costa County, the annual salary of each regular official reporter shall be based on a four-step salary plan with one-year increments as follows:

Step 1. Fifteen thousand five hundred twenty-eight dollars ($15,528)

Step 2. Sixteen thousand three hundred eight dollars ($16,308).

Step 3. Seventeen thousand one hundred twenty-four dollars ($17,124).

Step 4. Seventeen thousand nine hundred seventy-six dollars ($17,976).

The step of entry to the above schedule shall be determined on the

basis of their presently existing years of service as official reporters in Contra Costa County on the effective date of the amendment made to this section by the Legislature at the 1973–74 Regular Session. The compensation of each official reporter pro tempore shall be at the rate of fifty-five dollars ($55) a day for the days he actually is on duty under order of the court which per diem rate shall apply when an official reporter is appointed pursuant to Section 869 of the Penal Code by a justice court judge acting as a magistrate.

During the hours which the court is open for the transaction of the judicial business, the regular official reporter shall perform the duties required by law. When not engaged in the performance of any other duty imposed upon him by law, he shall render stenographic or clerical assistance to the judge of the court to which he is assigned as such judge may direct.

SEC. 2. Section 70056.5 of the Government Code is amended to read:

70056.5. Notwithstanding the provisions of Section 70056, in a county with a population of over 557,000 and under 625,000, as determined on the basis of the 1970 federal census, the fee required by Section 70053 shall be fourteen dollars ($14).

SEC. 3. Section 73341 of the Government Code is amended to read:

73341. Except as otherwise provided in this article, each municipal court district established in Contra Costa County shall have the number of judges set forth opposite the name of the judicial district over which such court has jurisdiction.

| | |
|---|---|
| Delta Judicial District | 2 |
| Mt. Diablo Judicial District | 3 |
| Richmond Judicial District | 3 |
| Walnut Creek-Danville Judicial District | 3 |
| West Judicial District | 2 |
| Any other court established or declared to exist | 1 |

SEC. 4. Section 73347 of the Government Code is amended to read:

73347. In any civil action or proceeding, in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of Title 8, a fee of fourteen dollars ($14) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or other first paper.

(b) Upon the filing of the answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff.

(c) Upon the filing of papers transmitted from one court on the transfer of a civil action or special proceeding. The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees

collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 of Chapter 8 of Title 8.

SEC. 5. Section 73351 of the Government Code is amended to read:

73351. Whenever reference is made to a numbered salary level in any section of this article, the salary schedule found in the salary ordinance of Contra Costa County in effect on June 1, 1974, shall apply. This salary schedule is the same schedule utilized for employees of Contra Costa County. If the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to municipal courts and marshals' offices and conversion to the new schedule shall be effected for employees of the municipal courts or marshals' offices in the same manner and on the same date as for county employees, but all such adjustments shall be effective only until January 1 following the adjournment of the next regular session of the Legislature.

SEC. 6. Section 73351.1 of the Government Code is amended to read:

73351.1. Classes of positions provided in Section 73351 are allocated to the salary schedule as follows:

| | | |
|---|---|---|
| (a) Deputy clerk I | Level | 108 |
| (b) Deputy clerk II | Level | 152 |
| (c) Deputy clerk III | Level | 216 |
| (d) Deputy clerk IV | Level | 284 |
| (e) Chief deputy clerk | Level | 364 |
| (f) Deputy marshal | Level | 324 |
| (g) Deputy marshal sergeant | Level | 372 |
| (h) Clerk-administrator of the court | Level | 436 |
| (i) Marshal | Level | 452 |

SEC. 7. Section 73352 of the Government Code is amended to read:

73352. Certain classifications in the municipal courts and marshals' offices are deemed to be equivalent in job and salary level to certain classifications in the service of Contra Costa County and whenever the salary of a classification in the service of Contra Costa County is adjusted by the board of supervisors, the salary of the comparable classification in the municipal courts or marshals' offices shall be adjusted a commensurate number of levels on the salary schedule. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until January 1, 1977.

(a) The class of deputy clerk I is equivalent in job and salary level to the class of typist-clerk I in the service of Contra Costa County. The class of deputy clerk II is equivalent to intermediate typist-clerk.

(b) Whenever the salary of the class of deputy clerk II is adjusted

as described above, the class of deputy clerk III shall be adjusted an equivalent number of levels on the salary schedule.

(c) The class of deputy marshal is equivalent in job and salary level to the class of deputy sheriff in the service of Contra Costa County. The class of deputy marshal sergeant is equivalent in job and salary level to the class of deputy sheriff sergeant in the service of Contra Costa County. The class of marshal shall be allocated to a salary level which is forty (40) salary levels on the even-numbered salary schedule above that of deputy marshal sergeant. The differential shall be eighty (80) salary levels if the salary schedule is revised to include odd-numbered levels.

(d) The position of municipal court reporter is equivalent in job responsibility to positions described and functioning as superior court reporters in Contra Costa County. Whenever the superior court reporters are authorized a basic salary adjustment, the salary of municipal court reporters shall be adjusted. Such adjustment shall be effective on the same date as the superior court reporter salaries are adjusted.

(e) The class of deputy clerk IV shall be allocated to a basic salary schedule which is eight (8) salary levels on the even-numbered salary schedule below the county class of superior court clerk. The differential shall be sixteen (16) salary levels if the salary schedule is revised to include odd-numbered levels. Whenever the salary of the class of superior court clerk is adjusted by the board of supervisors the classes of deputy clerk IV shall be adjusted an equivalent number of levels on the salary schedule.

(f) The class of chief deputy clerk shall be allocated to a salary level which is forty (40) salary levels on the even-numbered salary schedule above that of deputy clerk IV. The differential shall be eighty (80) salary levels if the salary schedule is revised to include odd-numbered levels.

(g) The class of clerk-administrator of the court shall be allocated to a salary level which is thirty-six (36) salary levels on the even-numbered salary schedule above that of chief deputy clerk. The differential shall be seventy-two (72) salary levels if the salary schedule is revised to include odd-numbered levels.

SEC. 8. Section 73355 of the Government Code is amended to read:

73355. In a municipal court district having three judges, the following positions are authorized:

(a) One (1) clerk-administrator of the court.

(b) One (1) chief deputy clerk.

(c) Nine (9) deputy clerks IV.

(d) Ten (10) deputy clerks III.

(e) Twenty-two (22) deputy clerks II or deputy clerks I, not to exceed a combined total of 22 positions at any one time.

SEC. 9. Section 73357 of the Government Code is amended to read:

73357. In a municipal court district having two judges, the

following positions are authorized:

(a) One (1) clerk-administrator of the court.

(b) One (1) chief deputy clerk.

(c) Five (5) deputy clerks IV.

(d) Ten (10) deputy clerks III.

(e) Eighteen (18) deputy clerks II or deputy clerks I, not to exceed a combined total of 18 positions at any one time.

SEC. 10. Section 73360.1 of the Government Code is amended to read:

73360.1. Approval of the board of supervisors shall be obtained prior to filling any such positions in Section 73355, 73356, 73357 or 73358 which have never been filled.

SEC. 11. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs that may be incurred by local agencies pursuant to the act, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

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## CHAPTER 1310

*An act to amend Sections 73821, 73823, 73824, 74001, and 74801 of the Government Code, relating to municipal courts.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974 ]

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

SECTION 1. Section 73821 of the Government Code is amended to read:

73821. There shall be four judges.

(a) Upon the consolidation of the Ceres Judicial District into the Modesto Municipal Court District there shall be five judges.

SEC. 2. Section 73823 of the Government Code is amended to read:

73823. There shall be one clerk appointed by a majority of the judges of the court. The clerk shall be on range 45B and he may appoint, with the approval of a majority of the judges of the court:

(a) One assistant clerk on range 41B.

(b) Five municipal court clerks on range 38B.

(c) One legal clerk on range 35D.

(d) Three account clerks III on range 34D.

(e) One clerk III on range 33D.

(f) One account clerk II on range 31D.

(g) Twelve clerks II on range 30D.

SEC. 3. Section 73824 of the Government Code is amended to

read:

73824. There shall be one marshal who shall be on range 42C and the marshal may appoint:

(a) Four deputy marshals on range 40A.

(b) One clerk II on range 30D.

(c) Two deputy marshals who shall be custodians at the fee allowed by law for keeping property.

SEC. 4. Section 74001 of the Government Code is amended to read:

74001. There shall be the following number of judges: in the North Orange County Municipal Court, nine; in the Central Orange County Municipal Court, 11; in the West Orange County Municipal Court, nine; in the Orange County Harbor Municipal Court, five; and in the South Orange County Municipal Court, three.

SEC. 5. Section 74801 of the Government Code is amended to read:

74801. There shall be five judges.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

SEC. 7. This act shall become operative on January 7, 1975, provided that Section 5 of this act shall not become operative until the Board of Supervisors of the County of San Joaquin notifies the Governor on or after January 7, 1975, that it has determined that court quarters are presently available for the additional judge provided for by Section 5 of this act. Notice to the Governor shall be in the form of a resolution adopted with the approval of not less than four-fifths of the board of supervisors and notice shall be completed upon receipt of such resolution by the Governor either through delivery in person or by registered mail.

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## CHAPTER 1311

*An act to amend Sections 69586, 69593, and 69894.1 of the Government Code, relating to courts, and making an appropriation therefor.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974 ]

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

SECTION 1. Section 69586 of the Government Code is amended to read:

69586. In the County of Los Angeles there shall be 171 judges of

the superior court, any one or more of whom may hold court.

SEC. 1.5. Section 69593 of the Government Code is amended to read:

69593. In the County of Sacramento there shall be 18 judges of the superior court.

SEC. 2. Section 69894.1 of the Government Code is amended to read:

69894.1. In each county with a population of over 6,000,000 a majority of the judges of the superior court may appoint the following officers and employees whose salaries shall be:

| Number | Title | Schedule |
|---|---|---|
| 3 | Accounting clerk | 36 |
| 3 | Accounting technician | 40 |
| 3 | Administrative assistant I | 47 |
| 3 | Administrative assistant II | 56 |
| 14 | Administrative secretary | 45 |
| 1 | Assistant criminal courts coordinator | 59 |
| 1 | Assistant director, family counseling services | 69 |
| 1 | Assistant jury commissioner | 64 |
| 1 | Assistant supervising counselor, mental health | 65 |
| 1 | Assistant supervising probate attorney | 75 |
| 1 | Assistant supervising juvenile traffic hearing officer | 66 |
| 1 | Assistant to the executive officer | 71 |
| 2 | Chief clerk | 52 |
| 1 | Chief, personnel division | 67 |
| 1 | Civil courts coordinator | 68 |
| 45 | Clerk I | 28 |
| 82 | Clerk II | 32 |
| 42 | Clerk III | 38 |
| 18 | Clerk III-secretary | 39 |
| 2 | Clerk IV | 46 |
| 55 | Counselor | 55 |
| 58 | Court commissioner | FA $28,064 |
| 240 | Court reporter | 65 |
| 1 | Court reporter assignment clerk | 45 |
| 1 | Court statistician | 53 |
| 1 | Criminal calendar assignment clerk | 41 |
| 1 | Criminal courts coordinator | 68 |
| 1 | Director, administrative services | 72 |
| 1 | Director, family counseling services | 73 |
| 1 | Director, research and development | 76 |
| 1 | Duplicating and mail unit supervisor | 40 |
| 1 | Executive assistant | 64 |
| 1 | Executive officer | 85 |
| 1 | Executive secretary | 55 |

| | | |
|---|---|---|
| 3 | Family counselor I | 55 |
| 4 | Family counselor II | 61 |
| 1 | Finance officer | 63 |
| 1 | Graphic arts aid | 41 |
| 1 | Head, property services | 57 |
| 1 | Head, recognizance services | 65 |
| 1 | Head, staff services | 70 |
| 10 | Interpreter | 40 |
| 1 | Jury commissioner | 71 |
| 8 | Jury interviewer | 46 |
| 1 | Jury qualification supervisor | 51 |
| 19 | Law clerk | 54 |
| 5 | Legal research assistant | 45 |
| 27 | Legal secretary | 41 |
| 1 | Light vehicle driver | 34 |
| 1 | Offset duplicator operator | 34 |
| 1 | Payroll records supervisor | 45 |
| 1 | Personnel officer | 63 |
| 2 | Principal counselor | 63 |
| 15 | Probate attorney | 71 |
| 1 | Probate commissioner | 80 |
| 9 | Probate checker | 44 |
| 2 | Procurement assistant | 43 |
| 5 | Property custodian-auditor | 39 |
| 1 | Psychiatric physician | FD $125 |
| 10 | Referee | 77 |
| 1 | Research attorney | 71 |
| 1 | Secretary and assignment clerk | 41 |
| 1 | Secretary and personnel clerk | 41 |
| 1 | Secretary to executive officer | 52 |
| 20 | Senior counselor | 59 |
| 18 | Senior family counselor | 65 |
| 30 | Senior judicial secretary | 43 |
| 25 | Senior juvenile traffic hearing officer | 62 |
| 1 | Senior property custodian-auditor | 45 |
| 2 | Senior referee | FA $28,064 |
| 14 | Senior stenographic secretary | 48 |
| 1 | Special assistant | 67 |
| 1 | Supervising administrative assistant II | 64 |
| 1 | Supervising counselor, mental health | 73 |
| 1 | Supervising judicial secretary | 55 |
| 1 | Supervising juvenile traffic hearing officer | 70 |
| 1 | Supply clerk | 37 |

Whenever a reference to a numbered salary schedule is made in this section that found in the salary ordinance of the County of Los Angeles shall apply. Reduction of the schedule applicable to a class by reason of the adoption of this salary plan or subsequent

reclassification of positions for organizational purposes shall not result in a lower salary rate to incumbents of such positions. The court is authorized to regulate by rule the status of employees so affected.

All personnel appointed pursuant to this article shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

SEC. 3. Section 69894.1 of the Government Code is amended to read:

69894.1. In the County of Los Angeles a majority of the judges of the superior court may appoint the following officers and employees whose salaries shall be:

| Number | Title | Schedule |
|---|---|---|
| 3 | Accounting clerk | 16F |
| 3 | Accounting technician | 20J |
| 3 | Administrative assistant I | 26J |
| 4 | Administrative assistant II | 36A[BB] |
| 14 | Administrative secretary | 25F |
| 1 | Assistant criminal courts coordinator | 39J |
| 1 | Assistant director, family counseling services | 50A |
| 1 | Assistant jury commissioner | 48A |
| 1 | Assistant juvenile courts coordinator | 39J |
| 1 | Assistant supervising counselor, mental health | 45J |
| 1 | Assistant supervising juvenile traffic hearing officer | 47A |
| 1 | Assistant supervising probate attorney | 61H |
| 1 | Assistant to the executive officer | 51A |
| 2 | Chief clerk | 32F |
| 1 | Chief, personnel division | 49A |
| 1 | Civil courts coordinator | 49A |
| 45 | Clerk I | 9A |
| 90 | Clerk II | 13A[AA] |
| 45 | Clerk III | 18H |
| 18 | Clerk III-secretary | 19F |
| 2 | Clerk IV | 26F |
| 58 | Counselor | 36A |
| 58 | Court commissioner | F/A $30,092 |
| 250 | Court reporter | 46H |
| 1 | Court reporter assignment clerk | 25F |
| 1 | Court statistician | 33J |
| 1 | Criminal calendar assignment clerk | 21H[BB] |
| 1 | Criminal courts coordinator | 49A |
| 1 | Director, administrative services | 53A |
| 1 | Director, family counseling services | 54A |
| 1 | Director, research and development | 56A |

| | | |
|---|---|---|
| 1 | Duplicating and mail unit supervisor | 22A |
| 1 | Executive assistant | 45A |
| 1 | Executive officer | E40 |
| 1 | Executive secretary | 36A |
| 3 | Family counselor I | 36A |
| 4 | Family counselor II | 42A |
| 1 | Finance officer | 44A |
| 1 | Graphic arts aid | 21J |
| 1 | Head, property services | 38J |
| 1 | Head, recognizance services | 47A |
| 1 | Head, staff services | 51A |
| 13 | Interpreter | 21J |
| 1 | Jury commissioner | 54A |
| 8 | Jury interviewer | 26J |
| 1 | Jury qualification supervisor | 32F |
| 1 | Juvenile calendar assignment clerk | 21H[BB] |
| 1 | Juvenile courts coordinator | 49A |
| 19 | Law clerk | 35H |
| 5 | Legal research assistant | 25H |
| 27 | Legal secretary | 21F |
| 1 | Light vehicle driver | 15E[BB] |
| 1 | Offset duplicator operator | 16A |
| 1 | Payroll records supervisor | 27A |
| 1 | Personnel officer | 45A |
| 2 | Principal counselor | 43J[BB] |
| 17 | Probate attorney | 57H |
| 9 | Probate checker | 24F |
| 1 | Probate commissioner | 65A |
| 2 | Procurement assistant | 24F |
| 5 | Property custodian-auditor | 20F |
| 1 | Psychiatric physician | $130 |
| 10 | Referee | 57H |
| 1 | Research attorney | 51H |
| 1 | Secretary and assignment clerk | 21F |
| 1 | Secretary and personnel clerk | 21F |
| 1 | Secretary to executive officer | 33A |
| 20 | Senior counselor | 40B |
| 18 | Senior family counselor | 46B |
| 30 | Senior judicial secretary | 23F |
| 25 | Senior juvenile traffic hearing officer | 42J |
| 1 | Senior offset duplicator operator | 20A |
| 1 | Senior property custodian-auditor | 26F |
| 2 | Senior referee | FA $30,092 |
| 14 | Senior stenographic secretary | 28F |
| 1 | Special assistant | 48A |
| 2 | Statistical clerk | 14F |
| 1 | Supervising administrative assistant II | 45A |
| 1 | Supervising counselor, mental health | 54A |

| | | |
|---|---|---|
| 1 | Supervising judicial secretary | 35F |
| 1 | Supervising juvenile traffic hearing officer | 51A |
| 2 | Supervising law clerk | 37H |
| 1 | Supply clerk | 19A |

Whenever a reference to a numbered salary schedule is made in this section that found in the salary ordinance of the County of Los Angeles shall apply. Reduction of the schedule applicable to a class by reason of the adoption of this salary plan or subsequent reclassification of positions for organizational purposes shall not result in a lower salary rate to incumbents of such positions. The court is authorized to regulate by rule the status of employees so affected.

All personnel appointed pursuant to this article shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

SEC. 4. The sum of one hundred eighty thousand dollars ($180,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to Sacramento County for costs incurred by the county pursuant to Section 1.5 of this act. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no other reimbursement pursuant to Section 2231 nor shall any other appropriation be made for any costs that may be incurred by local agencies pursuant to this act.

SEC. 5. It is the intent of the Legislature, if this bill and Senate Bill No. 218 are both chaptered and amend Section 69894.1 of the Government Code, and this bill is chaptered after Senate Bill No. 218, that Section 69894.1 of the Government Code, as amended by Section 1 of Senate Bill No. 218 be further amended on the operative date of this act in the form set forth in Section 3 of this act to incorporate the changes in Section 69894.1 of the Government Code proposed by this bill. Therefore, Section 3 of this act shall become operative only if Senate Bill No. 218 is chaptered before this bill and amends Section 69894.1 of the Government Code, and in such case Section 3 of this act shall become operative on the operative date of this act and Section 2 of this act shall not become operative. This act shall become operative January 7, 1975.

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## CHAPTER 1312

*An act to amend Section 74221 of the Government Code, relating to municipal courts.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

0 4234 62 12 465 585

SECTION 1. Section 74221 of the Government Code is amended to read:

74221. There shall be three judges.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desire legislative authority to act to carry out the program specified in this act.

SEC. 3. This act shall become operative on January 7, 1975.

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## CHAPTER 1313

*An act to amend Section 73641 of the Government Code, relating to municipal courts.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 73641 of the Government Code is amended to read:

73641. There shall be five judges.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act, because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

SEC. 3. This act shall become operative on January 7, 1975.

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## CHAPTER 1314

*An act to amend Section 73101.5 of the Government Code, relating to municipal courts.*

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

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

SECTION 1. Section 73101.5 of the Government Code is amended to read:

73101.5. There shall be the following number of judges in the divisions of the San Bernardino County Municipal Court District: in the East Division, one; in the Central Division, four; in the Valley

Division, two; in the West Valley Division, four; in the Victorville Division, one; and in the Barstow Division, one.

SEC. 2. Section 73101.5 of the Government Code is amended to read:

73101.5. There shall be the following number of judges in the divisions of the San Bernardino County Municipal Court District: in the East Division, one; in the Central Division, four; in the Valley Division, two; in the West Valley Division, four; in the Victorville Division, one; and in the Barstow Division, one; and in the Chino Division, one.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 2033 are both chaptered and amend Section 73101.5 of the Government Code, and this bill is chaptered after Senate Bill No. 2033, that the amendments to Section 73101.5 proposed by both bills be given effect and incorporated in Section 73101.5 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 2033 are both chaptered, both amend Section 73101.5, and Senate Bill No. 2033 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs that may be incurred by any local government entity pursuant to the act, because the affected local government entities have requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

SEC. 5. This act shall become operative on January 7, 1975.

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## CHAPTER 1315

*An act to amend Section 20496 of the Government Code, relating to retirement.*

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

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

SECTION 1. Section 20496 of the Government Code is amended to read:

20496. Whenever in this part an election is given to contracting agencies to subject themselves and their employees to provisions of this part otherwise not applicable to contracting agencies and their employees, a contracting agency may exercise such right of election independently with respect to its employees included in the insurance system established under Title II of the Social Security Act and with respect to its employees not so included and with respect

to those employees who are local policemen, local firemen, county peace officers, local safety members other than local policemen or local firemen or county peace officers, and local miscellaneous members.

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## CHAPTER 1316

*An act to amend Section 1803 of the Vehicle Code, relating to vehicles.*

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

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

SECTION 1. Section 1803 of the Vehicle Code is amended to read:

1803. (a) Every clerk of a court, or judge if there be no clerk, in which a person was convicted of any violation of this code, and of any offense involving use or possession of narcotic-controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code, and of any violation of any other statute relating to the safe operation of vehicles shall prepare within 10 days after conviction and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract must be certified by the person so required to prepare the same to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) The following violations are not required to be reported under subdivision (a) of this section:

(1) Division 3.5 (commencing with Section 9840).

(2) Section 21113, with respect to parking violations.

(3) Chapter 9 (commencing with Section 22500) of Division 11.

(4) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, Chapter 3 (commencing with Section 26301), 26707, 27151, 27800, and 27801.

(5) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).

(6) Violations for which a person was cited as a pedestrian or while operating a bicycle.

(c) If the court impounds a license or orders a person to limit his driving pursuant to subdivision (c) of Section 40508, the court shall notify the department concerning the impoundment or limitation on an abstract prepared pursuant to subdivision (a) of this section or on a separate abstract, which shall be prepared within 10 days after the impoundment or limitation was ordered and immediately forwarded to the department at its office in Sacramento.

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

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## CHAPTER 1317

*An act to add Section 31582.1 to the Government Code, relating to public employees retirement.*

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

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

SECTION 1. Section 31582.1 is added to the Government Code, to read:

31582.1. In any county in which the board of retirement so provides, the county auditor shall not be required to make the certifications required by Section 31582.

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## CHAPTER 1318

*An act to amend Sections 2401 and 6053 of the Penal Code, relating to corrections.*

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

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

SECTION 1. Section 2401 of the Penal Code is amended to read:

2401. All officers and employees of the division shall be selected and appointed by the department pursuant to the State Civil Service Act. The status, positions, and rights of the officers and employees of the division who, prior to the effective date of this section, were included in the state civil service system shall not be affected by the enactment of Section 2399 or this section at the 1957 Regular Session, and their status, positions, and rights shall continue to be retained by them pursuant to the State Civil Service Act.

SEC. 2. Section 6053 of the Penal Code is amended to read:

6053. All persons other than temporary appointees heretofore serving in the state civil service and engaged in the performance of a function transferred to the department or engaged in the administration of a law, the administration of which is transferred to

the department, shall remain in the state civil service and are hereby transferred to the department on the effective date of this section, and their status, positions and rights shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act. The director, pursuant to the State Civil Service Act, shall be the appointing authority for the department for all civil service positions except those civil service positions in the Youth Authority and the parole employees of the California Women's Board of Terms and Parole. Positions not heretofore established, which are exclusively for the California Institution for Women or exclusively for the Youth Authority, shall be filled pursuant to the State Civil Service Act.

Notwithstanding Section 18932 of the Government Code, the maximum age shall be 35 years for any open examination for the position of correctional officer, correctional program supervisor, and other custodial positions which normally afford entry into the Department of Corrections service, unless the applicant is already a "state safety" member for the purpose of retirement and disability benefits.

SEC. 3. Section 6053 of the Penal Code is amended to read:

6053. All persons other than temporary appointees heretofore serving in the state civil service and engaged in the performance of a function transferred to the department or engaged in the administration of a law, the administration of which is transferred to the department, shall remain in the state civil service and are hereby transferred to the department on the effective date of this section, and their status, positions and rights shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act. The director, pursuant to the State Civil Service Act, shall be the appointing authority for the department for all civil service positions except those civil service positions in the Youth Authority and the parole employees of the California Women's Board of Terms and Parole. Positions not heretofore established, which are exclusively for the California Institution for Women or exclusively for the Youth Authority, shall be filled pursuant to the State Civil Service Act.

Notwithstanding Section 18932 of the Government Code, the maximum age shall be 35 years for any open examination for the position of correctional officer, correctional program supervisor, and other custodial positions which normally afford entry into the Department of Corrections service, unless the applicant is already a "state safety" member for the purpose of retirement and disability benefits or was employed in a permanent, temporary, part-time, or intermittent capacity with the department after July 1, 1973, but before January 1, 1974.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 2874 are both chaptered and amend Section 6053 of the Penal Code, and this bill is chaptered after Assembly Bill No. 2874, that Section 6053 of the Penal Code, as amended by Section 1 of Assembly

Bill No. 2874 be further amended on the operative date of this act in the form set forth in Section 3 of this act to incorporate the changes in Section 6053 proposed by this bill. Therefore, Section 3 of this act shall become operative only if Assembly Bill No. 2874 is chaptered before this bill and amends Section 6053, and in such case Section 3 of this act shall become operative on the operative date of this act and Section 2 of this act shall not become operative.

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## CHAPTER 1319

*An act to add and repeal Chapter 4.5 (commencing with Section 2771) to Part 2 of Division 1 of the Public Utilities Code, relating to electrical corporations, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Chapter 4.5 (commencing with Section 2771) is added to Part 2 of Division 1 of the Public Utilities Code, to read:

### CHAPTER 4.5. ELECTRICAL AND GAS CORPORATIONS

2771. The commission shall establish priorities among the types or categories of customers of every electrical corporation and every gas corporation, and among the uses of electricity or gas by such customers. The commission shall determine which of such customers and uses provide the most important public benefits and serve the greatest public need and shall categorize all other customers and uses in order of descending priority based upon these standards. The commission shall establish no such priority after the effective date of this chapter which would cause any reduction in the transmission of gas to California pursuant to any federal rule, order, or regulation.

2772. In establishing the priorities pursuant to Section 2771, the commission shall include, but not be limited to, a consideration of all of the following:

(a) A determination of the customers and uses of electricity and gas, in descending order of priority, which provide the most important public benefits and serve the greatest public need.

(b) A determination of the customers and uses of electricity and gas which are not included under subdivision (a).

(c) A determination of the economic, social, and other effects of a temporary discontinuance in electrical or gas service to the customers or for the uses determined in accordance with subdivision (a) or (b).

(d) Any curtailment or allocation rules, orders, or regulations

issued by any agency of the federal government.

2773. The commission may establish as many priorities of use for a customer as that customer has uses of gas or electricity.

2774. In the event any electrical or gas corporation experiences any shortage of capacity or capability in the generation, production, or transmission of electricity or gas and is unable to obtain electricity or gas from any other source so that the corporation is unable to meet all demands by its customers, the commission shall, to the extent practicable, order that service be temporarily reduced by an amount that reflects the priorities established pursuant to this chapter, for the duration of the shortage. The commission may, to the extent permitted by federal law or regulation, require electrical or gas corporations to mutually assist each other in dealing with shortages resulting from inadequate fuel supplies, and shall determine the terms, including compensation, under which such assistance shall be provided.

2775. No electrical or gas corporation which reduces or discontinues service in accordance with any order of the commission issued pursuant to this chapter shall be liable for any damages to any person or property resulting from such reduction or discontinuance.

2776. This chapter shall remain in effect only until July 1, 1976, and as of such date is repealed unless a later enacted statute, which is chaptered before July 1, 1976, deletes or extends such date.

SEC. 2. In the event there is any conflict between the provisions of this act and the provisions of Assembly Bill No. 1575 or 2677, or Senate Bill No. 1479, of the 1973–74 Regular Session of the Legislature which are enacted into law, the provisions of any such bill, whether enacted before or after this act, shall prevail over the provisions of this act, to the extent of such conflict.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

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

The energy shortage presently being experienced by this state and nation requires that immediate action be taken to assure a fair apportionment of limited supplies with no interruption of essential uses and services. In order that this action may be commenced as soon as possible, it is necessary that this act go into immediate effect.

# CHAPTER 1320

*An act to amend Section 21156 of, and to add Section 20862.8 to, the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 20862.8 is added to the Government Code, to read:

20862.8. A local miscellaneous member and a local safety member, whose effective date of retirement is within four months of separation from employment with the employer which granted the sick leave credit, shall be credited at his retirement with 0.004 year of service credit for each unused day of sick leave certified to the board by his employer.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contractor, except that an election among the employees is not required, or in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

In the case of a contracting agency which elects to be subject to these provisions of this section, retirement allowances of local members whose retirement was effective after January 1, 1974, and before the effective date of this section, and allowances under Section 21365.5 of this code paid with respect to such members whose death before retirement occurred during such period, shall be adjusted for time on and after the effective date of such election to the amount the allowance would be had such amendment been in effect on the effective date of retirement or the date of the member's death, as the case may be. In the event of an amendment to the contract of a public agency as defined in subdivision (c) or (d) of Section 20009.1 of this code prior to December 31, 1974, retirement allowances of employees of such agency who retired after January 1, 1974 and prior to such amendment, and allowances under Section 21365.5 of this code paid with respect to such employees whose death before retirement occurred during such period shall be adjusted for time on and after the effective date of such amendment to the amount the allowance would have been had the amendment been in effect on the effective date of retirement or date of death, as the case may be.

SEC. 1.5. Section 21156 of the Government Code is amended to read:

21156. A state agency and a contracting agency may employ a person receiving a retirement allowance under this system who has not attained age 70 and who possesses the legal requirements for the practice of medicine or dentistry in California as determined by the Board of Medical Examiners or the Board of Dental Examiners to render essential medical or dental services and shall pay for such services at a rate not less than the minimum, nor more than the maximum paid to other employees performing comparable duties.

Any person who renders such services shall not be deemed to be an employee of the agency for the purposes of the Public Employees' Retirement Law, nor shall he acquire any additional retirement rights or benefits thereunder because of such employment.

The monthly amount of such person's pension for any calendar month shall be reduced by the amount of compensation paid to him for any service which exceeds 60 days for all employers in any calendar year, so rendered during said month, but such compensation shall not reduce the amount of such pension for any month or for any period other than the calendar month during which the services in excess of 60 days in that calendar year and for which he was compensated were rendered. If the amount of the compensation paid for the service in excess of 60 days in any year shall exceed the amount of the monthly pension accrued for such month, no pension for such month shall be payable. The agency employing the person shall furnish to the board all information necessary to carry out the provisions of this section. The board promptly after receiving notification of any payment of compensation by a state agency or a contracting agency shall adjust the pension payments accordingly, and if necessary shall require repayment of any overpayments of pension.

This section shall be effective notwithstanding the provisions of Section 21150 of this code or any other provision of law.

SEC. 2. In accordance with Section 20740 of the Government Code, any agency electing to be subject to Section 20862.8 shall cease to be an employer for the purposes of Chapter 6 (commencing with Section 20740) of Part 3 of Division 5 of Title 2 of the Government Code upon the effective date of such election.

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

In order that the benefits of this act be made available to affected employees who retire before the end of this year, this act must take effect immediately.

## CHAPTER 1321

*An act to amend Sections 475, 477, 482, 484, 486, 487, and 491 of, to add Sections 480, 481, and 490 to, and to repeal Sections 480, 481, 483, 488, 490, and 492 of, the Business and Professions Code, relating to licenses.*

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

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

SECTION 1. Section 475 of the Business and Professions Code is amended to read:

475. (a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of fact required to be revealed in an application for license;

(2) Conviction of a crime;

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; and

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in subdivision (a) (1) and (2) above.

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

SEC. 2. Section 477 of the Business and Professions Code is amended to read:

477. As used in this division: (a) "board" includes "bureau," "commission," "department," "division," and "agency."

(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code.

SEC. 3. Section 480 of the Business and Professions Code is repealed.

SEC. 4. Section 480 is added to the Business and Professions Code, to read:

480. (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime; or

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or

revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

(b) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license.

SEC. 5. Section 481 of the Business and Professions Code is repealed.

SEC. 6. Section 481 is added to the Business and Professions Code, to read:

481. Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

SEC. 7. Section 482 of the Business and Professions Code is amended to read:

482. Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

SEC. 8. Section 483 of the Business and Professions Code is repealed.

SEC. 9. Section 484 of the Business and Professions Code is amended to read:

484. No person applying for licensure under this code shall be required to submit to any licensing board any attestation by other persons to his good moral character.

SEC. 9.5. Section 486 of the Business and Professions Code is amended to read:

486. Where the board has denied an application for a license under this chapter it shall, in its decision, or in its notice under subdivision (b) of Section 485, inform the applicant of the following:

(a) The earliest date on which the applicant may reapply for a license.

(b) That all competent evidence of rehabilitation presented will be considered upon a reapplication.

Along with the decision, or the notice under subdivision (b) of Section 485, the board shall serve a copy of the criteria relating to rehabilitation formulated under Section 482.

SEC. 10. Section 487 of the Business and Professions Code is amended to read:

487. If a hearing is requested by the applicant, the board shall conduct such hearing within 90 days from the date the hearing is

requested unless the applicant shall request or agree in writing to a postponement or continuance of the hearing. Notwithstanding the above, the Office of Administrative Hearings may order, or on a showing of good cause, grant a request for, up to 45 additional days within which to conduct a hearing but in no case shall more than two such orders be made or requests be granted.

SEC. 11. Section 488 of the Business and Professions Code is repealed.

SEC. 12. Section 490 of the Business and Professions Code is repealed.

SEC. 13. Section 490 is added to the Business and Professions Code, to read:

490. A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued, or the ground of knowingly making a false statement of fact required to be revealed in an application for such license.

SEC. 14. Section 491 of the Business and Professions Code is amended to read:

491. Upon suspension or revocation of a license by a board on one or more of the grounds specified in Section 490, the board shall:

(a) Send a copy of the provisions of Section 11522 of the Government Code to the ex-licensee.

(b) Send a copy of the criteria relating to rehabilitation formulated under Section 492 to the ex-licensee.

SEC. 15. Section 492 of the Business and Professions Code is repealed.

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## CHAPTER 1322

*An act to add Section 21364.2 to the Government Code, relating to Public Employees' Retirement System.*

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

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

SECTION 1. Section 21364.2 is added to the Government Code, to read:

21364.2. For the purposes of Section 21364, a person shall be considered to be under the age of 18 if he is under the age of 22 and a full-time student.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local entities in 1974–75 by this act.

However, there are state-mandated local costs in this act in 1976–77 and subsequent years that require reimbursement under Section 2231 of the Revenue and Taxation Code which can be handled in the regular budget process.

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## CHAPTER 1323

*An act to amend Section 1070 of the Evidence Code, relating to newsmen's privilege.*

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

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

SECTION 1. Section 1070 of the Evidence Code is amended to read:

1070. (a) A publisher, editor, reporter, or other person connected with or employed upon a newspaper, or by a press association or wire service, or any person who has been so connected or employed, cannot be adjudged in contempt by a judicial, legislative, administrative body, or any other body having the power to issue subpoenas, for refusing to disclose, in any proceeding as defined in Section 901, the source of any information procured while so connected or employed for publication in a newspaper, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

(b) Nor can a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

(c) As used in this section, "unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated.

SEC. 2. Section 1070 of the Evidence Code is amended to read:

1070. (a) A publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other

periodical publication, or by a press association or wire service, or any person who has been so connected or employed, cannot be adjudged in contempt by a judicial, legislative, administrative body, or any other body having the power to issue subpoenas, for refusing to disclose, in any proceeding as defined in Section 901, the source of any information procured while so connected or employed for publication in a newspaper, magazine or other periodical publication, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

(b) Nor can a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

(c) As used in this section, "unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes or other data or whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 3148 are both chaptered and amend Section 1070 of the Evidence Code, and this bill is chaptered after Assembly Bill No. 3148, that the amendments to Section 1070 proposed by both bills be given effect and incorporated in Section 1070 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 3148 are both chaptered, both amend Section 1970, and Assembly Bill No. 3148 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

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## CHAPTER 1324

*An act to add Section 25842.5 to the Government Code, relating to pest abatement.*

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

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

SECTION 1. Section 25842.5 is added to the Government Code, to read:

25842.5. The board of supervisors may provide the same services and exercise the powers of mosquito abatement districts or vector control districts formed pursuant to Chapter 5 (commencing with Section 2200) of Division 3 of the Health and Safety Code within both the unincorporated and incorporated territory of the county. Before exercising such authority within incorporated territory, the consent of the city council shall first be obtained. Prior to exercising the authority granted pursuant to this section, the board of supervisors shall hold a public hearing on any such proposal. Notice of such hearing shall be given pursuant to Section 6061 in a newspaper of general circulation in the county.

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## CHAPTER 1325

*An act to amend Section 99267 of the Public Utilities Code, relating to transportation development.*

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

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

SECTION 1. Section 99267 of the Public Utilities Code is amended to read:

99267. (a) At least 15 percent of funds received under this article shall be used by an operator for capital expenditures. If, on January 1, 1975, the operator is a city and county with a population of 700,000 or more, it shall use at least 75 percent of such funds for capital expenditures.

(b) Such capital expenditures shall consist of acquisition of land and other real property, current acquisition or replacement of transportation vehicles, or conveyances, and acquisition, construction, enlargement, or repair of property and facilities incidental to or necessary or convenient in connection with the foregoing, depreciation, and payment of principal and interest on its bonded indebtedness, equipment trust certificates, or other indebtedness, including any amounts in the accomplishment of a defeasance under any outstanding revenue bond indenture.

(c) The requirement specified in subdivision (a) shall not apply to an operator in each fiscal year that it receives financial assistance from local sources, exclusive of fares, in an amount equal to or greater than the amount it would have been required to expend pursuant to subdivision (a).



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## CHAPTER 1326

*An act to amend Sections 14020, 14021, 14022, 14023, 14044.5, 14110, 14152, 14162 of, and to amend the heading of Article 4 (commencing with Section 14030) of Chapter 1 of Part 5 of Division 3 of Title 1 of, the Corporations Code, relating to job creation programs, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 14020 of the Corporations Code is amended to read:

14020. There is in the Business and Transportation Agency a California Job Creation Program Board.

SEC. 2. Section 14021 of the Corporations Code is amended to read:

14021. The board consists of the following membership:

Secretary of the Business and Transportation Agency;

Superintendent of Banks;

Director of the Department of Commerce;

Eleven members appointed by the Governor, including:

Two persons residing in economically disadvantaged areas who are actively engaged in providing leadership and assistance for persons residing in these areas;

Four persons experienced in financial matters and actively engaged in the banking, savings and loan, or insurance business;

Four persons actively engaged in commercial or industrial business, two of whom are members of the California Commission for Economic Development; and

One person who is an officer of a labor organization.

Two Members of the Legislature, one of whom shall be appointed by the Speaker of the Assembly, and one by the Senate Rules Committee, shall advise with the board insofar as it does not conflict with the duties of the legislators. For purposes of this part, such two Members of the Legislature shall constitute a joint interim legislative committee on the subject of this part and shall have all the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

One person from each job creation corporation, who shall be selected by the board of directors or members of each corporation in accordance with its bylaws, each of whom shall serve as nonvoting members of the board.

SEC. 3. Section 14022 of the Corporations Code is amended to read:

14022. The board shall:

(1) Formulate policy for the administration of this part.

(2) Advise the executive director on matters regarding this part.

(3) Receive with the approval of the Department of Finance, and disburse federal, state or local funds.

(4) Allocate, with the approval of the Department of Finance, funds appropriated for purposes of this part to provide administrative costs and loan guarantee funds to a corporation.

(5) Adopt regulations for the purposes of this part, including regulations for the operation, supervision and suspension of job creation corporations, the allocation of funds thereto and the proper administration of allocated funds.

(6) Select a chairman and vice chairman from among its members.

(7) Have the power to examine, or cause to be examined, at any reasonable time all the books, records, and documents of every kind, and the physical properties of a corporation. Such inspection shall include the right to make extracts and search records.

SEC. 4. Section 14023 of the Corporations Code is amended to read:

14023. The executive director shall be appointed by the board. The executive director shall:

(a) Administer this part.

(b) Stimulate the formation of regional job development corporations.

(c) Review the articles of incorporation and any subsequent amendments to the articles of incorporation of all corporations formed under this chapter in the following manner:

(1) Examine the articles to determine whether they contain the provisions required by this chapter and conform with the regulations adopted pursuant to this part.

(2) Determine whether the legislative intent expressed in Section 14002 shall be served by the proposed corporation.

(3) Determine if the economically disadvantaged area or areas the incorporators propose to serve meets the requirements of subdivision (c) of Section 14010.

(4) Determine if the region is sufficient and complete and meets the population requirement set pursuant to subdivision (e) of Section 14010.

(5) Determine whether the responsibility, character, and general fitness of the incorporators and directors named in the articles are such as to command the confidence of the region and to warrant the belief that the business of the proposed corporation will be honestly and efficiently conducted in accordance with the intent and purpose of this chapter and that they include representatives of the financial and business community as well as local government and the economically disadvantaged.

(6) Recommend to the board to approve or disapprove the articles and any subsequent amendments to the articles expeditiously.

(d) Require each job creation corporation to submit a written

plan of operation in such form and containing such information as the board may require by regulation or otherwise.

SEC. 5. The heading of Article 4 (commencing with Section 14030) of Chapter 1 of Part 5 of Division 3 of Title 1 of the Corporations Code is amended to read:

Article 4. Incorporation of Nonprofit California Job Creation Corporations

SEC. 6. Section 14044.5 of the Corporations Code is amended to read:

14044.5. The board may create in the State Job Creation Loan Guarantee Fund a revolving loan guarantee fund, which shall be made available to private consulting agencies under contract with the executive director. The funds contained in such revolving fund so created shall be utilized to provide interim financing for small business enterprises that show a definite potential for success, where funding has been requested, or a loan proposal is in preparation, under Chapter 2 (commencing with Section 14150) of this part. Moneys to establish such revolving fund shall be obtained from sources other than appropriations made by the state, and shall be allocated to contractors under Chapter 2 (commencing with Section 14150) of this part in amounts not to exceed per contractor a maximum dollar amount to be determined by the executive director.

SEC. 7. Section 14110 of the Corporations Code is amended to read:

14110. It shall be unlawful for the executive director or any person who is an officer, director, or employee of a job creation corporation, or who is a member of a loan committee, or who is a member or employee of the board or executive director to:

(a) Ask for, consent or agree to receive, any commission, emolument, gratuity, money, property, or thing of value for his own use, benefit, or personal advantage, for procuring or endeavoring to procure for any person, partnership, joint venture, association, or corporation, any loan, guarantee, financial or other assistance from any job creation corporation.

(b) Borrow money, property, or to benefit knowingly, directly or indirectly, from the use of the money, credit, or property of any job creation corporation.

(c) Make, maintain, or attempt to make or maintain, a deposit of the funds of a job creation corporation with any other corporation or association on condition, or with the understanding, expressed or implied, that the corporation or association receiving such deposit shall pay any money or make a loan or advance, directly or indirectly, to any person, partnership, joint venture, association, or corporation, other than to a job creation corporation.

SEC. 8. Section 14152 of the Corporations Code is amended to read:

14152. It is the intention of the Legislature to promote small

business enterprises within various low-income areas, as well as to develop the entrepreneurial talent of residents therein and to eliminate unemployment in such areas, with special emphasis on assistance to those small businesses whose promotion will reduce youth delinquency and increase employment opportunities for youth, the disabled, the disadvantaged and unemployed persons. It is also the intention of the Legislature that banks and other financial institutions cooperate with any public or private organization which is attempting to assist the economic development of such areas, and work in conjunction with federal loan-guaranteeing agencies such as the Small Business Administration in making loans to persons eligible for technical assistance. It is not the intention of the Legislature to provide funds for the capitalization of any small business; but to promote and encourage such loans by private banks and other financial institutions to persons eligible for technical assistance under this chapter and to permit such banks and financial institutions to make loans on a risk basis giving consideration to the technical assistance to be provided to a loan applicant.

SEC. 9. Section 14162 of the Corporations Code is amended to read:

14162. "Small business" means a business as described in subdivision (f) of Section 14010. "Small business" includes any business dealing in alcoholic beverages.

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

In order to modify, as soon as possible, the economic dislocations envisaged by reason of growing unemployment within the State of California, it is necessary that this act go into immediate effect.

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## CHAPTER 1327

*An act to add Section 21251.14 to the Government Code, relating to the Public Employees' Retirement System.*

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

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

SECTION 1. Section 21251.14 is added to the Government Code, to read:

21251.14. The board shall make a lump sum payment of retirement benefits that would have accrued from July 1, 1971, to the actual date of the member's retirement to any state member, other than a school member, who pursuant to Section 20393 left his accumulated contributions on deposit in the retirement fund after

discontinuance of state service and who attained 63 years and older on and after July 1, 1971, and who was not notified of the change in computation of allowance contained in Section 21251.13 on and after July 1, 1971, if such member applies for such benefit within 30 days of the effective date of this section. Notwithstanding any other provision of this part, the board shall make the effective date of retirement of any such member effective as of July 1, 1971, or any date subsequent thereto which is not earlier than the member's 63rd birthday.

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## CHAPTER 1328

*An act to amend Section 6140 of the Business and Professions Code, relating to attorneys.*

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

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

SECTION 1. Section 6140 of the Business and Professions Code is amended to read:

6140. (a) The board shall fix the annual membership fee as follows:

(1) For active members who have been admitted to the practice of law in this state for five (5) years or longer, at a sum not exceeding ninety dollars ($90).

(2) For active members who have been admitted to the practice of law in this state for less than five (5) years but more than two (2) years preceding the first day of February of the year for which the fee is payable, at a sum not exceeding seventy dollars ($70).

(3) For active members who have been admitted to the practice of law in this state for less than two (2) years preceding the first day of February of the year for which the fee is payable, at a sum not exceeding fifty dollars ($50).

(b) For the years commencing January 1, 1973, and ending December 31, 1982, the board may increase the annual membership fee fixed pursuant to subdivision (a) by an additional amount not exceeding ten dollars ($10) in any or all of such years, such additional amount in any year to be applied only to the cost of land and buildings to be used to conduct the operations of the State Bar, including furniture, furnishings, equipment, architects' fees, construction and financing costs, landscaping and other expenditures incident to the acquisition, construction, furnishing and equipping of such land and buildings, the payment of interest on and the repayment of moneys borrowed for such purposes, and the reimbursement of the State Bar's treasury expended for such purposes.

(c) The annual membership fee for active members is payable on or before the first day of February of each year.

SEC. 2. This act shall apply to the annual membership fees of active members of the State Bar for the years commencing January 1, 1976.

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## CHAPTER 1329

*An act to amend Section 4805 of the Civil Code, relating to support.*

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

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

SECTION 1. Section 4805 of the Civil Code is amended to read:

4805. In the enforcement of any decree, judgment or order of support rendered pursuant to the provisions of this part, the court shall resort:

(a) To the earnings, income, or accumulations of either spouse, while living separate and apart from the other spouse, which would have been community property if the spouse had not been living separate and apart from the other spouse; then,

(b) To the community property; then,

(c) To the quasi-community property; then,

(d) To the other separate property of the party required to make such payments.

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## CHAPTER 1330

*An act to amend Sections 10707 and 10753.2 of, to amend Section 10770, 10851, 10854, 10857, and 11005 as amended by Chapter 889 of the Statutes of 1973, of, to amend Sections 10770 and 10854, as amended by Chapter 889 of the Statutes of 1973, of, to amend, repeal, and add Section 11001 of, to amend and repeal Section 18051, as added by Chapter 889 of the Statutes of 1973, of, to add Section 10851 to, the Revenue and Taxation Code, to amend Sections 677, 1651.5, 4017, and 9560 of, to amend Sections 9554, 9561, and 42270, as amended by Chapter 889 of the Statutes of 1973, of, to amend Section 9554, as added by Chapter 889 of the Statutes of 1973, of, to amend and repeal Section 9559.5, of, to amend and repeal Sections 4601, 5903, 9553, and 9556, as amended by Chapter 889 of the Statutes of 1973, of, to add Sections 4601, 5903, 9553, and 9556 to, to repeal Article 11 (commencing with Section 5400) of Chapter 1 of Division 3 of, the Vehicle Code, and to amend Section 60 of Chapter 889 of the Statutes of 1973, relating to vehicles,*

*making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 10707 of the Revenue and Taxation Code is amended to read:

10707. The phrase "1976 registration year" applies only to vehicles which have been previously registered and which are being converted to year-round registration. It is the period of time beginning January 1, 1976, and ending on the date designated by the Director of Motor Vehicles as the date of expiration for the registration of a particular vehicle.

SEC. 2. Section 10753.2 of the Revenue and Taxation Code is amended to read:

10753.2. (a) After determining the California suggested base price, as defined above, of a vehicle or its cost price to the purchaser, as hereinbefore provided, the department shall classify every vehicle in its proper class according to the classification plan as set forth in this section.

(b) For the purpose of this part, a classification plan is established consisting of the following classes: a class from no dollars ($0) to and including forty-nine dollars and ninety-nine cents ($49.99); a class from fifty dollars ($50) to and including one hundred ninety-nine dollars and ninety-nine cents ($199.99); and thereafter a series of classes successively set up in brackets having a spread of two hundred dollars ($200), consisting of such number of classes as will permit classification of all vehicles.

(c) Except as otherwise provided in subdivision (f), the market value of a vehicle for each registration year of its life, starting with the year first sold to a consumer as a new vehicle, shall be as follows: for the first year, 85 percent of a sum equal to the middle point between the extremes of its class as established in subdivision (b) of this section; for the second year, 70 percent of such sum; for the third year, 55 percent of such sum; for the fourth year, 40 percent of such sum; for the fifth year, 30 percent of such sum; for the sixth year, 25 percent of such sum; for the seventh year, 15 percent of such sum; for the eighth year, 10 percent of such sum; and for the ninth and each succeeding year, 5 percent of such sum; provided that the minimum tax shall be the sum of one dollar ($1), except that the market value of a trailer coach first sold on and after January 1, 1966, which is required to be moved under permit as authorized in Section 35790 of the Vehicle Code shall be determined by the schedule in subdivision (e) of this section.

(d) For the purposes of subdivision (c), a vehicle first sold to a consumer as a new vehicle during the calendar years 1942, 1943, 1944,

and 1945, shall be deemed to have been first sold during the calendar year 1945; a vehicle first sold to a consumer as a new vehicle during the calendar year 1941 shall be deemed to have been first sold during the calendar year 1944; a vehicle first sold to a consumer as a new vehicle during the calendar year 1940 shall be deemed to have been first sold during the calendar year 1943; a vehicle first sold to a consumer as a new vehicle during the calendar year 1939 shall be deemed to have been first sold during the calendar year 1942; and a vehicle first sold to a consumer as a new vehicle during the calendar year 1938 shall be deemed to have been first sold during the calendar year 1941.

(e) Except as otherwise provided in subdivision (f), the market value of a trailer coach which is required to be moved under permit, for each registration year of its life, shall be as follows: for the 1st year, 85 percent of a sum equal to the middle point between the extremes of its class as established in subdivision (b) of this section; for the 2nd year, 70 percent of such sum; for the 3rd year, 55 percent of such sum; for the 4th year, 45 percent of such sum; for the 5th year, 40 percent of such sum; for the 6th year, 35 percent of such sum; for the 7th year, 30 percent of such sum; for the 8th year, 25 percent of such sum; for the 9th year, 24 percent of such sum; for the 10th year, 23 percent of such sum; for the 11th year, 22 percent of such sum; for the 12th year, 21 percent of such sum; for the 13th year, 20 percent of such sum; for the 14th year, 19 percent of such sum; for the 15th year, 18 percent of such sum; for the 16th year, 17 percent of such sum; for the 17th year, 16 percent of such sum; for the 18th year and each succeeding year, 15 percent of such sum.

(f) For the purposes of this section, the market value of vehicles which have been previously registered and which, because they are being converted to year-round registration, become subject to registration twice during the 1976 calendar year, shall be deemed to be the same throughout the 1976 calendar year and shall not change until the registration subsequently expires.

SEC. 3. Section 10770 of the Revenue and Taxation Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

10770. (a) If the fee is not paid within 30 days after it becomes delinquent, a penalty equal to one-half of the fee shall be added thereto and be collected therewith. If, however, the annual registration of a trailer coach is being renewed, the penalty shall be added to any payment made on or after the first Saturday following the first Friday of February.

If the fee, due and delinquent, and the amount of penalty prescribed in this paragraph, are paid within 30 days from the date the penalty becomes due, the amount of the penalty shall be reduced to 10 percent of the total amount of the fee, but in no event less than one dollar ($1).

(b) In computing the penalty for the 1976 registration year as prescribed in subdivision (a) of this section, no penalty shall be charged on that portion of the fee which is in excess of a 12-month

registration period.

This section shall remain in effect only until March 8, 1976, and as of that date is repealed, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 4. Section 10770 of the Revenue and Taxation Code, as added by Chapter 889 of the Statutes of 1973, is amended to read:

10770. (a) If the fee for an original registration is not paid within 20 days after it becomes delinquent, a penalty equal to 50 percent of the fee shall be added thereto and to be collected therewith.

(b) A penalty of 50 percent of the license fee shall be added on any application for original or renewal of year-round or annual registration made later than midnight of the date of expiration or on or after the date penalties become due. Such penalty shall be computed after the vehicle license fee has been combined with the registration and weight fee as provided in Sections 9250, 9253, and 9400 of the Vehicle Code.

(c) In computing the penalty for the 1976 registration year as prescribed in subdivisions (a) and (b) of this section, no penalty shall be charged on that portion of the fee which is in excess of a 12-month registration period.

(d) Notwithstanding subdivision (a) of this section, any penalty which became due prior to March 8, 1976, shall be computed at the rate of penalty which was then in effect.

This section shall become operative on March 8, 1976, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 5. Section 10851 of the Revenue and Taxation Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

10851. (a) Except as otherwise provided, the license fee is due and payable to the department on January 1st of each year. The fee shall be paid to the department at the time provided in the Vehicle Code for the registration or renewal of registration of the vehicle for the privilege of operating which the fee is imposed.

(b) The license fee paid for a vehicle previously registered under this code being converted to year-round registration for the 1976 registration year may be reduced by an amount equal to 10 percent, except for those vehicles which are registered under Article 5 (commencing with Section 8150) of Chapter 4 of Division 3 of the Vehicle Code or which are registered for a quarterly period pursuant to Article 5 (commencing with Section 9700) of Chapter 6 of Division 3 of the Vehicle Code. The reduction specified in this section shall be applicable provided the license fee is paid prior to the date penalties become due on such fee. Such reduction shall be computed after the vehicle license fee has been combined with the registration and weight fees as provided in Sections 9250 and 9400 of the Vehicle Code.

This section shall remain in effect only until March 8, 1976, and as of that date is repealed, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 6. Section 10851 of the Revenue and Taxation Code, as added by Chapter 889 of the Statutes of 1973, is amended to read:

10851. (a) Except as otherwise provided, the vehicle license fee is due and payable to the department each year on or before the expiration date assigned by the director. The fee shall be paid to the department at the time provided in the Vehicle Code for the registration or renewal of registration of the vehicle.

(b) The license fee paid for a vehicle previously registered under this code being converted to year-round registration for the 1976 registration year may be reduced by an amount equal to 10 percent, except for those vehicles which are registered under Article 5 (commencing with Section 8150) of Chapter 4 of Division 3 of the Vehicle Code or which are registered for a quarterly period pursuant to Article 5 (commencing with Section 9700) of Chapter 6 of Division 3 of the Vehicle Code. The reduction specified in this section shall be applicable provided the license fee is paid prior to the date penalties become due on such fee. Such reduction shall be computed after the vehicle license fee has been combined with the registration and weight fees as provided in Sections 9250 and 9400 of the Vehicle Code.

This section shall become operative on March 8, 1976, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date, and shall remain in effect only until July 1, 1977, and as of that date is repealed, unless a later enacted statute, which is chaptered before July 1, 1977, deletes or extends such date.

SEC. 7. Section 10851 is added to the Revenue and Taxation Code, to read:

10851. Except as otherwise provided, the vehicle license fee is due and payable to the department each year on or before the expiration date assigned by the director. The fee shall be paid to the department at the time provided in the Vehicle Code for the registration or renewal of registration of the vehicle.

This section shall become operative on July 1, 1977, unless a later enacted statute, which is chaptered before July 1, 1977, deletes or extends such date.

SEC. 8. Section 10854 of the Revenue and Taxation Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

10854. (a) If the fee is not paid within 20 days after it becomes delinquent, a penalty equal to 50 percent of the fee shall be added thereto and be collected therewith. If, however, the annual registration of a vehicle is being renewed, the penalty for a vehicle with an expiration date of December 31st shall be added to any payment made on or after the first Saturday following the first Friday of February, and, for a vehicle assigned an expiration date other than December 31st, the penalty shall be added to any payment made later than midnight of the date of expiration, unless the vehicle has not been operated, moved, or left standing upon the highways since the expiration of the prior registration.

If the fee due and delinquent and the amount of penalty

prescribed in this paragraph are paid within 30 days from the date the penalty becomes due, the amount of the penalty shall be reduced to 10 percent of total amount of the fee, but in no event less than one dollar ($1).

(b) In computing the penalty for the 1976 registration year as prescribed in subdivision (a) of this section, no penalty shall be charged on that portion of the fee which is in excess of a 12-month registration period.

This section shall remain in effect only until March 8, 1976, and as of that date is repealed, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 9. Section 10854 of the Revenue and Taxation Code, as added by Chapter 889 of the Statutes of 1973, is amended to read:

10854. (a) If the fee for an original registration is not paid within 20 days after it becomes delinquent, a penalty equal to 50 percent of the fee shall be added thereto and be collected therewith. If, however, the registration of a vehicle is being renewed, the penalty shall be added to any payment made on or after the first day following the expiration date, unless the vehicle has not been operated, moved, or left standing upon the highways since the expiration of the prior registration.

(b) A penalty of 50 percent of the license fee shall be added on any application for original or renewal of year-round or annual registration made later than midnight of the date of expiration or on or after the date penalties become due. Such penalty shall be computed after the vehicle license fee has been combined with the registration and weight fees as provided in Sections 9250 and 9400 of the Vehicle Code.

(c) In computing the penalty for the 1976 registration year as prescribed in subdivisions (a) and (b) of this section, no penalty shall be charged on that portion of the fee which is in excess of a 12-month registration period.

(d) Notwithstanding subdivision (a) of this section, any penalty which became due prior to March 8, 1976, shall be computed at the rate of penalty which was then in effect.

This section shall become operative on March 8, 1976, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 10. Section 10857 of the Revenue and Taxation Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

10857. No penalty fee shall be assessed for the delinquent payment of a vehicle license fee, when subsequent to the date on which the fee became due, the vehicle is repossessed on behalf of any legal owner, if the license fee is paid within 30 days of taking possession and if a transfer of registration to a new owner is applied for during that time.

SEC. 11. Section 11001 of the Revenue and Taxation Code is amended to read:

11001. All money collected by the department for accepted

applications under this part shall be reported monthly to the Controller and at the same time deposited in the State Treasury to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund.

Any reference in any law or regulation to the Motor Vehicle License Fee Fund shall be deemed to refer to the Motor Vehicle License Fee Account in the Transportation Tax Fund.

This section shall remain in effect only until March 8, 1976, and as of that date is repealed, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 12. Section 11001 is added to the Revenue and Taxation Code, to read:

11001. (a) All money collected by the department for accepted applications under this part shall be reported monthly to the Controller and at the same time deposited in the State Treasury to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund.

Any reference in any law or regulation to the Motor Vehicle License Fee Fund shall be deemed to refer to the Motor Vehicle License Fee Account in the Transportation Tax Fund.

(b) The amount of any penalties collected by the department as provided in Sections 9553 and 9554 of the Vehicle Code and Sections 10770 and 10854 of this code shall, for the purposes of subdivision (a) of this section, be deemed to be a percentage of the total fees allocated under this section and under Section 42270 of the Vehicle Code, equal to that percentage of the ratio based on the fees previously allocated under this section and under Section 42270 of the Vehicle Code in the fiscal year preceding the calendar year for which the penalties are to be allocated. Such ratio shall be reevaluated periodically and shall be adjusted to reflect any change in the fee structure that may be provided in this code or in Division 3 (commencing with Section 4000) of the Vehicle Code.

This section shall become operative on March 8, 1976, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 12.5. Section 11005 of the Revenue and Taxation Code, as amended by Section 19 of Chapter 889 of the Statutes of 1973, is amended to read:

11005. After payment of refunds therefrom and after making the deductions authorized by Section 11003 and reserving such amount as is determined by the Pooled Money Investment Board to be necessary to meet the transfers ordered or proposed to be ordered pursuant to Section 16310 of the Government Code, and after transferring 2.5 percent of the remaining revenue to the Motor Vehicle Account in the Transportation Tax Fund, at least 90 percent of the balance of all motor vehicle license fees and any other money appropriated by law for expenditure pursuant to this section and deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund and remaining unexpended therein at

the close of business on the last day of the calendar month shall be transferred to the credit of a special account in the General Fund and allocated by the Controller by the 10th day of the following month in the following manner:

(a) Fifty percent thereof shall be paid to the cities and cities and counties of this state in the proportion that the population of each city or city and county bears to the total population of all cities and cities and counties in this state, as determined by the Controller. For the purpose of this subdivision, the population of each city or city and county is that determined by the last federal census. In the case of a city incorporated subsequent to the last census, or in the case of an inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city, or the annexed territory, by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory by the use of any federal decennial or special census, or estimate prepared pursuant to Section 2107.2 of the Streets and Highways Code, by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings or at such earlier time as the legislative body may request. In the case of the consolidation of one city with another subsequent to the last census, the population of the consolidated city, for the purpose of this subdivision, is the aggregate population of the respective cities as determined by the last federal census.

(b) Fifty percent thereof shall be paid to the counties and cities and counties of the state in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the state, as determined by the Controller. For the purpose of this subdivision, the population of each county or city and county is that determined by the last federal census, or as determined by Section 11005.6.

(c) Money disbursed by the Controller pursuant to this section may be used for county or city purposes and may, but need not necessarily, be used for purposes of general interest and benefit to the state.

SEC. 13. Section 677 of the Vehicle Code is amended to read:

677. The phrase "1976 registration year" applies only to vehicles which have been previously registered and which are being converted to year-round registration. It is the period of time beginning January 1, 1976, and ending on the date designated by the director as the date of expiration for the registration of a particular vehicle.

SEC. 14. Section 1651.5 of the Vehicle Code is amended to read:

1651.5. The director may assign or reassign dates for the expiration of registration for any vehicles registered pursuant to this

code. The director may establish a registration year for any vehicle consisting of any period from seven months to 18 months, inclusive, with subsequent renewals being required at yearly intervals thereafter. The director shall assign an expiration date of the last day of the calendar month to all trailers and to all motor vehicles subject to additional fees under the provisions of Section 9400. Any vehicle being registered on a quarterly basis shall be assigned or reassigned an expiration date of December 31 for the registration year. The director shall have the authority to exclude from year-round registration any type of vehicles that he may deem appropriate for exclusion.

SEC. 15. Section 4017 of the Vehicle Code is amended to read:

4017. The provisions of Section 4000 shall not apply to the moving or operating of a vehicle during the period of time in which application may be made for registration of the vehicle without penalty as provided in Section 4152.5.

SEC. 16. Section 4601 of the Vehicle Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

4601. (a) Except as otherwise provided in this code, every vehicle registration and registration card shall expire at midnight on the thirty-first day of December of each year and shall be renewed annually. The department may, upon payment of the proper fees, renew the registration of vehicles.

(b) Any vehicle registration assigned an expiration date other than the thirty-first day of December shall expire on the date designated by the director pursuant to Section 1651.5 and shall be renewed prior to the expiration of the registration year.

This section shall become operative on March 10, 1975, unless a later enacted statute, which is chaptered before March 10, 1975, deletes or extends such date, and shall remain in effect only until March 8, 1976, and as of that date is repealed, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 17. Section 4601 is added to the Vehicle Code, to read:

4601. Except as otherwise provided in this code, every vehicle registration and registration card shall expire at midnight on the expiration date designated by the director pursuant to Section 1651.5, and shall be renewed prior to the expiration of the registration year. The department may, upon payment of the proper fees, renew the registration of vehicles.

This section shall become operative on March 8, 1976, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 18. Article 11 (commencing with Section 5400) of Chapter 1 of Division 3 of the Vehicle Code is repealed.

SEC. 19. Section 5903 of the Vehicle Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

5903. Whenever any application for transfer is filed with the department between December 1st and the first Friday of February,

inclusive, the application for transfer shall be accompanied by the full renewal fees in addition to any other fees then due and payable.

(b) Whenever any application for registration is filed with the department between December 1st and December 31st, inclusive, the application shall be accompanied by the full annual renewal fees for the ensuing year in addition to any other fees then due and payable.

(c) Notwithstanding the provisions of subdivisions (a) and (b), any vehicle that is assigned an expiration date of other than December 31st pursuant to the director's authority under Section 1651.5 and any application that is filed with the department within 30 days of expiration of registration, shall be accompanied by the full annual renewal fees for the ensuing registration year in addition to any other fees then due and payable.

This section shall become operative on December 1, 1974, unless a later enacted statute, which is chaptered before December 1, 1974, deletes or extends such date, and shall remain in effect only until December 1, 1975, and as of that date is repealed, unless a later enacted statute, which is chaptered before December 1, 1975, deletes or extends such date.

SEC. 20. Section 5903 is added to the Vehicle Code, to read:

5903. Whenever any application for a registration transaction is filed with the department during the 60 days immediately preceding the expiration of registration of the vehicle, the application shall be accompanied by the full renewal fees for the ensuing registration year in addition to any other fees then due and payable.

This section shall become operative on December 1, 1975, unless a later enacted statute, which is chaptered before December 1, 1975, deletes or extends such date.

SEC. 21. Section 9553 of the Vehicle Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

9553. (a) A penalty shall be added upon any application for annual renewal of registration or any application for renewal of special identification plates made on or after the first Saturday following the first Friday of February except as provided in Section 4604.

(b) A penalty shall be added upon any application for renewal of any special plate or plates made on or after December 1st.

(c) Except as otherwise provided in this section, if any fee is not paid within 20 days after the same becomes delinquent, a penalty shall be added thereto.

(d) Notwithstanding subdivisions (a), (b), and (c) of this section, any vehicle assigned an expiration date other than December 31st shall have a penalty added upon any application for renewal of registration made on or after the first day following the expiration date except as provided in Section 4604.

This section shall become operative on March 10, 1975, unless a later enacted statute, which is chaptered before March 10, 1975, deletes or extends such date, and shall remain in effect only until

March 8, 1976, and as of such date is repealed, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 22. Section 9553 is added to the Vehicle Code, to read:

9553. (a) A penalty shall be added upon any application for renewal of registration or any application for renewal of special license plates made after midnight of the expiration date thereof except as provided in Section 4604 and in subdivision (c) of this section.

(b) A penalty shall be added upon any application made on or after December 1st for renewal of any special plate or plates issued pursuant to the provisions of Division 5 (commencing with Section 11100).

(c) When renewal fee penalties have not accrued with respect to a vehicle and the vehicle is transferred, the transferee shall have a period of 20 days from the date of such transfer to pay any registration fees which become due without payment of any penalties that would otherwise be required as provided in subdivision (a).

(d) If the fee specified in Sections 9255 and 9257 is not paid within 20 days after it becomes delinquent, a penalty shall be added thereto.

(e) Except as otherwise provided in this section, if any fee is not paid within 20 days after it becomes delinquent, a penalty shall be added thereto.

This section shall become operative on March 8, 1976, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 23. Section 9554 of the Vehicle Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

9554. (a) The penalty shall be equal to the fee after the fee has been computed as provided in Sections 9406 and 9559 and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be three dollars ($3), and shall apply only to the last transfer.

(b) If the fee is due and delinquent and the amount of penalty prescribed by this subdivision is paid within 30 days of the date the penalty becomes due, the amount of the penalty on such fee, or portion thereof, due under Sections 9250, 9252, 9253, and 9400 shall be reduced to 10 percent of the total amount of such fee, but in no event less than one dollar ($1) as is provided for in Section 9559.

(c) In computing the penalty for the 1976 registration year as prescribed in subdivisions (a) and (b) of this section, no penalty shall be charged on that portion of the fee which is in excess of a 12-month registration period.

This section shall remain in effect only until March 8, 1976, and as of that date is repealed, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 24. Section 9554 of the Vehicle Code, as added by Chapter 889 of the Statutes of 1973, is amended to read:

9554. (a) The penalty shall be equal to the fee after the fee has been computed as provided in Sections 9406 and 9559 and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be three dollars ($3), and shall apply only to the last transfer.

(b) A penalty of 50 percent of the registration and weight fees shall be added on any application for original or renewal of year-round or annual registration made later than midnight of the date of expiration or on or after the date penalties become due. Such penalty shall be computed after the registration and weight fees have been combined with the license fee specified in Section 10751 of the Revenue and Taxation Code.

(c) In computing the penalty for the 1976 registration year as prescribed in subdivisions (a) and (b) of this section, no penalty shall be charged on that portion of the fee which is in excess of a 12-month registration period.

(d) Notwithstanding subdivision (a) of this section, any penalty which became due prior to March 8, 1976, shall be computed at the rate of penalty which was then in effect.

This section shall become operative on March 8, 1976, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 25. Section 9556 of the Vehicle Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

9556. (a) Whenever any person or organization authorized by the department under Section 4610 receives an application for renewal of registration accompanied by the proper fee and endorses a receipt or validates a registration card or potential registration card in respect to the application for renewal of registration prior to midnight of the first Friday of February in any year, the application and payment of fees shall not be deemed delinquent or subject to penalty, except that the person or organization so receiving the application and fees shall transmit the application and fees to the department as promptly as practicable in the immediate course of business.

(b) The provisions of subdivision (a) shall apply to vehicles assigned an expiration date of other than December 31st except that application for renewal accompanied by the proper fee shall be received prior to midnight of the expiration date.

This section shall become operative on March 10, 1975, unless a later enacted statute, which is chaptered before March 10, 1975, deletes or extends such date, and shall remain in effect only until March 8, 1976, and as of that date is repealed, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 26. Section 9556 is added to the Vehicle Code, to read:

9556. Whenever any person or organization authorized by the department under Section 4610 receives an application for renewal of registration accompanied by the proper fee and endorses a receipt

or validates a registration card or potential registration card in respect to the application for renewal of registration prior to midnight on the date registration expires in any year, the application and payment of fees shall not be deemed delinquent or subject to penalty, except that the person or organization so receiving the application and fees shall transmit the application and fees to the department as promptly as practicable in the immediate course of business.

This section shall become operative on March 8, 1976, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

SEC. 27. Section 9559.5 of the Vehicle Code is amended to read:

9559.5. The registration and weight fees paid for a vehicle previously registered under this code being converted to year-round registration for the 1976 registration year may be reduced by an amount equal to 10 percent, except for those vehicles which are registered under Article 5 (commencing with Section 8150) of Chapter 4 of Division 3 or which are registered for a quarterly period pursuant to Section 9702. The reduction specified in this section shall be applicable provided the registration and weight fees are paid prior to the date penalties become due on such fees. Such reduction shall be computed after the registration and weight fees have been combined with the license fee specified in Section 10751 of the Revenue and Taxation Code.

This section shall remain in effect only until July 1, 1977, and as of that date is repealed, unless a later enacted statute, which is chaptered before July 1, 1977, deletes or extends such date.

SEC. 28. Section 9560 of the Vehicle Code is amended to read:

9560. Whenever by reason of the assignment or reassignment of a renewal date by the director, the registration year is less than 12 months, the registration fee as designated in Section 9250 for the vehicle shall be decreased by one-eleventh of the annual fee for each month of such period less than 11 months.

If the registration year assigned is for 12 months or more, the following fees shall apply:

| | |
|---|---|
| (a) For 12 months | $11 |
| (b) For 13 months | $12 |
| (c) For 14 months | $13 |
| (d) For 15 months | $14 |
| (e) For 16 months | $15 |
| (f) For 17 months | $16 |
| (g) For 18 months | $17 |

SEC. 29. Section 9561 of the Vehicle Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

9561. When a legal owner or his agent repossesses a vehicle on which renewal fees are due, the department shall waive any renewal penalties that are due for late payment if the fees are paid within 30

days of taking possession.

This section shall become operative on March 10, 1975, unless a later enacted statute, which is chaptered before March 10, 1975, deletes or extends such date.

SEC. 30. Section 42270 of the Vehicle Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

42270. (a) The Department of Motor Vehicles and the Department of the California Highway Patrol each shall file, at least monthly with the State Controller, a report of money received by the department covering all fees for applications accepted by the department and all other moneys received by the department under the provisions of this code, and at the same time shall remit all money so reported to the State Treasurer. On order of the Controller, the Treasurer shall deposit in the Motor Vehicle Fund, which is continued in existence as the Motor Vehicle Account in the Transportation Tax Fund, all such moneys so reported and remitted.

Any reference in any law or regulation to the Motor Vehicle Fund shall be deemed to refer to the Motor Vehicle Account in the Transportation Tax Fund, except that any appropriation from the Motor Vehicle Fund for the support of the Department of Motor Vehicles or for the support of the Department of the California Highway Patrol shall be deemed to refer to the Motor Vehicle Account in the State Transportation Fund, which is created by subdivision (a) of Section 42271.

(b) The amount of any penalties collected by the department as provided in Sections 9553 and 9554 of this code and Sections 10770 and 10854 of the Revenue and Taxation Code shall, for the purposes of subdivision (a) of this section, be deemed to be a percentage of the total fees allocated under this section and under Section 11001 of the Revenue and Taxation Code, equal to that percentage of the ratio based on the fees previously allocated under this section and under Section 11001 of the Revenue and Taxation Code in the fiscal year preceding the calendar year for which the penalties are to be allocated. Such ratio shall be reevaluated periodically and shall be adjusted to reflect any change in the fee structure that may be provided in this code or in Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code.

SEC. 31. Section 60 of Chapter 889 of the Statutes of 1973 is amended to read:

Sec. 60. (a) Sections 10, 34, 40, 51, 52, 53, 55, 56, and 57 of this act shall become operative on December 1, 1974.

(b) Sections 15, 16, 26, 28, 29, 30, 31, 42, 45, and 48 of this act shall become operative on March 10, 1975.

(c) Sections 12.5 and 19 of this act shall become operative on July 1, 1975.

(d) Section 7 of this act shall become operative on December 1, 1975.

(e) Sections 4, 9, 12, 14, 27, 36, 39, 44, and 59 of this act shall become operative on March 8, 1976.

(f) Section 54 of this act shall become operative on January 20, 1975.

SEC. 32. (a) Section 19 of this act shall become operative on December 1, 1974.

(b) Sections 15, 16, 18, 21, 25 and 29 of this act shall become operative on March 10, 1975.

(c) Section 20 of this act shall become operative on December 1, 1975.

(d) Sections 4, 6, 9, 12, 17, 22, 24, 26, and 30 of this act shall become operative on March 8, 1976.

(e) Section 7 of this act shall become operative on July 1, 1977.

SEC. 33. This act is an urgency statute necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Department of Motor Vehicles had planned on implementing year-round registration commencing December 1, 1974. With a delay in changeover to the Stephen P. Teale Data Center, the department does not have the computer capability to implement year-round registration at this time.

This bill moves the implementation dates of year-round registration forward one year, which will allow sufficient time for the department to obtain the computer capability necessary for year-round registration.

In order to delay implementation, it is necessary that this act go into immediate effect.

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## CHAPTER 1331

*An act to amend Section 13253.1 of the Education Code, relating to public school employees.*

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

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

SECTION 1. Section 13253.1 of the Education Code is amended to read:

13253.1. Notwithstanding any provision of law to the contrary, on and after the effective date of this section the governing board of a school district may employ an individual in any administrative or supervisory position, irrespective of whether or not such individual holds any supervisory or administrative credential; provided the individual so employed meets all of the following criteria:

(1) He holds a valid teaching credential;

(2) He has completed fifteen (15) years service as a teacher, as defined in Section 17200, including ten (10) years of teaching service

in the employ of the district which appoints him to an administrative or supervisory position; and

(3) The last ten (10) years of service immediately preceding his appointment to an administrative or supervisory position were as a teacher of an academic subject, as defined in Section 13188.

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## CHAPTER 1332

*An act to amend Sections 66610 and 66611 of, and to repeal Sections 66630.1 and 66632.3 of, the Government Code, and to add Section 30358 to the Streets and Highways Code, relating to San Francisco Bay.*

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

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

SECTION 1. Section 66610 of the Government Code is amended to read:

66610. For the purposes of this title, the area of jurisdiction of the San Francisco Bay Conservation and Development Commission includes:

(a) San Francisco Bay, being all areas that are subject to tidal action from the south end of the bay to the Golden Gate (Point Bonita-Point Lobos) and to the Sacramento River line (a line between Stake Point and Simmons Point, extended northeasterly to the mouth of Marshall Cut), including all sloughs, and specifically, the marshlands lying between mean high tide and five feet above mean sea level; tidelands (land lying between mean high tide and mean low tide); and submerged lands (land lying below mean low tide).

(b) A shoreline band consisting of all territory located between the shoreline of San Francisco Bay as defined in subdivision (a) of this section and a line 100 feet landward of and parallel with that line, but excluding any portions of such territory which are included in subdivisions (a), (c) and (d) of this section; provided that the commission may, by resolution, exclude from its area of jurisdiction any area within the shoreline band that it finds and declares is of no regional importance to the bay.

(c) Saltponds consisting of all areas which have been diked off from the bay and have been used during the three years immediately preceding the effective date of the amendment of this section during the 1969 Regular Session of the Legislature for the solar evaporation of bay water in the course of salt production.

(d) Managed wetlands consisting of all areas which have been diked off from the bay and have been maintained during the three years immediately preceding the effective date of the amendment

of this section during the 1969 Regular Session of the Legislature as a duck hunting preserve, game refuge or for agriculture.

(e) Certain waterways (in addition to areas included within subdivision (a)), consisting of all areas that are subject to tidal action, including submerged lands, tidelands, and marshlands up to five feet above mean sea level, on, or tributary to, the listed portions of the following waterways:

(1) Plummer Creek in Alameda County, to the eastern limit of the saltponds.

(2) Coyote Creek (and branches) in Alameda and Santa Clara Counties, to the easternmost point of Newby Island.

(3) Redwood Creek in San Mateo County, to its confluence with Smith Slough.

(4) Tolay Creek in Sonoma County, to the northerly line of Sears Point Road (State Highway 37).

(5) Petaluma River in Marin and Sonoma Counties to its confluence with Adobe Creek, and San Antonio Creek to the easterly line of the Northwestern Pacific Railroad right-of-way.

(6) Napa River, to the northernmost point of Bull Island.

(7) Sonoma Creek, to its confluence with Second Napa Slough.

(8) Corte Madera Creek in Marin County to the downstream end of the concrete channel on Corte Madera Creek which is located at the United States Army Corps of Engineers Station No. 318+50 on the Corte Madera Creek Flood Control Project.

The definition which is made by this section is merely for the purpose of prescribing the area of jurisdiction of the commission which is created by this title. This definition shall not be construed to affect title to any land or to prescribe the boundaries of the San Francisco Bay for any purpose except the authority of the commission created by this title.

The jurisdiction of the commission under this section shall not extend to the areas commonly known as the Larkspur and Greenbrae Boardwalks in the County of Marin, such areas to be defined by commission regulation.

SEC. 2. Section 66611 of the Government Code is amended to read:

66611. No later than December 1, 1971, the commission, after public hearing, of which adequate descriptive notice is given, shall adopt and file with the Governor and the Legislature a resolution fixing and establishing within the shoreline band the boundaries of the water-oriented priority land uses, as referred to in Section 66602. After such filing the commission may change such boundaries in the manner provided by Section 66652 for San Francisco Bay Plan maps. Such change will become effective only if authorized by an affirmative vote of two-thirds of the commission's members and, where the change involves a reduction or elimination of a priority use area which has been so designated because of contemplated acquisition necessary to implement the priority use, upon a finding that there is no substantial probability that a public agency will be

committed to acquiring the area within a three-year period commencing January 1 of the year following the year in which such a finding is made. No other changes shall be made in such boundaries, except with the approval of the Legislature.

SEC. 3. Section 66630.1 of the Government Code is repealed.

SEC. 4. Section 66632.3 of the Government Code is repealed.

SEC. 5. Section 30358 is added to the Streets and Highways Code, to read:

30358. Notwithstanding any other provision of law, the City of Emeryville may operate a ferry system between that city and the City and County of San Francisco if both of the following conditions are met:

(a) Approval for the ferry system is obtained from the Metropolitan Transportation Commission.

(b) Either the required consent of the holders of outstanding revenue bonds secured by the revenues in the Revenue Fund of the San Francisco-Oakland Bay Bridge is obtained for the establishment of the ferry system, or it is established that the operation of the ferry system is not prohibited by the provisions of any outstanding bond indenture.

In the operation of its ferry system, the city shall not operate any charter, tourist, recreational, or sightseeing services. However, the city may contract with any common carrier regulated by the Public Utilities Commission to provide such services and for the use of the city's vessels, facilities, or other equipment for such purposes.

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## CHAPTER 1333

*An act to amend Section 445 of the Health and Safety Code, relating to medical referrals.*

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

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

SECTION 1. Section 445 of the Health and Safety Code is amended to read:

445. No person, firm, partnership, association or corporation, or agent or employee thereof, shall for profit refer or recommend a person to a physician, hospital, health-related facility, or dispensary for any form of medical care or treatment of any ailment or physical condition. The imposition of a fee or charge for any such referral or recommendation creates a presumption that the referral or recommendation is for profit.

The provisions of this section shall not apply to referrals or recommendations which are made under the crippled children services program or prepaid health plans.

A physician, hospital, health-related facility or dispensary shall not enter into a contract or other form of agreement to accept for medical care or treatment any person referred or recommended for such care or treatment by a medical referral service business located in or doing business in another state if the medical referral service business would be prohibited under this part if the business were located in or doing business in this state.

A violation of the provisions of this section shall constitute a misdemeanor and upon conviction thereof may be punished by imprisonment in the county jail for not longer than one year, or a fine of not more than five thousand dollars ($5,000), or by both such fine and imprisonment.

Any violation of this section may be enjoined in a civil action brought in the name of the people of the State of California by the Attorney General, except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

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

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## CHAPTER 1334

*An act to add Section 2142.7 to the Business and Professions Code, and to amend Section 1316 of the Health and Safety Code, relating to healing arts.*

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

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

SECTION 1. Section 2142.7 is added to the Business and Professions Code, to read:

2142.7. (a) It is the policy of this state that holders of M.D. degrees and D.O. degrees shall be accorded equal professional status and privileges as licensed physicians and surgeons.

(b) Notwithstanding any other provision of law, no health facility subject to licensure under Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code and no agency of the state or of any city, county, city and county, district, or other political subdivision of the state shall discriminate with respect to

employment, staff privileges, or the provision of professional services against a licensed physician and surgeon on the basis of whether the physician and surgeon holds an M.D. or D.O. degree. However, this subdivision shall not prohibit a school of allopathic or osteopathic medicine from employing a physician and surgeon as an instructor on the basis of whether the physician and surgeon holds an M.D. or D.O. degree, where the subject matter to be taught specifically requires allopathic or osteopathic training and experience.

(c) Any violation of the provisions of subdivision (b) may be enjoined in an action brought in the name of the people of the State of California by the district attorney of the county in which the violation occurs, upon receipt of a complaint by an aggrieved physician and surgeon.

SEC. 2. Section 1316 of the Health and Safety Code is amended to read:

1316. (a) The rules of a health facility shall include provisions for use of the facility by, and staff privileges for, duly licensed podiatrists within the scope of their respective licensure, subject to rules and regulations governing such use or privileges established by the health facility. Each health facility shall establish a staff comprised of physicians and surgeons, podiatrists, or any combination thereof, which shall regulate the admission, conduct suspension, or termination of the staff appointment of the podiatrists while using the facilities. No classification of health facilities by the state department, nor any other classification of health facilities based on quality of service or otherwise, by any person, body, or governmental agency of this state or any subdivision thereof shall be affected by a health facility's provision for use of its facilities by duly licensed podiatrists, nor shall any such classification be affected by the subjection of the podiatrists to the rules and regulations of a staff comprising podiatrists, physicians and surgeons, or any combination thereof, which govern the podiatrists' use of the facilities. No classification of health facilities by any governmental agency of this state or any subdivision thereof pursuant to present law or laws passed hereinafter for the purposes of ascertaining eligibility for compensation, reimbursement, or other benefit for treatment of patients shall be affected by a health facility's provision for use of its facilities by duly licensed podiatrists, nor shall any such classification be affected by the subjection of the podiatrists and dentists to the rules and regulations of a staff comprising podiatrists, physicians and surgeons, or any combination thereof, which govern the podiatrists' use of the facilities.

This subdivision shall not prohibit a health facility which is a clinical teaching facility owned or operated by a university operating a school of medicine from requiring that a podiatrist have a faculty teaching appointment as a condition for eligibility for staff privileges for that facility.

(b) The rules of a health facility which include provisions for use of the facility by, and staff privileges for, physicians and surgeons

shall not discriminate on the basis of whether the physician and surgeon holds an M.D. or a D.O. degree. The health facility staff processing, reviewing, evaluating, and determining qualifications for staff privileges for physicians and surgeons shall include, if possible, physicians and surgeons that hold M.D. degrees and that hold D.O. degrees.

(c) Any violation by a health facility of the provisions of this section may be enjoined in an action brought in the name of the people of the State of California by the district attorney of the county in which the health facility is located, upon receipt of a complaint by an aggrieved physician and surgeon or podiatrist.

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

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## CHAPTER 1335

*An act to add Article 4.5 (commencing with Section 3275) to Chapter 1, Division 3 of the Public Resources Code, relating to oil and gas conservation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Article 4.5 (commencing with Section 3275) is added to Chapter 1, Division 3 of the Public Resources Code, to read:

### Article 4.5. Interstate Cooperation in Oil and Gas Conservation

3275. The Legislature of the State of California hereby ratifies and approves "The Interstate Compact to Conserve Oil and Gas," and the amendment, extension, and renewal thereof, as set forth in Section 3276. The provisions of the compact shall become the law of this state upon the compact becoming operative as provided in Article VIII of the compact.

3276. The provisions of the interstate compact referred to in Section 3275 are as follows:

AN AGREEMENT TO AMEND, EXTEND AND RENEW THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

WHEREAS, On the 16th day of February 1935, in the City of Dallas,

Texas, there was executed "An Interstate Compact to Conserve Oil and Gas" which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado and Kansas, the original of which is now on deposit with the Department of State of the United States;

WHEREAS, Effective as of September 1, 1971, the several compacting states deem it advisable to amend said compact so as to provide that upon the giving of congressional consent thereto in its amended form, said compact will remain in effect until Congress withdraws such consent;

WHEREAS, The original of said compact as so amended will, upon execution thereof, be deposited promptly with the Department of State of the United States, a true copy of which follows:

## AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

### Article I

This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

### Article II

The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

### Article III

Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

(a) The operation of any oil well with an inefficient gas-oil ratio.

(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

(d) The creation of unnecessary fire hazards.

(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

The enumeration of the foregoing subjects shall not limit the scope

of the authority of any state.

Article IV

Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

Article V

It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

Article VI

Each state joining herein shall appoint one representative to a commission hereby constituted and designated as The Interstate Oil Compact Commission, the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several states for adoption or rejection.

The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

No action shall be taken by the Commission except: (1) By the affirmative votes of the majority of the whole number of the compacting states represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting states at said meeting, such interest to be determined as follows: Such vote of each state shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting states during said period.

Article VII

No state by joining herein shall become financially obligated to any other state, nor shall the breach of the terms hereof by any state subject such state to financial responsibility to the other states joining herein.

Article VIII

This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.

The representatives of the signatory states have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory states.

This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing state may become a party thereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

Done in the City of Dallas, Texas, this sixteenth day of February, 1935.

WHEREAS, The said "Interstate Compact to Conserve Oil and Gas" in its initial form has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1971; and

WHEREAS, It is desired to amend said "Interstate Compact to Conserve Oil and Gas" effective September 1, 1971, and to renew and extend said compact as so amended:

Now, therefore, this writing witnesseth:

It is hereby agreed that effective September 1, 1971, the Compact entitled "An Interstate Compact to Conserve Oil and Gas" executed within the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, be and the same is hereby amended by amending the first paragraph of Article VII thereof to read as follows:

> "This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom."

and that said compact as so amended be, and the same is hereby renewed and extended. This agreement shall become effective when executed, ratified, and approved as provided in Article I of said compact as so amended.

The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing State may become a party hereto by executing a

counterpart of this agreement to be similarly deposited, certified, and ratified.

Executed by the several undersigned States, at their several State capitols, through their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

3277. The Governor is hereby designated as the official representative of the State of California on the Interstate Oil Compact Commission provided for in the compact ratified by this article. The Governor shall exercise and perform for the State of California all the powers and duties imposed by the compact upon representative to the Interstate Oil Compact Commission. The State Oil and Gas Supervisor is hereby designated to be the assistant representative and he shall act as the official representative of the State of California on the Interstate Oil Compact Commission when the authority to so act is delegated to him by the Governor. The Executive Officer of the State Lands Commission is hereby designated to be the associate representative. In addition, both the assistant representative and the associate representative shall perform such other duties as the Governor may designate which are necessary to enable the State of California to cooperate fully in accomplishing the objectives of the compact.

3278. The sum of twenty-seven thousand dollars ($27,000) is hereby appropriated from the Petroleum and Gas Fund to the Department of Conservation for maintaining the membership of the state on the Interstate Oil Compact Commission until August 31, 1975.

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

Inasmuch as the present severe disruption in the supply and allocation of fuels may in part be attributed to wasteful production methods and the interstate compact ratified by this act provides means whereby such waste may be prevented in a coordinated manner among the principal oil- and gas-producing states, it is necessary that this act take effect immediately.

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## CHAPTER 1336

*An act to amend Section 20009.1 of the Government Code, relating to retirement.*

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

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

SECTION 1. Section 20009.1 of the Government Code is amended to read:

20009.1. "Public agency" also includes the following:

(a) The office of county superintendent of schools with respect to its employees whose compensation is not paid from county funds and with respect to employees of school districts within the jurisdiction of the superintendent which are not contracting agencies.

(b) The Commandant, Veterans Home of California, with respect to employees of the post exchange and other post fund activities whose compensation is paid from the post fund of the Veterans Home of California.

(c) Any foundation or trust established for the purpose of providing essential activities related to but not normally included as a part of the regular instructional program of a state or junior college.

(d) Any student body or nonprofit organization composed exclusively of students of a state or junior college or of members of the faculty of a state or junior college, or both, and established for the purpose of providing essential activities related to but not normally included as a part of the regular instructional program of the state or junior college.

(e) The Adjutant General with respect to persons employed by him pursuant to federal regulations and compensated directly from federal funds.

(f) A state organization which is authorized under subdivision (e) of Section 1071 of the Education Code.

(g) Any nonprofit corporation whose membership is confined to public agencies as defined in Section 20009.

(h) A section of the California Interscholastic Federation.

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## CHAPTER 1337

*An act to add Sections 20023.4 and 20023.5 to the Government Code, relating to Public Employees' Retirement System.*

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

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

SECTION 1. Section 20023.4 is added to the Government Code, to read:

20023.4. Notwithstanding the provisions of Section 20023, if a member who is an academic employee of the California State University and Colleges dies while on a leave with pay, or within 12 months following a leave with pay, during which he received compensation in an amount less than the full compensation earnable by him when not on leave with pay, the benefit payable under subdivision (b) of Section 21361 shall be based on the full

compensation earnable by him when not on leave with pay.

SEC. 2. Section 20023.5 is added to the Government Code, to read:

20023.5. Liability imposed on the system with respect to the death of a member who is an academic employee of the California State University and Colleges while on, or within 12 months following, a leave with pay during which he received compensation in an amount less than the full compensation earnable by him when not on leave with pay shall extend to the death of such members occurring on or after January 1, 1973, and to any benefit for which there would have been liability with respect to such death had Section 20023.4 been effective on that date.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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## CHAPTER 1338

*An act to add Section 4801.5 to the Civil Code, relating to support.*

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

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

SECTION 1. Section 4801.5 is added to the Civil Code, to read:

4801.5. Upon the petition of a spouse who has been ordered to pay support under Section 4801, the court shall revoke the order for support upon proof that the spouse to whom support has been ordered to be paid is living with a person of the opposite sex and holding himself or herself out as the spouse of the person for a total of 30 days or more, either consecutive or nonconsecutive, although not married to the person. The court shall order the restitution of any support which has been paid since the date upon which the spouse to whom support has been ordered to be paid commenced holding himself or herself out as the spouse of the person.



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# CHAPTER 1339

*An act to amend Section 54222 and to add Sections 54226, 54227, 54230, and 54230.5 to the Government Code, relating to surplus public property.*

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

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

SECTION 1. Section 54222 of the Government Code is amended to read:

54222. Any agency of the state and any local agency disposing of surplus land shall, prior to disposing of such property, notify in writing the following entities of their intent to dispose of the property and offer such land for park or recreational purposes or for open-space purposes to the following entities at fair market value prior to disposal:

(a) To any park or recreation department of any city within which the land may be situated.

(b) To any park or recreation department of the county within which the land is situated.

(c) To any regional park authority having jurisdiction within the area in which the land is situated.

(d) To the State Resources Agency or any agency which may succeed to its powers.

SEC. 2. Section 54226 is added to the Government Code, to read:

54226. Any agency of the state and any local agency disposing of surplus real property shall, prior to disposing of such property, notify in writing any housing authority in the county in which the property is located, of its intent to dispose of the property and offer such land for sale to such housing authority or authorities at fair market value.

The provisions of Section 54225 shall apply to such housing authority if it elects to purchase the property.

SEC. 3. Section 54227 is added to the Government Code, to read:

54227. In the event that the state or any local agency disposing of surplus land receives offers for the purchase of such land from more than one of the entities to which notice and an opportunity to purchase must be given pursuant to this article, the state or local agency shall have discretion as to which offer to accept.

SEC. 4. Section 54230 is added to the Government Code, to read:

54230. The board of supervisors of any county may establish a central inventory of all surplus governmental property located in such county.

SEC. 5. Section 54230.5 is added to the Government Code, to read:

54230.5. The failure by the state or a local agency to comply with the provisions of this article shall not invalidate the transfer or conveyance of real property to a purchaser or encumbrancer for

value.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

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## CHAPTER 1340

*An act to add Section 812.5 to the Civil Code, relating to servitudes.*

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

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

SECTION 1. Section 812.5 is added to the Civil Code, to read:

812.5. As used in this section, "local agency" means a city or special district as defined in Section 54775 of the Government Code and "public body" means a city, county, or city and county.

The vacation or abandonment, pursuant to law, of any street or highway shall extinguish all public easements therein, except as to a local agency which determines after receipt of notice of the vacation or abandonment proceedings that public convenience and necessity require a public easement to maintain, operate, replace, remove, or renew its existing works installed therein.

A public body proposing vacation or abandonment of a street or highway shall, within 15 days after adoption of a resolution or ordinance of intention to vacate or abandon, give written notice of such intention to any local agency which has requested notice of such action. A local agency making a determination of public convenience and necessity for continuance of a public easement for its existing works may, within 30 days of receipt of such notice, file for record in the office of the recorder in the county in which the vacated or abandoned street or highway is located a verified notice of its public easement over all or part of any such street or highway which is particularly described in such verified notice.

Failure of a local agency to record the notice of its public easement within 30 days of receipt of the notice of intent to vacate or abandon shall extinguish its right to a public easement over all or part of the street or highway being vacated or abandoned except that where there is a failure by the public body to give the required notice of intent, such local agency may record its notice of public easement at anytime within 180 days of recordation of the instrument constituting the vacation or abandonment by the public body. In such cases the failure of the local agency to record its notice within

the 180-day period shall extinguish its right to a public easement over all or part of the vacated street or highway.

Every public body shall maintain an index of requests for notice of intent to vacate or abandon which it received pursuant to the provisions of this section. Such index shall be made available to the public upon request.

Nothing in this section shall be construed to affect any reservation or the right to reserve easements pursuant to Sections 72.5, 959.1 or 8330 of the Streets and Highways Code, nor to make the rights of the public in or to any street or highway subordinate to any such public easement.

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

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## CHAPTER 1341

*An act to amend Sections 2623 and 2625 of the Public Resources Code, relating to geologic hazards.*

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

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

SECTION 1. Section 2623 of the Public Resources Code is amended to read:

2623. Within the special studies zones delineated pursuant to Section 2622, the site of every proposed new real estate development or structure for human occupancy shall be approved by the city or county having jurisdiction over such lands in accordance with policies and criteria established by the State Mining and Geology Board and the findings of the State Geologist. The State Geologist shall, by regulation, define "new real estate development" and "structure for human occupancy" for the purposes of this chapter; provided, however, that a new real estate development shall include a subdivision as defined in the Subdivision Map Act (commencing with Section 11500, Business and Professions Code). Such policies and criteria shall be established by the State Mining and Geology Board not later than December 31, 1973. In the development of such policies and criteria, the State Mining and Geology Board shall seek the comment and advice of affected cities, counties, and state agencies. Cities and counties shall not approve the location of such a development or structure within a delineated special studies zone if an undue hazard would be created, and approval may be withheld

pending geologic and engineering studies to more adequately define the zone of hazard. If the city or county finds that no undue hazard exists, geologic and engineering studies may be waived, with approval of the State Geologist, and the location of the proposed development or structure may be approved.

SEC. 2. Section 2625 of the Public Resources Code is amended to read:

2625. (a) Each applicant for a site approval for a new real estate development or structure for human occupancy within a delineated special studies zone shall be charged a reasonable fee by the city or county having jurisdiction over the proposed development or structure.

(b) Such fees shall be set in an amount sufficient to meet, but not to exceed, the costs to local government of administering and complying with the provisions of this chapter.

(c) The geologic and engineering studies specified in Section 2623 shall be in sufficient detail to meet the criteria and policies established by the State Mining and Geology Board for individual parcels of land.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because any such costs shall be recovered from fees collected pursuant to this act.

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## CHAPTER 1342

*An act to amend Section 13113 of the Health and Safety Code, relating to fire and panic safety, and declaring the urgency of, to take effect immediately.*

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

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

SECTION 1. Section 13113 of the Health and Safety Code is amended to read:

13113. (a) Except as otherwise provided in this section, no person, firm, or corporation shall establish, maintain, or operate any hospital, children's home, children's nursery, or institution, or a home or institution for the care of aged or senile persons, or any sanitarium or institution for insane or mentally retarded persons and any nursing or convalescent home, wherein more than six guests or patients are housed or cared for on a 24-hour-per-day basis unless there is installed and maintained in an operable condition in every

building or portion thereof where patients or guests are housed an automatic sprinkler system approved by the State Fire Marshal.

(b) Any hospital, children's home, children's nursery, or institution, or any home or institution for the care of aged or senile persons, or any sanitarium or institution for insane or mentally retarded persons, or any nursing or convalescent home under construction or in existence and operating on March 4, 1972, which does not meet the requirements of this section, may operate or continue to operate without meeting such requirements until June 30, 1976. In no event shall the continued use of such facilities extend beyond that date, unless an approved automatic sprinkler system as required by this section has been installed.

(c) This section shall not apply to homes or institutions for the 24-hour-per-day care of ambulatory children if all of the following conditions are satisfied:

(1) The buildings or portions thereof in which such children are housed are not more than two stories in height and are constructed and maintained in accordance with regulations adopted by the State Fire Marshal pursuant to Section 13143.

(2) The buildings or portions thereof housing more than six such children shall have installed and maintained in an operable condition therein a fire alarm system of a type approved by the State Fire Marshal. Such system shall be activated by detectors responding to invisible products of combustion other than heat.

(3) The buildings or portions thereof do not house mentally ill or mentally retarded children.

(d) This section shall not apply to any one-story building or structure of an institution or home for the care of the aged providing 24-hour-per-day care if such building or structure is used or intended to be used for the housing of no more than six ambulatory aged persons. However, such buildings or institutions shall have installed and maintained in an operable condition therein a fire alarm system of a type approved by the State Fire Marshal. Such system shall be activated by detectors responding to products of combustion other than heat.

(e) This section shall not apply to occupancies, or any alterations thereto, of type I construction, as defined by the State Fire Marshal, under construction or in existence on March 4, 1972.

(f) "Under construction," as used in this section, means that actual work shall have been performed on the construction site and shall not be construed to mean that the hospital, home, nursery, institution, sanitarium or any portion thereof, is in the planning stage.

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

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

That the establishment of adequate fire and panic safety standards in such buildings and structures must be accomplished as soon as possible.

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## CHAPTER 1343

*An act to add Sections 20569.1 and 31648.2 to the Government Code, relating to the Public Employees' Retirement System and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 20569.1 is added to the Government Code, to read:

20569.1. The board may enter into an agreement in accordance with Section 20569 for termination of a contract with respect to local firemen if the firefighting function of the contracting agency and local firemen have been transferred to a district which participates in a retirement system established under the County Employees Retirement Law of 1937. The contract shall continue with respect to all employees of the contracting agency other than local firemen.

SEC. 2. Section 31648.2 is added to the Government Code, to read:

31648.2. In any county in which the board of supervisors has entered into an agreement as permitted by Section 20569.1, the governing body of the contracting agency from which the firemen were transferred or the governing body of the district to which the firemen were transferred may pay all or part of the cost, as determined by the board, of the liabilities which were assumed by the county system under Section 20569 and which exceed the value of the cash or securities or both transferred by the Public Employees Retirement System to the county system. The governing bodies of the contracting agency and of the district may determine the proportion of the liabilities each pays.

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

In order for the benefits of this act to be available at the time that the proposed transfer of fire protection functions is to take place, this act must take effect immediately.

## CHAPTER 1344

*An act to amend Section 2640 of, and to repeal Article 3 (commencing with Section 2630) of, and to add Article 3 (commencing with Section 2630) to, Chapter 4 of Part 9 of Division 2 of the Labor Code, relating to employee housing.*

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

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

SECTION 1. Article 3 (commencing with Section 2630) of Chapter 4 of Part 9 of Division 2 of the Labor Code is repealed.

SEC. 2. Article 3 (commencing with Section 2630) is added to Chapter 4 of Part 9 of Division 2 of the Labor Code, to read:

### Article 3. Permits and Fees

2630. Every person operating a labor camp shall obtain a permit to operate such labor camp from the enforcement agency. It shall be unlawful for any person to operate a labor camp without a valid permit to operate issued by the enforcement agency. Permits to operate shall be issued annually by the enforcement agency. A permit to operate shall be valid from the date of issuance through December 31 of the year of issuance. Such permits may prescribe conditions on the use or occupancy of a labor camp. The Department of Housing and Community Development shall be the enforcement agency for any labor camp owned or operated by a railroad corporation.

2631. Application for a permit to operate shall be made to the enforcement agency at least 45 days prior to the date of initial occupancy and shall be on the forms supplied by the enforcement agency and shall contain at least the following information:

(a) The name and address and telephone numbers of the camp owner and operator.

(b) The location of the camp.

(c) Approximate number of occupants to be housed.

(d) A description of the facilities comprising the camp.

(e) Approximate dates of occupancy.

The operator shall obtain an amended permit to operate when there is any change in the foregoing information applicable to the labor camp.

2631.1. The provisions of Section 3631 shall not apply to labor camps owned or operated by railroad corporations. Application for a permit to operate a labor camp owned or operated by a railroad corporation shall be made to the Department of Housing and Community Development within 30 days of initial occupancy and shall contain at least the following information:

(a) The name and address and telephone numbers of the camp

owner and operator.

(b) The present location of the camp.

(c) The present approximate number of occupants to be housed.

(d) A description of the present facilities comprising the camp.

(e) Approximate dates of present occupancy. An amended permit shall not be required if there is any change in the foregoing information applicable to the railroad labor camp, provided, however, the railroad corporation shall make such information available to the department upon reasonable request.

2632. If any person who holds an annual permit to operate violates any of the provisions of this chapter, the regulations adopted pursuant thereto, or conditions of the permit, the permit may be suspended by the enforcement agency.

2633. The department shall establish and maintain a roster of all labor camps having a valid permit to operate.

2634. The commission shall adopt regulations which it determines are necessary for the administration and enforcement of this chapter. Such regulations adopted, amended or repealed shall prescribe reasonable requirements for issuance of permits and establish procedures for suspension of permits, including appeal procedures.

The commission shall establish a schedule of fees to pay for the cost of administration and enforcement of this chapter.

2634.1. Every person, or the agent or officer thereof, constructing, operating or maintaining a labor camp shall comply with the requirements of this chapter and the regulations adopted pursuant thereto.

2634.2. At every labor camp a responsible person shall be appointed by the operator to maintain the labor camp in compliance with the use, maintenance and occupancy requirements of this chapter and the regulations adopted pursuant thereto.

SEC. 3. Section 2640 of the Labor Code is amended to read:

2640. (a) The Commission of Housing and Community Development may promulgate rules and regulations to interpret and make specific the provisions of this chapter and when adopted such rules and regulations shall apply to all parts of the state.

(b) Upon written notice to the Department of Housing and Community Development, any city, county, or city and county may assume the responsibility for the enforcement of this chapter and the regulations adopted pursuant thereto following approval by the department for such assumption.

(c) The Commission of Housing and Community Development shall adopt regulations which shall set forth the conditions for assumption and may include required qualifications of local enforcement agencies. When assumption is approved, the department shall transfer the responsibility for enforcement to the city, county, or city and county, together with all records of labor camps within its jurisdiction.

(d) Such city, county, or city and county may by ordinance,

establish a schedule of fees for the operation of labor camps not to exceed that which is established by the commission.

(e) In the event of nonenforcement of this chapter, or the rules and regulations adopted pursuant thereto, the provisions of this chapter and the rules and regulations adopted thereunder shall be enforced by the department in any such city, county, or city and county after the department has given written notice to the governing body of such city, county, or city and county setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and has failed to initiate corrective measures to carry out its responsibility within 30 days of the date of such notice.

(f) The department shall conduct an annual evaluation of the enforcement of this chapter and the regulations adopted pursuant thereto by each city, county or city and county which has assumed responsibility for enforcement.

(g) The department shall be sole judge as to whether the local enforcement agency is properly enforcing this chapter. The local enforcement agency shall have the right to appeal such decision to the commission.

(h) Any city, county, or city and county, upon written notice from the governing body to the department, may cancel its assumption of responsibility for the enforcement of this chapter. The department, upon receipt of such notice, shall assume such responsibility within 30 days.

(i) The enforcement agency may:

(1) Enter public or private properties to determine whether there exists any labor camp to which this chapter applies.

(2) Enter and inspect all labor camps wheresoever situated, and inspect all accommodations, equipment, or paraphernalia connected therewith.

(3) Enter and inspect the land adjacent to the labor camp to determine whether the sanitary and other requirements of this chapter have been or are being complied with.

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## CHAPTER 1345

*An act to add Section 11006.9 to the Welfare and Institutions Code, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 11006.9 is added to the Welfare and Institutions Code, to read:

11006.9. It is a cause for revocation of a permit or license by the Department of Health for any person, association, or corporation that maintains, conducts, or, as manager or officer or in any other administrative capacity, assists in maintaining or conducting any skilled nursing facility. or intermediate care facility or nonmedical board and care facility to obtain, as an additional cost of care, aid allocated to a recipient for his personal or incidental needs or to obtain and fail to deliver such aid allocation to the recipient. The Department of Health shall initiate license or permit revocation proceedings.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury to the Office on Aging the sum of ninety-one thousand dollars ($91,000) which shall be made available to local governmental jurisdictions or voluntary organizations as the nonfederal share of local matching funds to provide nutrition programs serving ethnic and elderly poor persons.

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

In order to provide needed funds for nutrition programs serving ethnic and elderly poor persons, it is necessary that this act take effect immediately.

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## CHAPTER 1346

*An act to add Section 25425.4 to the Education Code, relating to community colleges.*

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

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

SECTION 1. Section 25425.4 is added to the Education Code, to read:

25425.4. (a) The governing board of a district maintaining a community college may require of students in attendance in grades 13 and 14 and employees at a campus of the district the payment of a fee for purposes of reducing fares for services provided by common carriers or municipally owned transit systems to such students and employees, as provided in subdivision (b).

(b) Fees authorized by subdivision (a) for transportation services may be required only of students and employees using such services, or, in the alternative, of either of the following groups of people:

(1) Upon the favorable vote of a majority of the students and a

majority of the employees of a campus of the district, voting at an election on the question of whether or not the governing board should require all students and employees at the campus to be assessed fees for transportation services for a two-year period, the fees may be required of all students and all employees of a campus of the community college district; or

(2) Upon the favorable vote of a majority of the students at a campus of the district voting at an election on the question of whether or not the governing board should require all students to be assessed fees for transportation services for a two-year period, the fees may be required of all students at the campus of the community college district; provided that the employees shall not be entitled to use such services.

(c) In the event that fees are required to be assessed to all students and employees or all students as provided in subparagraphs (1) and (2) of subdivision (b) for a two-year period, such authorization may be continued for additional two-year periods by the governing board maintaining the campus, upon the favorable vote of a majority of the students and a majority of the employees or, in the case of subdivision (b) (2), upon the favorable vote of a majority of the students of such campus, voting in an election on the question of whether or not such required fees should be continued.

(d) If pursuant to this section a fee is required of students for transportation services, any fee required of a part-time student shall be a pro rata lesser amount than full-time students, depending on the number of units for which such part-time student is enrolled. In addition, a governing board maintaining transportation services shall adopt rules and regulations governing the exemption of low-income students from required fees, and may adopt rules and regulations that provide for the exemption of others.

(e) The total fees to be fixed by the governing board of a community college district pursuant to this section and Section 25425.1 shall not exceed the amount prescribed in Section 25425.1.

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## CHAPTER 1347

*An act to amend Sections 5201, 5208, 5717, 7451.5, 11252, 11301, 11401, 13656.3, 17601.1, and 25507 of, to add Sections 5207, 13014, 13015, and 13571 to, and to repeal Sections 5207, 5207.1, and 5207.2 of, the Education Code, relating to school programs.*

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

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

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SECTION 1. Section 5201 of the Education Code is amended to read:

5201. Except as otherwise provided the public schools shall continue in session or close on specified holidays as follows:

(a) The public schools shall close on January 1st, February 12th known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4th, the first Monday in September known as "Labor Day," September 9th known as "Admission Day," November 11th known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," and December 25th.

(b) The Governor in appointing any other day for a public fast, thanksgiving, or holiday may provide whether the public schools shall close on the day. If the Governor does not provide whether the public schools shall close, they shall continue in session on all special or limited holidays appointed by the Governor, but shall close on all other days appointed by the Governor for a public fast, thanksgiving, or holiday.

(c) The public schools shall close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.

(d) The public schools shall continue in session on all legal holidays other than those designated by or pursuant to this section and shall hold proper exercises commemorating the day.

(e) When any of the holidays on which the schools would be closed fall on Sunday, the public schools shall close on the Monday following.

(f) When any of the holidays on which the schools would be closed fall on Saturday, the public schools shall close on the preceding Friday, and such Friday shall be declared a state holiday.

(g) Nothing in this section is to be interpreted as authorizing a school district governing board to maintain schools in its district for a lesser number of days during the school year than the minimum established by law.

SEC. 2. Section 5207 of the Education Code is repealed.

SEC. 3. Section 5207 is added to the Education Code, to read:

5207. The governing board of any elementary, high school, or unified school district or any county superintendent of schools may maintain classes on Saturday or Sunday, or both.

Such classes may include, but are not limited to, continuation classes, and the programs of a regional occupational center or regional occupational program.

Except as otherwise provided in this code, the attendance of any pupil in a class or program held on a Saturday or Sunday shall not result in the crediting of more than five days of attendance for such pupil per week.

Attendance at classes conducted on Saturday or Sunday, or both, shall be at the election of the pupil or, in the case of a minor pupil, the parent or guardian of the pupil.

Except as otherwise provided in this code, any class which is offered on a Saturday or Sunday shall be one offered during the regular Monday-through-Friday school week.

The voluntary attendance of pupils in approved programs for mentally gifted minors, as defined in Section 6421, in special educational activities conducted on Saturday or Sunday shall not be included in the computation of the average daily attendance of the district.

SEC. 4. Section 5207.1 of the Education Code is repealed.

SEC. 5. Section 5207.2 of the Education Code is repealed.

SEC. 6. Section 5208 of the Education Code is amended to read:

5208. The governing board of any school district maintaining a high school or high schools, a county superintendent of schools, the California Youth Authority, and the State Department of Education authorized to maintain automobile driver training classes may maintain such classes on Saturday, Sunday, and during summer, Christmas, and Easter vacations when schools are not in session.

SEC. 7. Section 5717 of the Education Code is amended to read:

5717. The governing board of any high school district or unified school district may provide for the maintenance on Saturday and Sunday of classes for adults.

SEC. 8. Section 7451.5 of the Education Code is amended to read:

7451.5. A regional occupational center or regional occupational program may:

(a) Be established pursuant to Section 7451 to provide day, including Saturday and Sunday, and evening full-time and part-time vocational education programs for minors and adults, the year around.

(b) Include within its vocational training programs, the establishment and operation of a sheltered workshop.

(c) Permit the establishment and operation of such business, commercial, trade, manufacturing, or construction activities as will best serve the aims and purposes of vocational education. Such activities shall also permit the sale of products or services to private or public corporations or companies, or to the general public.

SEC. 9. Section 11252 of the Education Code is amended to read:

11252. Whenever for the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, it is necessary to compute the average daily attendance of a school of a district for any certain purpose and no provision is made for the computation thereof for such purpose, the average daily attendance of the school shall be computed by dividing the total number of days of pupil attendance allowed by the number of days school was actually taught in the regular day schools of the district, exclusive of Saturdays or Sundays.

SEC. 10. Section 11301 of the Education Code is amended to read:

11301. The units of average daily attendance in the elementary schools of a district for a fiscal year shall be computed by dividing the

total number of days of pupils attendance allowed in all kindergarten and elementary schools and classes of the district during the fiscal year by the number of days school was actually taught in the regular day elementary schools of the district during the fiscal year, exclusive of Saturdays or Sundays, plus the units of average daily attendance credited to the district on account of the education of seventh- and eighth-grade pupils in a junior high school pursuant to Section 11404.

The minimum schoolday for pupils in kindergartens is 180 minutes inclusive of recesses, and no units of average daily attendance shall be credited for attendance in kindergarten classes if the minimum schoolday of such classes is less than 180 minutes.

For the purposes of this article, a day of attendance in special training schools or classes defined by Section 6903 is based on a 180-minute minimum day. When the minimum day is less than 180 minutes, the average daily attendance shall be adjusted by a multiplication factor of 0.417.

SEC. 11. Section 11401 of the Education Code is amended to read:

11401. The average daily attendance in the high schools of a district other than evening high schools, continuation high schools, and continuation education classes, for a fiscal year are the quotient arising from dividing the total number of days of pupils' attendance allowed in the regular day high schools, summer schools, special high school classes, and the part-time vocational courses of the district, exclusive of the number of days of pupils' attendance in the seventh and eighth grades of junior high schools, during the fiscal year by the number of days school was actually taught in the regular day schools of the district during the fiscal year, exclusive of Saturdays or Sundays.

SEC. 12. Section 13014 is added to the Education Code, to read:

13014. Prior to implementing in any school of the district classes on Saturday or Sunday, or both, the governing board of a school district, except a community college district, shall consult in good faith in an effort to reach agreement with the certificated and classified employees of the school, with the parents of pupils who would be affected by the change, and with the community at large. Such consultation shall include at least one public hearing for which the board has given adequate notice to the employees and to the parents of pupils affected.

SEC. 13. Section 13015 is added to the Education Code, to read:

13015. A classified school employee currently employed by any school district or a county superintendent of schools which decides to maintain classes on Saturday or Sunday, or both, shall not, without his or her written consent, be required to change his or her workweek to include Saturday or Sunday, or both. No such classified employee shall be assigned to perform services on a Saturday or Sunday if such classified employee objects in writing that such assignment would conflict with his or her religious beliefs or practices. Enactment of this section shall cause no change or disruption in existing work schedules which may already include

Saturday or Sunday as regular workdays.

This section shall not be construed as limiting the power of any governing board of a school district, or a county superintendent of schools, to govern the schools of the district, including the assignment of classified employees employed by such district or county superintendent of schools.

This section shall not be construed as modifying or otherwise affecting in any way the provisions of Sections 13590.1, 13590.2, or 13590.5, or any other provisions of this code relating to employment of classified employees.

SEC. 14. Section 13571 is added to the Education Code, to read:

13571. A full-time probationary or permanent classroom teacher currently employed by a school district which decides to maintain classes on Saturday or Sunday, or both, shall not, without his written consent, be required to teach under such program for more than 180 full days during a school year, or for more than the number of full days the schools of the district were maintained during the year preceding implementation of weekend classes, whichever is greater. This section shall not be construed as limiting the power of any governing board of a school district to govern the schools of the district, including the assignment of teachers employed by the district. No such classroom teacher shall be assigned to perform services on a Saturday or Sunday if such teacher objects in writing that such assignment would conflict with his or her religious beliefs or practices.

SEC. 15. Section 13656.3 of the Education Code is amended to read:

13656.3. Any school district which requires any classified employee to work a workweek other than Monday through Friday, or if such classified employee consents to a workweek including Saturday or Sunday or both, pursuant to Section 13015, and as a result thereof the employee loses a holiday to which he or she would otherwise be entitled shall provide a substitute holiday for such employee, or provide compensation in the amount to which the employee would have been entitled had the holiday fallen within his or her normal work schedule.

SEC. 16. Section 17601.1 of the Education Code is amended to read:

17601.1. For the purposes of this chapter, the governing board of each school district and community college district shall report to the Superintendent of Public Instruction during each fiscal year the average daily attendance of the district for all full school months during (1) the period between July 1st and December 31st, inclusive, to be known as the "first period" report for the first principal apportionment, and (2) the period between July 1st and April 15th, inclusive, to be known as the "second period" report for the second principal apportionment. The county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him and the average daily attendance for the county

school tuition fund. If the average daily attendance in the regular day schools of a district for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in the regular day schools reported for the second period report, the appropriate increases and decreases in the several categories of attendance for which separate foundation programs are required to be computed shall be recomputed on the basis of the foundation program and assessed valuation of the district of the fiscal year in which such increases and decreases in average daily attendance were applicable and the appropriate increases and decreases in apportionments shall be added or withheld in the next succeeding fiscal year pursuant to Section 17414.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction and average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular elementary, junior high, and high schools maintained by the school districts shall be determined by dividing the total number of days of attendance allowed in all full school months in each period, by the number of days such schools are actually taught in all full school months in each period, exclusive of Saturdays or Sundays.

If the average daily attendance in schools and classes maintained by school districts other than regular day schools and classes for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in such schools and classes reported for the second period report, the separate state support which is provided for attendance in such schools and classes shall be recomputed on the basis of the fiscal year average daily attendance, and increases and decreases in apportionments shall be added or withheld in the next succeeding fiscal year pursuant to Section 17414.

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each community college shall be determined pursuant to the provisions of Article 5 (commencing with Section 11475). For community colleges under the provisions of this paragraph, the "first period" shall be the summer session and the fall semester for semester system colleges, the summer and fall quarter for colleges on the three-quarter system, and the summer and fall quarters for colleges on the four-quarter system. The "second period" shall be the "academic year" which is the summer session plus the first and second semester for semester system colleges, the summer session plus the first and second quarters for three-quarter-system colleges, and the summer, fall, and winter quarters for four-quarter-system colleges.

The "academic year" for three- or four-quarter-system colleges is reported on the annual report and adjustments shall be made as set forth in the first paragraph of this section.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the

period between the last day the regular day schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports. Such average daily attendance shall be computed by dividing the days of attendance allowed by 175. For community colleges, the hours of attendance shall be divided by 525 for all classes of less than four weeks duration. For summer sessions of four weeks or more, average daily attendance shall be computed as provided in Section 11475.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance allowed by 100 and for the second period, the days of attendance allowed shall be divided by 175.

(e) The days of attendance in classes for adults continuation schools and classes, regional occupation centers and opportunity schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance allowed by 100; for the second period, the days of attendance allowed shall be divided by 175 for kindergarten and grades 1 to 12, inclusive. In community colleges, the divisor for contact hours of adult classes is 300 for the first period and 525 for the second period.

SEC. 17. Section 25507 of the Education Code is amended to read:

25507. The governing board of any district maintaining a community college may provide for the maintenance of community college classes on Saturday or Sunday.

Saturday and Sunday classes may be counted toward the 175-day minimum required for a regular day college, when, due to unforeseen circumstances, the college is closed, or the public schools are closed, by order of the President of the United States or the Governor of the State of California.

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## CHAPTER 1348

*An act to amend Sections 4150 and 4151 of the Government Code, relating to public construction contracts.*

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

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

SECTION 1. Section 4150 of the Government Code is amended to read:

4150. Construction contracts of public agencies shall not require the contractor to be responsible for the cost of repairing or restoring damage to the work, which damage is determined to have been proximately caused by an act of God, in excess of 5 percent of the contracted amount, provided, that the work damaged is built in accordance with accepted and applicable building standards and the plans and specifications of the awarding authority. However, such contracts may include provisions for terminating the contract. The requirements of this section shall not be mandatory as to construction contracts financed by revenue bonds. This section shall not prohibit a public agency from requiring that a contractor obtain insurance to indemnify the public agency for any damage to the work caused by an act of God if the insurance premium is a separate bid item. If such insurance is required, requests for bids issued by public agencies shall set forth the amount of the work to be covered and the contract resulting from such requests for bids shall require that the contractor furnish evidence of satisfactory insurance coverage to the public agency prior to execution of the contract.

SEC. 2. Section 4151 of the Government Code is amended to read:

4151. For the purposes of this chapter:

(a) "Public agency" shall include the state, the Regents of the University of California, a city, county, district, public authority, public agency, municipal utility, and any other political subdivision or public corporation of the state.

(b) "Acts of God" shall include only the following occurrences or conditions and effects: earthquakes in excess of a magnitude of 3.5 on the Richter Scale and tidal waves.

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

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## CHAPTER 1349

*An act to add Chapter 5 (commencing with Section 3980) to Part 1 of Division 5 of the Health and Safety Code, relating to public establishments.*

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

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

SECTION 1. Chapter 5 (commencing with Section 3980) is added to Part 1 of Division 5 of the Health and Safety Code, to read:

CHAPTER 5. RESTROOMS IN PUBLIC ESTABLISHMENTS

3980. Every public agency which conducts an establishment serving the public or open to the public and which maintains therein restroom facilities for the public, shall make every water closet for each sex maintained within such facilities available without cost or charge to the patrons, guests, or invitees of such establishment. Public agency as used in this section means only the state and any agency of the state and a city, a county, and a city and county.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency because the Legislature hereby determines and finds that in this act there are no duties, obligations, or responsibilities imposed on local governmental entities or school districts.

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## CHAPTER 1350

*An act to add Section 125.6 to the Business and Professions Code, relating to discrimination in the performance of licensed activities.*

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

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

SECTION 1. Section 125.6 is added to the Business and Professions Code, to read:

125.6. Every person who holds a license under the provisions of this code is subject to disciplinary action under the disciplinary provisions of this code applicable to him, if, because of the applicant's race, color, sex, religion, ancestry, or national origin, he refuses to perform his licensed activity or aids or incites the refusal to perform such licensed activity by another licensee, or if, because of the applicant's race, color, sex, religion, ancestry, or national origin, he makes any discrimination, distinction, or restriction in the performance of his licensed activity. Nothing in this section shall be interpreted to apply to discrimination by employers with regard to employees or prospective employees, nor shall this section authorize action against any club license issued pursuant to Article 4 (commencing with Section 23425) of Chapter 3 of Division 9 because of discriminatory membership policy.

"License," as used in this section, includes "certificate," "permit," "authority," and "registration" or any other indicia giving authorization to engage in a business or profession regulated by this

code.

"Applicant," as used in this section means a person applying for licensed services provided by a person licensed under this code.

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## CHAPTER 1351

*An act to amend Section 10132 of, and to add Sections 10131.6, 10131.7 and 10177.2 to, the Business and Professions Code, relating to real estate brokers.*

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

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

SECTION 1. Section 10131.6 is added to the Business and Professions Code, to read:

10131.6. (a) Notwithstanding any other provision of law, a person licensed as a real estate broker may sell or offer to sell, buy or offer to buy, solicit prospective purchasers of, solicit or obtain listings of, or negotiate the purchase, sale, or exchange of any mobilehome if the mobilehome has been registered under the provisions of Division 3 (commencing with Section 4000) of the Vehicle Code for at least one year.

(b) No real estate broker who engages in the activities authorized by this section shall maintain any place of business where two or more mobilehomes are displayed and offered for sale by such person, unless said broker is also licensed as a vehicle dealer pursuant to Chapter 4 (commencing with Section 11700) of Division 5 of the Vehicle Code.

(c) As used in this chapter, "mobilehome" means a vehicle designed and equipped for human habitation which is greater than (1) eight feet in width and (2) 40 feet in length. "Mobilehome" does not include a motor vehicle.

(d) In order to carry out the provisions of this section, the commissioner shall prescribe by regulation, after consultation with the Department of Motor Vehicles, methods and procedures to assure compliance with requirements of the Vehicle Code pertaining to mobilehome registration, collection of sales and use taxes, and transaction documentation.

SEC. 2. Section 10131.7 is added to the Business and Professions Code, to read:

10131.7. It is unlawful for any real estate licensee acting under authority of Section 10131.6:

(a) To advertise or offer for sale in any manner any mobilehome unless it is either in place on a lot rented or leased for human habitation within an established mobilehome park as defined in Section 18214 of the Health and Safety Code and the advertising or

offering for sale is not contrary to any terms of a contract between the seller of the mobilehome and the owner of the mobilehome park, or is otherwise located, pursuant to a local zoning ordinance or permit, on a lot where its presence has been authorized or its continued presence and such use would be authorized for a total and uninterrupted period of at least one year.

(b) To fail to withdraw any advertisement of a mobilehome for sale, lease or exchange within 48 hours after his receipt of notice that the mobilehome is no longer available for sale, lease or exchange.

(c) To advertise or represent a mobilehome as a new mobilehome.

(d) To include as an added cost to the selling price of a mobilehome, an amount for licensing or transfer of title of the mobilehome as a vehicle, which amount is not due to the state unless, prior to the sale, such amount has been paid by the licensee to the state in order to avoid penalties that would have accrued because of late payment of such fees.

(e) To make any representation that a mobilehome is capable of being operated as a vehicle on California highways if the mobilehome does not meet all of the equipment requirements applicable to mobilehomes of Division 12 (commencing with Section 24000) of the Vehicle Code, or to fail to disclose any material fact respecting such equipment requirements.

(f) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no downpayment is required in connection with the sale of a mobilehome when a downpayment is in fact, required and the buyer is advised or induced to finance such downpayment by a loan in addition to any other loan financing the remainder of the purchase price of the mobilehome.

(g) To fail or neglect properly to cause the endorsement, dating and delivery (or fail to endorse, date and deliver) of the certificate of ownership of the mobilehome, and, when having possession, to fail to deliver the registration card to a transferee who is lawfully entitled to a transfer of registration. Except when the certificate of ownership is demanded in writing by a purchaser the licensee shall satisfy the delivery requirement of this subdivision by submitting appropriate documents and fees to the Department of Motor Vehicles for transfer of registration in accordance with Sections 4456 and 5906 of the Vehicle Code and rules and regulations promulgated thereunder.

SEC. 3. Section 10132 of the Business and Professions Code is amended to read:

10132. A real estate salesman within the meaning of this part is a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed real estate broker to do one or more of the acts set forth in Sections 10131, 10131.1, 10131.2, 10131.3 and 10131.6.

SEC. 4. Section 10177.2 is added to the Business and Professions

Code, to read:

10177.2. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any licensee, and he may suspend or revoke a real estate license at any time where the licensee in performing or attempting to perform any of the acts within the scope of Section 10131.6 has been guilty of any of the following acts:

(a) Has used a false or fictitious name, knowingly made any false statement, or knowingly concealed any material fact, in any application for the registration of a mobilehome as a vehicle, or otherwise committed a fraud in such application.

(b) Failed to provide for the delivery of a properly endorsed certificate of ownership of a mobilehome from the seller to the buyer thereof.

(c) Has knowingly participated in the purchase, sale, or other acquisition or disposal of a stolen mobilehome.

(d) Has violated one or more of the terms and provisions of Division 3 (commencing with Section 4000), or Division 4 (commencing with Section 10500) of the Vehicle Code, or Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code, or Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code, or a rule or regulation adopted pursuant thereto or pursuant to Section 1651 of the Vehicle Code.

(e) Has submitted a check, draft, or money order to the Department of Motor Vehicles for any obligation or fee due the state and it is thereafter dishonored or refused payment upon presentation.

SEC. 5. It is not the intent of the Legislature in enacting AB 2194 at the 1973–74 session to alter or change in any way the status of any mobilehome as personal property or to imply that any mobilehome becomes real property from any act or interpretation flowing from the enactment of AB 2194.

SEC. 6. The provisions of this act shall become operative July 1, 1975.

SEC. 7. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

# CHAPTER 1352

*An act to add Section 2656 to the Penal Code, relating to prisoners.*

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

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

SECTION 1. Section 2656 is added to the Penal Code, to read:

2656. (a) A person sentenced to incarceration or who is being held pursuant to a pending criminal matter in a county or city jail, or other county or city custodial correctional facility shall not be deprived of the possession or use of any orthopedic or prosthetic appliance, if such appliance has been prescribed or recommended and fitted by a physician.

(b) If, however, the person in charge of the county or city custodial or correctional facility has probable cause to believe possession of such orthopedic or prosthetic appliance constitutes an immediate risk of bodily harm to any person in the facility or threatens the security of the facility, such appliance may be removed.

If such appliance is removed, the prisoner shall be deprived of such appliance only during such time as the facts which constitute probable cause for its removal continue to exist; if such facts cease to exist, then the person in charge of the facility shall return such appliance to the prisoner.

When such appliance is removed, the prisoner shall be examined by a physician within 24 hours after such removal.

If the examining physician determines that removal is or will be injurious to the health or safety of the prisoner, he shall so inform the prisoner and the person in charge of the facility. Upon receipt of the physician's opinion, the person in charge of the facility shall either return the appliance to the prisoner or refuse to return such appliance to the prisoner, informing the physician and the prisoner of the reasons for such refusal and promptly providing the prisoner with a form, as specified in subdivision (c) of this section, by which the prisoner may petition the superior court of the county in which the facility is located for return of the appliance.

Upon petition by the prisoner, the court shall either order the appliance returned to the petitioner or within two judicial days after the petition is filed receive evidence relevant to the granting or denial of the petition. When evidence is received, the court shall consider the opinion of the physician who examined the prisoner and the opinion of the person in charge of the facility and all other evidence it deems relevant. A decision shall be promptly made and shall be based upon a weighing of the risk of immediate harm to persons within the facility and the threat to the security of the facility created by the appliance's presence in the facility as against the risk

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to the health and safety of the petitioner by its removal.

(c) The form for a request for return of an orthopedic or prosthetic appliance as required in subdivision (b) of this section shall be substantially as follows:

(Name of the facility) _____ day of _____ 19__

I, _____ (person in charge of the facility), have today received a request for the return of an orthopedic or prosthetic appliance, namely, _____ (description of appliance or device) from the undersigned prisoner.

_____

Signature or mark of prisoner making request for return of appliance or device

When the prisoner has signed or made his mark upon such form, the person in charge of the facility shall promptly file the completed form with the superior court.

(d) No person incarcerated in any facility of the Department of Corrections shall be deprived of the use or possession of any orthopedic or prosthetic appliance unless both the inmate's personal physician and a department physician concur in the professional opinion that such appliance is no longer needed.

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

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## CHAPTER 1353

*An act to add Sections 39052.11 and 39052.12 to the Health and Safety Code, relating to air pollution.*

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

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

SECTION 1. Section 39052.11 is added to the Health and Safety Code, to read:

39052.11. The Legislature hereby finds and declares that stationary sources of air pollution are known to emit significant amounts of pollutants into the air, but that existing sampling techniques are not sufficiently precise to permit accurate measurement. The Legislature further finds and declares that more accurate data will improve the design of strategies for the control of such pollutants in the most cost-effective manner.

The Legislature further finds and declares that public complaints about excessive emissions from stationary sources are difficult or impossible to evaluate in the absence of adequate means of monitoring such emissions on a continuing basis. The Legislature further finds and declares that, although air pollution control districts are authorized under Sections 24269, 24362.4, 39079, and 39464 to require stationary sources of air contaminants to install and operate monitoring devices to measure and record continuously the emissions concentration and amount of any specified pollutant, many air pollution control districts have failed to exercise such authority.

The Legislature further finds and declares that all air pollution control districts, especially the Bay Area Air Pollution Control District, the air pollution control districts located, in whole or part, within the South Coast Air Basin, and the San Diego County Air Pollution Control District, should be encouraged to require that monitoring devices be installed in each stationary source of air contaminants which emits into the atmosphere 100 tons or more each year of nonmethane hydrocarbons, oxides of nitrogen, oxides of sulfur, reduced sulfur compounds, or particulate matter or 1,000 tons or more each year of carbon monoxide.

In order to encourage such action by the air pollution control districts, the board shall determine the availability, technological feasibility, and economic reasonableness of monitoring devices for such stationary sources as provided by Section 39052.12.

SEC. 2. Section 39052.12 is added to the Health and Safety Code, to read:

39052.12. (a) For the purposes of Sections 24269, 24362.4, 39079, and 39464, the board shall determine the availability, technological feasibility, and economic reasonableness of monitoring devices to measure and record continuously the emissions concentration and amount of nonmethane hydrocarbons, oxides of nitrogen, oxides of sulfur, reduced sulfur compounds, particulate matter, and carbon monoxide emitted by stationary sources. Such determination shall be made for stationary sources which emit such contaminants in the quantities set forth in Section 39052.11, and may be made for stationary sources which emit lesser amounts. The board shall complete an initial review of submitted devices by June 1, 1975.

The board shall specify the types of stationary sources, processes, and the contaminants, or combinations thereof, for which a monitoring device is available, technologically feasible, and economically reasonable. Such specification may be by any technologically based classification, including on an industrywide basis or by individual stationary source, by air basin, by air pollution control district, or any other reasonable classification.

The board shall require the manufacturer of any device submitted for a determination to reimburse the board for its actual expenses incurred in making the determination, including, where applicable, its contract expenses for testing and review. The board may contract for the testing and review of such devices.

After the board has made a determination of availability, the board may, as appropriate, revoke or modify its prior determination of availability if circumstances beyond the control of the board, or of a stationary source required to install a device, cause a substantial delay or impairment in the availability of a device or cause a device no longer to be available.

(b) Any stationary source required by the air pollution control district in which the source is located to install and operate a device shall retain the records from the device for not less than two years and, upon request, shall make the records available to the board and the air pollution control district.

(c) Any violation of any emission standard to which the stationary source is required to conform, as indicated by the records, shall be reported by the operator of the source to the air pollution control district within 96 hours after such occurrence. The air pollution control district shall, in turn, report the violation to the board within five working days after receiving the report of the violation from the operator.

(d) The air pollution control officer shall inspect, as he determines necessary, the monitoring devices installed in every stationary source of air contaminants located within his jurisdiction required to have such devices to insure that such devices are functioning properly. The district may require reasonable fees to be paid by the operator of any such source to cover the expense of such inspection and other costs related thereto.

(e) This section shall not prevent any local or regional authority from adopting monitoring requirements more stringent than those set forth in this section or be construed as requiring the installation of monitoring devices for any stationary source or classes of stationary sources. This subdivision shall not limit the board's authority to require the installation of monitoring devices pursuant to subdivision (f) of Section 39052 or Section 39054, 39274, or 39275.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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## CHAPTER 1354

*An act to amend Section 53601 of the Government Code, relating to local agencies.*

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

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

SECTION 1. Section 53601 of the Government Code is amended to read:

53601. The legislative body of a local agency having money in a sinking fund of, or surplus money in, its treasury not required for the immediate necessities of the local agency may invest such portion of the money as it deems wise or expedient in:

(a) Bonds issued by it including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by it or by a department, board, agency or authority thereof.

(b) United States Treasury notes, bonds, bills or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Registered state warrants or treasury notes or bonds of this state including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency or authority thereof.

(d) Bonds, notes, warrants or other evidences of indebtedness of any local agency within this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by the local agency, or by a department, board, agency or authority thereof.

(e) Obligations issued by banks for cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, the Tennessee Valley Authority, or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by, the Federal National Mortgage Association; or in participation certificates evidencing beneficial interests in obligations, or in the right to receive interest and principal collections therefrom, which obligations have been subjected by one or more government agencies to a trust or trusts for which any executive department, agency, or instrumentality of the United States (or the head thereof) has been named to act as trustee.

(f) Bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise known as bankers acceptances, which are eligible for use as collateral by member banks for borrowing from the Federal Reserve bank. Purchases of bankers acceptances may not exceed 90 day's maturity, nor exceed 15 percent of the agency's surplus money which may be invested pursuant to this section.

The provisions of subdivision (f) of this section shall only be applicable to cities and special districts having treasury balances including cash and investments as of the end of the prior fiscal year in the excess of eight million dollars ($8,000,000) or counties having treasury balances including cash and investments as of the end of the prior fiscal year in excess of thirty million dollars ($30,000,000).

The provisions of subdivision (f) of this section shall not preclude a municipal utility district from investing any surplus money in its

treasury in any manner authorized by the Municipal Utility District Act.

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## CHAPTER 1355

*An act to amend Sections 9801 and 9845 of the Business and Professions Code, relating to electronic and appliance repair dealers.*

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

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

SECTION 1. Section 9801 of the Business and Professions Code is amended to read:

9801. The following terms as used in this chapter have the meaning expressed in this section:

(a) "Person" includes firm, partnership, association or corporation.

(b) "Department" means the Department of Consumer Affairs.

(c) "Director" means the Director of Consumer Affairs.

(d) "Bureau" means the Bureau of Repair Services.

(e) "Chief" means the Chief of the Bureau of Repair Services.

(f) "Board" means the Repair Services Advisory Board.

(g) "Service dealer" means a person who, for compensation, engages in the business of repairing, servicing, or maintaining television, radio, or audio or video recorders, or playback equipment, normally used or sold for use in the home or in private motor vehicles, or any appliances. "Service dealer" also means a person who, for compensation, engages in the business of installing, repairing, servicing, or maintaining television or radio receiver antennas or rotators located on or adjacent to a residence and not involving a function which is subject to and regulated under the provisions of Chapter 9 (commencing with Section 7000) of Division 3.

(h) "Equipment" for the purposes of this chapter means a set, appliance, antenna, rotator, and accessories.

(i) "Set" means any television, radio, or audio or video recorders or playback equipment normally used or sold for use in the home or in private motor vehicles.

(j) "Appliance" means any refrigerator, freezer, range, washer, dryer, dishwasher, or room air conditioner normally used or sold for use in the home.

(k) "Antenna" or words of like import, means a resonant device designed especially for the purpose of capturing electromagnetic energy transmitted by commercial radio or television stations operating in the VHF or UHF portions of the frequency spectrum. An antenna, and its associated accessories, is not deemed to be a part

of a set, and shall be considered, under this section, to be located outside or in the attic of a residence.

(*l*) "Rotator," when used in connection with an antenna installation or repair, means an electromechanical device operated from a remote location to rotate an antenna on a horizontal plane. A rotator and its associated accessories is not deemed to be a part of a set and shall be considered under this section, with the exception of the directional control unit, to be located outside or in the attic of a residence.

(m) "Accessories," when used in connection with an antenna or rotator installation or repair, means masts, towers, clamps, guy wires, eye hooks, standoff insulators, roof saddles, vent pipe mounts, chimney mount kits, signal amplifiers/boosters, multiset couplers, transmission lines, control cables, directional control units, and such other devices as may be used from time to time to effect such installation or repair.

(n) "Complainant" means the customer of a service dealer who has complained to the director concerning such service dealer.

SEC. 2. Section 9845 of the Business and Professions Code is amended to read:

9845. A service dealer may not make the compensation of any employee, partner, officer, or member dependent upon the value of parts replaced in any equipment by, or with the consent of, such employee, partner, officer, or member. This does not include the sale of equipment as defined in subdivision (h) of Section 9801.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 4. This act shall become operative June 30, 1975.

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## CHAPTER 1356

*An act to amend Section 29035 of the Education Code, relating to private schools, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 29035 of the Education Code is amended to read:

29035. No person, firm, association, partnership, or corporation owning or representing any private school offering training to adults

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shall:

(a) Make or cause to be made, any statement, or representation, oral, written, or visual, in connection with the offering or publicizing of a course, if such person, firm, association, partnership, or corporation knows, or reasonably should have known, the statement or representation to be false, deceptive, inaccurate or misleading.

(b) Promise or guarantee employment utilizing information, training or skill purported to be provided or otherwise enhanced by a course.

(c) Advertise concerning job availability, degree of skill, and length of time required to learn a trade or skill unless the information is accurate and in no way misleading.

(d) Advertise, or indicate in any promotional material, that correspondence instruction, or correspondence courses of study are offered without including in all advertising or promotional material the fact that the instruction or courses of study are offered by correspondence or home study.

(e) Advertise, or indicate in any promotional material, that resident instruction, or courses of study are offered without including in all advertising or promotional material the location where the training is given or the location of the resident instruction.

(f) Solicit students for enrollment by causing any advertisement to be published in "help wanted" columns in any magazine, newspaper, or publication or use "blind" advertising which fails to identify the school.

Nothing contained in this section shall prohibit a private school and a bona fide employer from jointly advertising in "help wanted" columns of a magazine, newspaper, or other publication if all of the following conditions are met:

(1) There is a written agreement between the employer and the private school that the employer will hire at least 25 percent of the graduates of the private school trained in the skills being advertised as wanted, that such skills are clearly identified in the advertisement, and that the written agreement between the employer and the private school shall be deemed made expressly for the benefit of students recruited by the advertisement;

(2) The written agreement between the employer and the private school shall be displayed on the grounds of the private school where it is visually accessible to all students; and, upon the request of a student registering in the school, a copy of the written agreement shall be made available.

(3) There is a recognized shortage of persons with the skills advertised as wanted in the circulation area of the publication in which the advertisement appears;

(4) Any additional unique qualifications and conditions other than possession of advertised skill required of applicants are listed in the advertisement;

(5) There is an anticipated need for persons trained in such skills at the end of the private school's regular training period for the skills;

(6) The advertisement clearly identifies the school and the employer as separate entities and gives the complete address of both; and

(7) The advertisement clearly indicates that graduation from the school does not guarantee employment by the employer named in the advertisement.

(g) Advertise in such a way as to lead the reader to the mistaken belief that an offer for employment is being made.

(h) Advertise, or use the word "accredited" or "approved" with respect to itself or the course or courses which it offers unless the word is immediately followed by the complete name of the organization by which it is accredited or approved.

Any person, firm, association, partnership, or corporation willfully violating any provisions of this section shall be unable to enforce any contract or agreement arising from the transaction in which the violation occurred. In addition, in the event of such violation, said person, firm, association, partnership, or corporation shall refund to the student any tuition or fees that have been collected from the student. The student shall be awarded, in addition to the foregoing, any damages that he has sustained.

The judgment rendered in any action maintained for the recovery of fees or damages sustained in accordance with the terms of this section or the judgment rendered in any action defended by a student, shall, if the student is the prevailing party, include court costs, including a reasonable attorney's fee fixed by the court.

The provisions of this section shall supplement and not displace the authority granted the Division of Labor Law Enforcement under Section 1650 of the Labor Code to the extent that placement activities of trade schools are subject to regulation by the division under Section 1649 of the Labor Code.

SEC. 2. Section 29035 of the Education Code is amended to read:

29035. No person, firm, association, partnership, or corporation owning or representing any private school offering training to adults shall:

(a) Make or cause to be made, any statement, or representation, oral, written, or visual, in connection with the offering or publicizing of a course, if such person, firm, association, partnership, or corporation knows, or reasonably should have known, the statement or representation to be false, deceptive, inaccurate or misleading.

(b) Promise or guarantee employment utilizing information, training or skill purported to be provided or otherwise enhanced by a course.

(c) Advertise concerning job availability, degree of skill and length of time required to learn a trade or skill unless the information is accurate and in no way misleading.

(d) Advertise, or indicate in any promotional material, that correspondence instruction, or correspondence courses of study are offered without including in all advertising or promotional material the fact that the instruction or courses of study are offered by

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correspondence or home study.

(e) Advertise, or indicate in any promotional material, that resident instruction, or courses of study are offered without including in all advertising or promotional material the location where the training is given or the location of the resident instruction.

(f) Solicit students for enrollment by causing any advertisement to be published in "help wanted" columns in any magazine, newspaper, or publication or use "blind" advertising which fails to identify the school.

Nothing contained in this section shall prohibit a private school and a bona fide employer from jointly advertising in "help wanted" columns of a magazine, newspaper, or other publication if all of the following conditions are met:

(1) There is a written agreement between the employer and the private school that the employer will hire at least 25 percent of the graduates of the private school trained in the skills being advertised as wanted, that such skills are clearly identified in the advertisement, and that the written agreement between the employer and the private school shall be deemed made expressly for the benefit of students recruited by the advertisement;

(2) The written agreement between the employer and the private school shall be displayed on the grounds of the private school where it is visually accessible to all students; and, upon the request of a student registering in the school, a copy of the written agreement shall be made available;

(3) There is a recognized shortage of persons with the skills advertised as wanted in the circulation area of the publication in which the advertisement appears;

(4) Any additional unique qualifications and conditions other than possession of advertised skill required of applicants are listed in the advertisement;

(5) There is an anticipated need for persons trained in such skills at the end of the private school's regular training period for the skills;

(6) The advertisement clearly identifies the school and the employer as separate entities and gives the complete address of both; and

(7) The advertisement clearly indicates that graduation from the school does not guarantee employment by the employer named in the advertisement.

(g) Advertise in such a way as to lead the reader to the mistaken belief that an offer for employment is being made.

(h) Advertise, or use the word "accredited" or "approved" with respect to itself or the course or courses which it offers unless the word is immediately followed by the complete name of the organization by which it is accredited or approved.

(i) Represent in any manner that completion of the training offered will result in membership in any union or similar organization of any type.

Any person, firm, association, partnership, or corporation willfully



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violating any provisions of this section shall be unable to enforce any contract or agreement arising from the transaction in which the violation occurred. In addition, in the event of such violation, said person, firm, association, partnership, or corporation shall refund to the student any tuition or fees that have been collected from the student. The student shall be awarded, in addition to the foregoing, any damages that he has sustained, and may be awarded treble damages, in the discretion of the court.

The judgment rendered in any action maintained for the recovery of fees or damages sustained in accordance with the terms of this section or the judgment rendered in any action defended by a student, shall, if the student is the prevailing party, include court costs, including a reasonable attorney's fee fixed by the court.

The provisions of this section shall supplement and not displace the authority granted the Division of Labor Law Enforcement under Section 1650 of the Labor Code to the extent that placement activities of trade schools are subject to regulation by the division under Section 1649 of the Labor Code.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1492 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 29035 of the Education Code, and this bill is chaptered after Assembly Bill No. 1492, that Section 29035 of the Education Code, as amended by Section 1 of this act, shall remain operative until the effective date of Assembly Bill No. 1492, and that on the effective date of Assembly Bill No. 1492 Section 29035 of the Education Code, as amended by Section 1 of this act, be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 29035 proposed by Assembly Bill No. 1492. Therefore, if this bill and Assembly Bill No. 1492 are both chaptered and become effective on or before January 1, 1975, and Assembly Bill No. 1492 is chaptered before this bill and amends Section 29035, Section 2 of this act shall become operative on the effective date of Assembly Bill No. 1492.

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

In order that private schools and employers may jointly advertise in "help wanted" columns as provided by this act so that persons can be trained as soon as possible to fill an urgent need for trained persons in certain vocational skills, it is necessary that this act take effect immediately.

# CHAPTER 1357

*An act to amend Section 6053 of the Penal Code, relating to corrections, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 6053 of the Penal Code is amended to read:

6053. (a) All persons other than temporary appointees heretofore serving in the state civil service and engaged in the performance of a function transferred to the department or engaged in the administration of a law, the administration of which is transferred to the department, shall remain in the state civil service and are hereby transferred to the department on the effective date of this section, and their status, positions and rights shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act. The director, pursuant to the State Civil Service Act, shall be the appointing authority for the department for all civil service positions except those civil service positions in the Youth Authority and the parole employees of the California Women's Board of Terms and Parole. Positions not heretofore established, which are exclusively for the California Institution for Women or exclusively for the Youth Authority, shall be filled pursuant to the State Civil Service Act.

(b) Notwithstanding Section 18932 of the Government Code, the maximum age shall be 35 years for any open examination for the position of correctional officer, women's correctional supervisor I, parole agent I, correctional counselor I, and other custodial and parole positions which normally afford entry into the Department of Corrections service, unless the applicant is already a "state safety" member for the purpose of retirement and disability benefits or was employed in a permanent, temporary, part-time, or intermittent capacity with the department after July 1, 1973, but before January 1, 1974.

SEC. 2. Section 6053 of the Penal Code is amended to read:

6053. (a) All persons other than temporary appointees heretofore serving in the state civil service and engaged in the performance of a function transferred to the department or engaged in the administration of a law, the administration of which is transferred to the department, shall remain in the state civil service and are hereby transferred to the department on the effective date of this section, and their status, positions and rights shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act. The director, pursuant to the State Civil Service Act, shall be the appointing authority for the department for all civil service positions except those civil service

positions in the Youth Authority and the parole employees of the California Women's Board of Terms and Parole. Positions not heretofore established, which are exclusively for the California Institution for Women or exclusively for the Youth Authority, shall be filled pursuant to the State Civil Service Act.

(b) Notwithstanding Section 18932 of the Government Code, the maximum age shall be 35 years for any open examination for the position of correctional officer, correctional program supervisor, and other custodial positions which normally afford entry into the Department of Corrections service, unless the applicant is already a "state safety" member for the purpose of retirement and disability benefits or was employed in a permanent, temporary, part-time, or intermittent capacity with the department after July 1, 1973, but before January 1, 1974.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1467 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 6053 of the Penal Code, and this bill is chaptered after Senate Bill No. 1467, that Section 6053 of the Penal Code, as amended by Section 1 of this act shall remain operative only until the operative date of Senate Bill No. 1467, and that on the operative date of Senate Bill No. 1467 Section 6053 of the Penal Code as amended by Section 1 of this act be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 6053 proposed by Senate Bill No. 1467. Therefore, Section 2 of this act shall become operative only if Senate Bill No. 1467 is chaptered before this bill and amends Section 6053, and in such case Section 2 of this act shall become operative on the operative date of Senate Bill No. 1467.

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

In order to insure the continuation of inmate group therapy programs it is necessary that this act take effect immediately.

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## CHAPTER 1358

*An act to add Article 2.1 (commencing with Section 16072) to Chapter 2 of Division 12 of the Education Code, relating to school property.*

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

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

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SECTION 1. Article 2.1 (commencing with Section 16072) is added to Chapter 2 of Division 12 of the Education Code, to read:

Article 2.1. Sale of Real Property to Former Owner

16072. In the event that the governing board of a school district, other than a community college district, intends to sell real property pursuant to the provisions of Article 2 (commencing with Section 16051) of this chapter, the former owner from whom the district acquired the property shall be accorded the right, prior to acceptance of a bid pursuant to Section 16063, to purchase the property subject to the provisions of this article.

16072.2. Upon the written request of the former owner of real property which the governing board of a school district intends to sell pursuant to Article 2 (commencing with Section 16051) of this chapter, which request expresses an intent to purchase such property, the governing board shall take action on the request in a regular open meeting, after having posted copies of the purpose of the meeting in three public places in the district not less than 15 days before the date of the public meeting, and after having published a notice of the meeting not less than once a week for three successive weeks before the meeting in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

16072.4. At the time and place fixed for the meeting pursuant to the notifications required by Section 16072.2, the governing board shall elect, through the adoption of a resolution and by a two-thirds vote of all its members, whether to sell the real property pursuant to this article or, in the alternative, pursuant to the provisions contained in Article 2 (commencing with Section 16051) of this chapter.

16072.6. In the event that the governing board of a school district elects to sell the real property to the former owner pursuant to the provisions of this article, the governing board shall enter into a contract with the State Allocation Board to obtain a review and an appraisal with respect to the real property, with the costs of the review and appraisal being the responsibility of the school district. The State Allocation Board shall approve or reject the review and appraisal within 60 days, and shall notify the governing board of its action.

16072.8. In the event that the State Allocation Board approves of the review and appraisal pursuant to Section 16072.6, the governing board of the school district shall, by majority vote of all members and pursuant to a resolution, declare its intention to sell the property and shall fix a time, not less than three weeks thereafter, for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase the property will be considered.

Bids shall be submitted and dealt with by the governing board in

the manner prescribed by Article 2 (commencing with Section 16051) of this chapter, except that the acceptance of a bid shall be tentative only, pending the final outcome of proceedings conducted pursuant to this article.

16072.10. After the tentative acceptance of a bid as prescribed in Section 16072.8, the governing board shall, by majority vote of all members and pursuant to a resolution, specify the price of the real property and the terms upon which it shall be sold. The price of the real property shall be the appraised value of the property or the price of the tentatively accepted final bid, whichever is highest. Subject to Section 16072.14, the governing board shall, by a majority vote of all members and pursuant to a resolution, offer the real property to the former owner in accordance with the price and terms adopted pursuant to this section.

16072.12. In the event that the former owner rejects the offer prescribed in Section 16072.10, the governing board shall sell the real property to the highest responsible bidder by final acceptance of the bid tentatively accepted pursuant to Section 16072.10.

16072.14. Prior to the sale of real property pursuant to this article, the State Allocation Board shall approve of the price and terms of the proposed sale as adopted by the governing board pursuant to Section 16072.10.

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## CHAPTER 1359

*An act to amend Section 31489 of the Government Code, relating to the County Employees' Retirement Law of 1937.*

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

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

SECTION 1. Section 31849 of the Government Code is amended to read:

31849. Monthly survivors' allowances shall be based upon the following table:

| Member's survivors | Monthly allowances |
|---|---|
| Surviving spouse caring for one child | $591.80 |
| Surviving spouse caring for two or more children | 690.40 |
| One child only | 295.90 |
| Two children only | 581.80 |
| Three or more children | 690.40 |
| Widow or widower age 62 (no child) | 327.10 |
| Each of two dependent parents at age 62 | 295.90 |
| Sole dependent parent at age 62 | 325.50 |
| Lump sum payment | 255.00 |

# CHAPTER 1360

*An act to add Section 13604.2 to the Education Code, relating to classified public school employees.*

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

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

SECTION 1. Section 13604.2 is added to the Education Code, to read:

13604.2. The governing board of each school district when drawing an order for the salary or wage payment due to a classified employee of the district may, without charge, reduce the order by the amount which it has been requested in a revocable written authorization by the employee to deduct for the payment of dues in, or for any other service provided by, any bona fide organization, of which he is a member, whose membership consists, in whole or in part, of employees of such district, and which has as one of its objectives improvements in the terms or conditions of employment for the advancement of the welfare of such employees.

The revocable written authorization shall remain in effect until expressly revoked in writing by the employee. Whenever there is an increase in the amount required for such payment to the organization, the employee organization shall provide the employee with adequate and necessary data on such increase at a time sufficiently prior to the effective date of the increase to allow the employee an opportunity to revoke the written authorization, if desired. The employee organization shall provide the public school employer with notification of the increase at a time sufficiently prior to the effective date of the increase to allow the employer an opportunity to make the necessary changes and with a copy of the notification of the increase which has been sent to all concerned employees.

Upon receipt of a properly signed authorization for payroll deductions by a classified employee pursuant to this section, the governing board shall reduce such employee's pay warrant by the designated amount in the next pay period following the closing date for receipt of changes in pay warrants.

The governing board shall, on the same designated date of each month, draw its order upon the funds of the district in favor of the organization designated by the employee for an amount equal to the total of the respective deductions made with respect to such organization during the pay period.

The governing board shall not require the completion of a new deduction authorization when a dues increase has been effected or at any other time without the express approval of the concerned employee organization.

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

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## CHAPTER 1361

*An act to add Chapter 8 (commencing with Section 16680) to Division 12 of the Education Code, relating to recreational facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Chapter 8 (commencing with Section 16680) is added to Division 12 of the Education Code, to read:

### CHAPTER 8. ALL-PURPOSE RECREATIONAL STADIUM AND CENTER

16680. The governing board of the Los Angeles Unified School District, the City of Los Angeles, and the Board of Supervisors of the County of Los Angeles may form a joint powers agency pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code for the financing, construction, and operation of an all-purpose recreational stadium and center in the harbor area of Los Angeles County.

The governing body of the joint powers agency shall be composed of the following members:

(a) One member appointed by the Los Angeles County Board of Supervisors.

(b) One member appointed by the City of Los Angeles.

(c) One member appointed by the governing board of the Los Angeles Unified School District.

(d) Two members by a majority of the three members appointed pursuant to subdivisions (a), (b), and (c).

16681. The Board of Supervisors of Los Angeles County may establish a county service area pursuant to Chapter 2.2 (commencing with Section 25210) of Part 2 of Division 2 of Title 3 of the Government Code, for the construction and operation of the recreational stadium and center, with the consent of both the City of Los Angeles and the governing board of Los Angeles Unified

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School District.

The boundaries of such a county service area shall be prescribed by the governing body of the joint powers agency.

16682. The governing body of the joint powers agency may, pursuant to Article 2 (commencing with Section 6540) of Chapter 5 of Division 7 of Title 1 of the Government Code, issue revenue bonds to finance the construction of the all-purpose recreational stadium and center.

16683. The governing body of the joint powers agency may, pursuant to the terms of the joint powers agreement, rent the stadium or center to any public or private entity. The proceeds of such rental shall be used for the payment of principal and interest on the revenue bonds and the operation and maintenance of the stadium and center.

16684. The board of supervisors may have levied and collected a tax within the county service area for the purpose of obtaining funds for contribution to the joint powers agency for the operation and maintenance of the stadium and center.

However, no such tax may be levied and collected unless a majority of the voters of the county service area voting at an election called for such purpose approve a ballot proposition authorizing the levy and collection of such tax. The election may be called by the board of supervisors.

The joint powers agency shall not undertake any financing or construction of the all-purpose recreational stadium and center unless and until such proposition is approved by the voters.

16685. The Legislature finds and declares that because of a unique situation existing in the harbor area of the County of Los Angeles regarding the possible acquisition of useful federal surplus land, a general law, within the meaning of Section 16 of Article IV of the California Constitution, cannot be made applicable.

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

In order to permit the acquisition of the site for the all-purpose recreational stadium and center, and so provide much needed educational and recreational facilities to the people of the area at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 1362

*An act to add Section 21024.1 to the Government Code, relating to the Public Employees' Retirement System.*

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

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

SECTION 1. Section 21024.1 is added to the Government Code, to read:

21024.1. If the board requests a member on the initial application for retirement for disability to submit to a medical examination, he shall be entitled to receive expenses of transportation, and meals and lodging for up to three days incident to reporting for such examination if he is required to travel more than 50 miles. "Expenses of transportation" includes mileage fees from the member's home to the place of examination and back to a maximum of 300 miles round trip at the rate of fourteen cents ($0.14) a mile plus any bridge tolls. Such mileage shall be paid to the member by the system at the time he is given notification of the time and place of examination.

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

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## CHAPTER 1363

*An act to amend Section 65302.2 of the Government Code, relating to planning, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 65302.2 of the Government Code is amended to read:

65302.2. Notwithstanding any other provision of law, every city and county shall prepare and adopt the seismic safety element, the noise element, the safety element, the scenic highway element, and any other element hereafter required to be included in its general plan no later than one year following the adoption of guidelines for the preparation of such elements pursuant to Section 34211.1 or, in the case of counties with a population of 100,000 or less no later than December 31, 1976.

Upon application by a city or a county, the Council on Intergovernmental Relations may, in cases of extreme hardship, extend the date for adopting such elements for a reasonable period of time.

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

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

This act extends the date that certain requirements must be met and it is necessary that this act take effect prior to such date.

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## CHAPTER 1364

*An act to add Sections 1155.5, 1155.6, and 1155.7 to the Health and Safety Code, relating to local health departments.*

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

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

SECTION 1. Section 1155.5 is added to the Health and Safety Code, to read:

1155.5. Notwithstanding Section 1155, a county board of supervisors or health district board may, upon the concurrence of the Director of Health, transfer the total function of providing environmental health and sanitation services and programs to a comprehensive environmental agency of the county other than the county or district health department. Such a county or district shall continue to receive funds appropriated for the purposes of this article if it complies with all other minimum standards established by the State Department of Health and if the environmental health and sanitation services and programs are maintained at levels of quality and efficiency equal to or higher than the levels of the services and programs as formerly provided by the county or district health department.

SEC. 2. Section 1155.6 is added to the Health and Safety Code, to read:

1155.6. If such transfer is made:

(a) Each agency shall employ as the immediate supervisor of the environmental health and sanitation services a director of environmental health who is a registered sanitarian and such agency shall employ an adequate number of registered sanitarians to carry on the program of environmental health and sanitation services.

(b) Wherever, in any statute, rule, regulation, resolution, or order, a power is granted to, or a duty is imposed upon, a county or district health officer, county health department, or county health district pertaining to environmental health and sanitation services and programs transferred by the board of supervisors or health district board, such powers and duties shall be delegated by the local health officer to the director of environmental health and such powers and duties shall thereafter be administered by the director of environmental health.

(c) The State Department of Health shall adopt rules and

regulations pertaining to minimum program and personnel requirements of such environmental health and sanitation services and programs. The State Department of Health shall periodically review such programs to determine if minimum requirements are met.

(d) Whenever the board of supervisors or health district board determines that the expenses of its environmental health director in the enforcement of any statute, order, quarantine, rule, or regulation prescribed by a state officer or department relating to environmental health and sanitation are not met by any fees prescribed by the state, such board may adopt an ordinance prescribing such fees as will pay the reasonable expenses of such director incurred in such enforcement. The schedule of fees prescribed by ordinance of the board of supervisors or health district board shall be applicable in the area in which the environmental health director enforces any statute, order, quarantine, rule, or regulation prescribed by a state officer or department relating to environmental health and sanitation.

SEC. 3. Section 1155.7 is added to the Health and Safety Code, to read:

1155.7. In the event a health emergency is declared by the board of supervisors in a county or by a health district board, the local health officer during such state of emergency shall have supervision and control over all environmental health and sanitation programs and personnel employed by the county or district during such state of emergency.

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## CHAPTER 1365

*An act to amend Sections 4852.01, 4852.03, 4852.06, 4852.07, 4852.1, 4852.11, 4852.12, and 4852.18, and to repeal Section 4852.02 of the Penal Code, relating to pardons.*

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

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

SECTION 1. Section 4852.01 of the Penal Code is amended to read:

4852.01. (a) Any person convicted of a felony who has been released from a state prison or other state penal institution or agency in California, whether discharged on completion of the term for which he was sentenced or released on parole prior to May 13, 1943, who has not been incarcerated in a state prison or other state penal institution or agency since his release and who presents satisfactory evidence of a three-year residence in this state immediately prior to the filing of the petition for a certificate of rehabilitation and pardon

provided for by this chapter, may file such petition pursuant to the provisions of this chapter.

(b) Any person convicted of a felony who, on May 13, 1943, was confined in a state prison or other institution or agency to which he was committed and any person convicted of a felony after that date who is committed to a state prison or other institution or agency may file a petition for a certificate of rehabilitation and pardon pursuant to the provisions of this chapter.

(c) This chapter shall not apply to persons convicted of misdemeanors; to persons who have served time in county jails only; to persons serving a mandatory life parole; to persons committed under death sentences; or to persons in the military service.

SEC. 1.5. Section 4852.01 of the Penal Code is amended to read:

4852.01. (a) Any person convicted of a felony who has been released from a state prison or other state penal institution or agency in California, whether discharged on completion of the term for which he was sentenced or released on parole prior to May 13, 1943, who has not been incarcerated in a state prison or other state penal institution or agency since his release and who presents satisfactory evidence of a three-year residence in this state immediately prior to the filing of the petition for a certificate of rehabilitation and pardon provided for by this chapter, may file such petition pursuant to the provisions of this chapter.

(b) Any person convicted of a felony who, on May 13, 1943, was confined in a state prison or other institution or agency to which he was committed and any person convicted of a felony after that date who is committed to a state prison or other institution or agency may file a petition for a certificate of rehabilitation and pardon pursuant to the provisions of this chapter.

(c) Any person convicted of a felony who was placed on probation and who has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, may at any time thereafter file with the clerk of the county in which he resides a notice of intention to apply for a certificate of rehabilitation and pardon in accordance with the provisions of this chapter.

(d) This chapter shall not apply to persons convicted of misdemeanors; to persons serving a mandatory life parole; to persons committed under death sentences; or to persons in the military service.

SEC. 2. Section 4852.02 of the Penal Code is repealed.

SEC. 3. Section 4852.03 of the Penal Code is amended to read:

4852.03. The period of rehabilitation shall begin to run upon the discharge of the petitioner from custody due to his completion of the term to which he was sentenced or upon his release on parole, whichever is sooner. For purposes of this chapter, the period of rehabilitation shall constitute three years' residence in this state, plus a period of time determined by the following rules:

(1) To the three years there shall be added 30 days for each year

of the term prescribed by statute as the maximum penalty of imprisonment for the crime of which the petitioner was convicted. When the maximum term includes the fractional part of a year, the period of rehabilitation shall be extended by a proportional part of the 30-day period.

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

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

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

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

A change of residence within this state does not interrupt the period of rehabilitation prescribed by this section.

SEC. 4. Section 4852.06 of the Penal Code is amended to read:

4852.06. Except as provided in subdivision (a) of Section 4852.01, after the expiration of the minimum period of rehabilitation applicable to him (and, in the case of persons released upon parole, after the termination of parole), each person who has complied with the requirements of Section 4852.05 may file in the superior court of the county in which he then resides a petition for ascertainment and declaration of the fact of his rehabilitation and of matters incident thereto, and for a certificate of rehabilitation under this chapter. No such petition shall be filed until and unless the petitioner has continuously resided in this state, after leaving prison, for a period of not less than three years immediately preceding the date of filing the petition.

SEC. 5. Section 4852.07 of the Penal Code is amended to read:

4852.07. The petitioner shall give notice of the filing of the

petition to the district attorney of the county in which the petition is filed, to the district attorney of each county in which the petitioner was convicted of a felony, and to the office of the Governor, together with notice of the time of the hearing of the petition, at least 30 days prior to the date set for such hearing.

SEC. 6. Section 4852.1 of the Penal Code is amended to read:

4852.1. The court in which the petition is filed may require such testimony as it deems necessary, and the production, for the use of the court and without expense of any kind to the petitioner, of all records and reports relating to the petitioner and the crime of which he was convicted, including the record of the trial, the report of the probation officer, if any, the records of the prison from which the petitioner has been released showing his conduct during the time he was there imprisoned, the records of the prison doctor and the prison psychiatrist, the records of the parole officer concerning him if he was released on parole, the records of the Youth Authority concerning him if he has been committed to the authority, and written reports or records of any other law enforcement agency concerning the conduct of the petitioner since his release on parole or discharge from custody. All persons having custody of any such records shall make them available for the use of the court in the proceeding.

SEC. 6.5. Section 4852.1 of the Penal Code is amended to read:

4852.1. The court in which the petition is filed may require such testimony as it deems necessary, and the production, for the use of the court and without expense of any kind to the petitioner, of all records and reports relating to the petitioner and the crime of which he was convicted, including the record of the trial, the report of the probation officer, if any, the records of the prison from which the petitioner has been released showing his conduct during the time he was there imprisoned, the records of the prison doctor and the prison psychiatrist, the records of the parole officer concerning him if he was released on parole, the records of the probation officer if placed on probation, the records of the Youth Authority concerning him if he has been committed to the authority, and written reports or records of any other law enforcement agency concerning the conduct of the petitioner since his release on parole or discharge from custody. All persons having custody of any such records shall make them available for the use of the court in the proceeding.

SEC. 7. Section 4852.11 of the Penal Code is amended to read:

4852.11. Any peace officer shall report to the court, upon receiving a request as provided in Section 4852.1, all violations of law committed by said petitioner which may come to his knowledge. Upon receiving satisfactory proof of such violation the court may deny the petition and determine a new period of rehabilitation not to exceed the original period of rehabilitation for the same crime. In that event, before granting the petition, the court may thereafter require the petitioner to fulfill all the requirements provided to be fulfilled before the granting of the certificate under the original

petition.

SEC. 8. Section 4852.12 of the Penal Code is amended to read:

4852.12. In any proceeding for the ascertainment and declaration of the fact of rehabilitation under this chapter, the court, upon the filing of the application for petition of rehabilitation, shall require from the district attorney an investigation of the residence of the petitioner, the criminal record of the petitioner as shown by the records of the Department of Justice, and the investigation of any representation made to the court by the applicant, and the district attorney shall file with the court a full and complete report of the results of said investigations, and shall require from the district attorney a written report setting forth all matters within his knowledge relating to the conduct of the petitioner during his period of rehabilitation, including all matters mentioned in Section 4852.11.

SEC. 9. Section 4852.18 of the Penal Code is amended to read:

4852.18. The Adult Authority shall furnish to the county clerk of each county a set of sample forms for a petition for certificate of rehabilitation and pardon, a notice of filing of petition for certificate of rehabilitation and pardon, and a certificate of rehabilitation. The county clerk shall have a sufficient number of these forms printed to meet the needs of the people of his county, and he shall make these forms available at no charge to persons requesting them.

SEC. 10. It is the intent of the Legislature, if this bill and Senate Bill No. 2222 are both chaptered and amend Section 4852.01 of the Penal Code, and this bill is chaptered after Senate Bill No. 2222, that the amendments to Section 4852.01 proposed by both bills be given effect and incorporated in Section 4852.01 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Senate Bill No. 2222 are both chaptered, both amend Section 4852.01, and Senate Bill No. 2222 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 11. It is the intent of the Legislature, if this bill and Senate Bill No. 2222 are both chaptered and amend Section 4852.1 of the Penal Code, and this bill is chaptered after Senate Bill No. 2222, that the amendments to Section 4852.1 proposed by both bills be given effect and incorporated in Section 4852.1 in the form set forth in Section 6.5 of this act. Therefore, Section 6.5 of this act shall become operative only if this bill and Senate Bill No. 2222 are both chaptered, both amend Section 4852.1, and Senate Bill No. 2222 is chaptered before this bill, in which case Section 6 of this act shall not become operative.

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# CHAPTER 1366

*An act to add Sections 31588.1 and 31589.1 to the Government Code, relating to County Employees Retirement Law of 1937.*

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

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

SECTION 1. Section 31588.1 is added to the Government Code, to read:

31588.1. There is hereby established in the County Employees' Retirement System a deferred yield adjustment account which shall be increased by the sale or disposition of any debt securities at less than book value and shall be decreased by the sale or disposition of debt securities at more than book value. At the end of each year, a portion of the balance of this account shall be offset against the investment income for that year. The annual portion of the balance to be offset shall be proportional to the reciprocal of the average remaining life of the bonds sold. The amount of this account shall be included in any accounting or actuarial computations or listing of assets. In any year in which the gains on the sales of debt securities exceed the discounts realized on the sales of such securities, the excess shall be used to reduce the balance of the account.

This section shall not be operative in any county until such time as the board shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 2. Section 31589.1 is added to the Government Code, to read:

31589.1. There is hereby established for accounting purposes in the County Employees Retirement Law of 1937 the following procedure for treating a trade of bonds for similar bonds. Any loss or gain attributable to a trade of a like bond in the portfolio of any retirement system adopted pursuant to this chapter may be amortized over the life of the bond traded out by adding to or subtracting from the discount or premium attributable to the bond traded in. Like bonds for purposes of this section are considered to be bonds which will mature within seven years of the life of the bond traded out. Bonds to be traded must be of the first four grades. The fact that one bond may be a debenture and another a mortgage bond, or that the bonds may have different rates of return, shall not keep them from being like bonds.

This section shall not be operative in any county until such time as the board shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

# CHAPTER 1367

*An act to add Sections 13337.7, 14009, and 24215 to the Education Code, and Section 20815 to the Government Code, relating to school employees.*

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

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

SECTION 1. Section 13337.7 is added to the Education Code, to read:

13337.7. Notwithstanding any other provision, the governing board of a school district may establish regulations which allow their certificated employees to reduce their workload from full-time to part-time duties.

Such regulations shall include but shall not be limited to the following if such employees wish to reduce their workload and maintain retirement benefits pursuant to Section 14009:

(a) The employee must have reached the age of 55 prior to reduction in workload.

(b) The employee must have been employed full time in a position requiring certification for at least 10 years of which the immediately preceding five years were full-time employment.

(c) The option of part-time employment must be exercised at the request of the employee and can be revoked only with the mutual consent of the employer and the employee.

(d) The employee shall be paid a salary which is the pro rata share of the salary he would be earning had he not elected to exercise the option of part-time employment but shall retain all other rights and benefits for which he makes the payments that would be required if he remained in full-time employment.

The employee shall receive health benefits as provided in Section 53201 of the Government Code in the same manner as a full-time employee.

(e) The minimum part-time employment shall be the equivalent of one-half of the number of days of service required by the employee's contract of employment during his final year of service in a full-time position.

(f) This option is limited in prekindergarten through grade 12 to certificated employees who do not hold positions with salaries above that of a school principal.

(g) This section shall not be applicable to persons who are administrators in community colleges.

SEC. 2. Section 14009 is added to the Education Code, to read:

14009. Notwithstanding any other provision of this chapter, a member employed on a part-time basis shall receive the credit he would receive if he was employed on a full-time basis and have his retirement allowance, as well as any other benefits that he is entitled

to under this chapter, based upon the salary that he would have received if employed on a full-time basis, if he and his employer both elect to contribute to the Teachers' Retirement Fund the amount that would have been contributed if the member was employed on a full-time basis. This section shall be applicable only to members who have met the criteria provided in Section 13337.7 of this code or Section 24215 of the Government Code and are not older than 65 years and is limited to a period of five years of such part-time status. The employer shall maintain the necessary records to separately identify each employee receiving credit pursuant to this section.

SEC. 3. Section 24215 is added to the Education Code, to read:

24215. The trustees may establish rules and regulations which allow academic employees to reduce their workload from full-time to part-time duties.

Such regulations shall include but shall not be limited to the following if such employees wish to reduce their workload and maintain retirement benefits pursuant to Section 20815 of the Government Code.

(a) The employee must have reached the age of 55 prior to reduction in workload.

(b) The employee must have been employed full time as an academic employee for at least 10 years of which the immediately preceding five years were full-time employment.

(c) The option of part-time employment must be exercised at the request of the employee and can be revoked only with the mutual consent of the employer and the employee.

(d) The employee shall be paid a salary which is the pro rata share of the salary he would be earning had he not elected to exercise the option of part-time employment but shall retain all other rights and benefits for which he makes the payments that would be required if he remained in full-time employment.

The employee shall receive health benefits in the same manner as a full-time employee.

This section shall only be applicable to academic teaching employees who receive no higher salary than the maximum paid to a department chairman.

SEC. 4. Section 20815 is added to the Government Code, to read:

20815. Notwithstanding any other provision of this part, a member employed on a part-time basis shall receive the credit he would receive if he was employed on a full-time basis and have his retirement allowance, as well as any other benefits he is entitled to under this part, based upon the salary that he would have received if employed on a full-time basis if he and his employer both elect to contribute to the retirement fund the amount that would have been contributed if the member was employed on a full-time basis. This section shall be applicable only to members who are academic employees of California State University and Colleges who have met the criteria provided in Section 13337.7 of the Education Code or Section 24215 of this code and are not older than 67 years and is

limited to a period of five years of such part-time status. The employer shall maintain the necessary records to separately identify each employee receiving credit pursuant to this section.

SEC. 5. It is the intent of the Legislature in enacting this act to provide certificated employees of school districts and academic employees of the California State University and Colleges with options for part-time employment to phase in their retirement program.

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## CHAPTER 1368

*An act to add Section 24201.5 to the Education Code, and to amend Sections 18020 and 18021 of the Government Code, relating to overtime in the state service.*

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

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

SECTION 1. Section 24201.5 is added to the Education Code, to read:

24201.5. It is the policy of the state that the workweek of the employee of the California State University and Colleges shall be 40 hours, and the workday of such employees eight hours, except that workweeks and workdays of a different number of hours may be established in order to meet the varying needs of the different campuses and facilities. It is the policy of the state to avoid the necessity for overtime work whenever possible.

This policy does not restrict the extension of regular working-hour schedules on an overtime basis when such action is necessary to carry on the business of the California State University and Colleges properly during a manpower shortage.

The trustees may provide for the payment of overtime in designated classes for work performed after the normal scheduled workday or normal scheduled workweek, when such designation is appropriate to such designated class.

SEC. 2. Section 18020 of the Government Code is amended to read:

18020. It is the policy of the state that the workweek of the state employee shall be 40 hours, and the workday of state employees eight hours, except that workweeks and workdays of a different number of hours may be established in order to meet the varying needs of the different state agencies. It is the policy of the state to avoid the necessity for overtime work whenever possible. This policy does not restrict the extension of regular working-hour schedules on an overtime basis in those activities and agencies where such is necessary to carry on the state business properly during a manpower

shortage.

SEC. 3. Section 18021 of the Government Code is amended to read:

18021. For each class or position for which a monthly or annual salary range is established by the State Personnel Board or by the Department of Finance, the board shall establish and adjust workweek groups and shall assign each class or position to a workweek group. The State Personnel Board, after considering the needs of the state service and prevailing overtime compensation practices, may establish workweek groups of different lengths or of the same length but requiring different methods of recognizing or providing compensation for overtime. The board may also provide for the payment of overtime in designated classes for work performed after the normal scheduled workday or normal scheduled workweek.

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## CHAPTER 1369

*An act to amend Sections 396, 396b, 399, and 581 of, and to repeal Section 581b of, the Code of Civil Procedure, relating to venue.*

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

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

SECTION 1. Section 396 of the Code of Civil Procedure is amended to read:

396. If an action or proceeding is commenced in a court which lacks jurisdiction of the subject matter thereof, as determined by the complaint or petition, if there is a court of this state which has such jurisdiction, the action or proceeding shall not be dismissed (except as provided in Section 399, and subdivision 1 of Section 581) but shall, on the application of either party, or on the court's own motion, be transferred to a court having jurisdiction of the subject matter which may be agreed upon by the parties, or, if they do not agree, to a court having such jurisdiction which is designated by law as a proper court for the trial or determination thereof, and it shall thereupon be entered and prosecuted in the court to which it is transferred as if it had been commenced therein, all prior proceedings being saved. In any such case, if summons is served prior to the filing of the action or proceeding in the court to which it is transferred, as to any defendant, so served, who has not appeared in the action or proceeding, the time to answer or otherwise plead shall date from service upon such defendant of written notice of filing of such action or proceeding in the court to which it is transferred.

If an action or proceeding is commenced in or transferred to a court which has jurisdiction of the subject matter thereof as

determined by the complaint or petition, and it thereafter appears from the verified pleadings, or at the trial, or hearing, that the determination of the action or proceeding, or of a cross-complaint, will necessarily involve the determination of questions not within the jurisdiction of the court, in which the action or proceeding is pending, the court, whenever such lack of jurisdiction appears, must suspend all further proceedings therein and transfer the action or proceeding and certify the pleadings (or if the pleadings be oral, a transcript of the same), and all papers and proceedings therein to a court having jurisdiction thereof which may be agreed upon by the parties, or, if they do not agree, to a court having such jurisdiction which is designated by law as a proper court for the trial or determination thereof.

An action or proceeding which is transferred under the provisions of this section shall be deemed to have been commenced at the time the complaint or petition was filed in the court from which it was originally transferred.

Nothing herein shall be construed to preclude or affect the right to amend the pleadings as provided in this code.

Nothing herein shall be construed to require the superior court to transfer any action or proceeding because the judgment to be rendered, as determined at the trial or hearing, is one which might have been rendered by a municipal or justice court in the same county or city and county.

In any case where the lack of jurisdiction is due solely to an excess in the amount of the demand, the excess may be remitted and the action may continue in the court where it is pending.

Upon the making of an order for such transfer, proceedings shall be had as provided in Section 399 of this code, the costs and fees thereof, and of filing the case in the court to which transferred, to be paid by the party filing the pleading in which the question outside the jurisdiction of the court appears unless the court ordering the transfer shall otherwise direct.

SEC. 2. Section 396b of the Code of Civil Procedure is amended to read:

396b. Except as otherwise provided in Section 396a, if an action or proceeding is commenced in a court having jurisdiction of the subject matter thereof, other than the court designated as the proper court for the trial thereof, under the provisions of this title, the action may, notwithstanding, be tried in the court where commenced, unless the defendant, at the time he answers or demurs, or, at his option, without answering or demurring and within the time otherwise limited to plead, files with the clerk, or with the judge if there be no clerk, an affidavit of merits and notice of motion for an order transferring the action or proceeding to the proper court, together with proof of service, upon the adverse party, of a copy of such papers. Upon the hearing of such motion the court shall, if it appears that the action or proceeding was not commenced in the proper court, order the same transferred to the proper court; and in

its discretion, the court may order the payment to the prevailing party of reasonable expenses and attorney's fees incurred in making or resisting such motion whether or not such party is otherwise entitled to recover his costs of action. In determining whether such order for expenses and fees shall be made, the court shall take into consideration (1) whether an offer to stipulate to change of venue was reasonably made and rejected, and (2) whether such motion or selection of venue was made in good faith given the facts and law the party making the motion or selecting the venue knew or should have known. As between the party and his attorney, such expenses and fees shall be the personal liability of the attorney not chargeable to the party. Provided, however, that the court in a proceeding for dissolution of marriage or legal separation, may, prior to the determination of such motion, consider and determine motions for allowance of temporary alimony, support of children, counsel fees and costs, and make all necessary and proper orders in connection therewith. And further provided, that in any case, if an answer be filed, the court may consider opposition to the motions, if any, and may retain the action in the county where commenced if it appears that the convenience of the witnesses or the ends of justice will thereby be promoted.

SEC. 3. Section 399 of the Code of Civil Procedure is amended to read:

399. When an order is made transferring an action or proceeding under any of the provisions of this title, the clerk, or the judge where there is no clerk, shall, after expiration of the time within which a petition for writ of mandate could have been filed pursuant to Section 400 of this code, or if such petition is filed after judgment denying the writ becomes final, and upon payment of the costs and fees, transmit the pleadings and papers therein (or if the pleadings be oral a transcript of the same) to the clerk (or to the judge where there is no clerk) of the court to which the same is transferred. When the transfer is sought on any ground specified in subdivisions 2, 3, 4 and 5 of Section 397 of this code, the costs and fees thereof, and of filing the papers in the court to which the transfer is ordered, shall be paid at the time the notice of motion is filed, by the party making the motion for the transfer. When the transfer is sought solely, or is ordered, because the action or proceeding was commenced in a court other than that designated as proper by the provisions of this title, such costs and fees (including any expenses and attorney's fees awarded defendant pursuant to Section 396b) shall be paid by the plaintiff before such transfer is made; and if, in any such case, the defendant has paid such costs and fees at the time of filing his notice of motion, the same shall be repaid to him, upon the making of such order. If such costs and fees have not been so paid by the plaintiff within five days after service of notice of such order, then any other party interested therein, whether named in the complaint as a party or not, may pay such costs and fees, and the clerk shall thereupon transmit the papers and pleadings therein as if such costs and fees

had been originally paid by the plaintiff, and the same shall be a proper item of costs of the party so paying the same, recoverable by such party in the event he prevails in the action; otherwise, the same shall be offset against and deducted from the amount, if any, awarded the plaintiff in the event the plaintiff prevails against such party in such action. The cause of action shall not be further prosecuted in any court until such costs and fees are paid. If such costs and fees are not paid within 30 days after service of notice of such order, or if a copy of a petition for writ of mandate pursuant to Section 400 is filed in the trial court, or if an appeal is taken pursuant to Section 904.2 or 904.3, then within 30 days after notice of finality of the order of transfer, the court on a duly noticed motion by any party may dismiss the action without prejudice to the cause on the condition that no other action on the cause may be commenced in another court prior to satisfaction of the court's order for costs and fees. When a petition for writ of mandate or appeal does not result in a stay of proceedings, the time for payment of such costs shall be 60 days after service of the notice of the order.

At the time of transmittal of the papers and pleadings, the clerk shall mail notice to all parties who have appeared in the action or special proceeding, stating the date on which such transmittal occurred. Promptly upon receipt of such papers and pleadings, the clerk of the court to which the action or proceeding is transferred shall mail notice to all parties who have appeared in the action or special proceeding, stating the date of the filing of the case and number assigned to the case in such court.

The court to which an action or proceeding is transferred under the provisions of this title shall have and exercise over the same the like jurisdiction as if it had been originally commenced therein, all prior proceedings being saved, and such court may require such amendment of the pleadings, the filing and service of such amended, additional, or supplemental pleadings, and the giving of such notice, as may be necessary for the proper presentation and determination of the action or proceeding in such court.

SEC. 4. Section 581 of the Code of Civil Procedure is amended to read:

581. An action may be dismissed in the following cases:

1. By plaintiff, by written request to the clerk, filed with the papers in the case, or by oral or written request to the judge where there is no clerk, at any time before the actual commencement of trial, upon payment of the costs of the clerk or judge; provided, that affirmative relief has not been sought by the cross-complaint of the defendant, and provided further that there is no motion pending for an order transferring the action to another court under the provisions of Section 396b. If a provisional remedy has been allowed, the undertaking shall upon such dismissal be delivered by the clerk or judge to the defendant who may have his action thereon. A trial shall be deemed to be actually commenced at the beginning of the opening statement of the plaintiff or his counsel, and if there shall be

no opening statement, then at the time of the administering of the oath or affirmation to the first witness, or the introduction of any evidence.

2. By either party, upon the written consent of the other. No dismissal mentioned in subdivisions 1 and 2 of this section shall be granted unless upon the written consent of the attorney of record of the party or parties applying therefor, or if such consent is not obtained upon order of the court after notice to such attorney.

3. By the court, when either party fails to appear on the trial and the other party appears and asks for the dismissal, or when a demurrer is sustained without leave to amend, or when, after a demurrer to the complaint has been sustained with leave to amend, the plaintiff fails to amend it within the time allowed by the court, and either party moves for such dismissal.

4. By the court, with prejudice to the cause, when upon the trial and before the final submission of the case, the plaintiff abandons it.

5. The provisions of subdivision 1, of this section shall not prohibit a party from dismissing with prejudice, either by written request to the clerk or oral or written request to the judge, as the case may be, any cause of action at any time before decision rendered by the court. Provided, however, that no such dismissal with prejudice shall have the effect of dismissing a cross-complaint filed in said action. Dismissals without prejudice may be had in either of the manners provided for in subdivision 1 of this section, after actual commencement of the trial, either by consent of all of the parties to the trial or by order of court on showing of just cause therefor.

6. By the court without prejudice when no party appears for trial following 30 days notice of time and place for trial.

SEC. 5. Section 581b of the Code of Civil Procedure is repealed.

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## CHAPTER 1370

*An act to amend Section 13009 of the Education Code, and to amend Sections 1157, 53200, 53202, 53202.1 and 53205.16 of the Government Code, relating to public employees.*

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

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

SECTION 1. Section 13009 of the Education Code is amended to read:

13009. The governing board of each school district when drawing an order for the salary payment due to employees of the district shall, without charge, reduce the order by the amount which it has been requested in a revocable written authorization by the employee to deduct for any or all of the following purposes: participating in a

deferred compensation program offered by the school district which provides for investments in corporate stocks, bonds, securities, mutual funds, or annuities, except as prohibited by the Constitution, or paying premiums on any policy or certificate of group life insurance for the benefit of the employee or for group disability insurance, or legal expense insurance, or any of them, for the benefit of the employee or his dependents issued by an admitted insurer on a form of policy or certificate approved by the Insurance Commissioner, or paying rates, dues, fees, or other periodic charges on any hospital service contract for the benefit of the employee, or his dependents, issued by a nonprofit hospital service corporation on a form approved by the Insurance Commissioner pursuant to the provisions of Chapter 11A of Part 2 of Division 2 of the Insurance Code, or paying periodic charges on any medical and hospital service agreement or contract for the benefit of the employee, or his dependents, issued by a nonprofit membership corporation lawfully operating under Section 9200 or Section 9201 of the Corporations Code, or paying periodic charges on any legal services contract for the benefit of the employee, or his dependents issued by a nonprofit membership corporation lawfully operating under Section 9200 or 9201.2 of the Corporations Code. The governing board of the district shall, beginning with the month designated by the employee and each month thereafter until authorization for the deduction is revoked, draw its order upon the funds of the district in favor of the insurer which has issued the policies or certificates or in favor of the nonprofit hospital service corporation which has issued hospital service contracts, or in favor of the nonprofit membership corporation which has issued medical and hospital service or legal service agreements or contracts, for an amount equal to the total of the respective deductions therefor made during the month. The governing board may require that the employee submit his authorization for the deduction up to one month in advance of the effective date of coverage.

"Group insurance" as used in this section shall mean only a bona fide group program of life or disability or life and disability insurance where a master contract is held by the school district or an employee organization but it shall, nevertheless, include annuity programs authorized by Section 403(b) of the Internal Revenue Code when approved by the governing board.

SEC. 2. Section 1157 of the Government Code is amended to read:

1157. Officers and employees of a public agency, other than a state agency, may authorize the governing body of the public agency to make deductions from their salaries or wages for the payment of premiums on life, accident, health, disability, legal expense, or automobile liability insurance, or on any two or more, under a system of insurance approved by or adopted and carried into effect by the governing body, or for the payment of premiums on National Service Life Insurance or United States Government Converted Insurance.

Officers and employees of such a public agency may authorize the governing body of the public agency to make deductions from their salaries or wages for the payment of dues or subscription charges of nonprofit membership corporations for defraying the cost of medical service (including services rendered by doctors of medicine, doctors of osteopathy, or doctors of chiropractic), or hospital care, or legal services, or, any of them, under system of medical service, or hospital care, or legal services, or, any of them, approved by or adopted and carried into effect by the governing body.

SEC. 3. Section 53200 of the Government Code is amended to read:

53200. As used in this article:

(a) "Local agency" means a county, city, school district, district, municipal corporation, political subdivision, public corporation, or other public agency of the state.

(b) "Group life insurance" and "group policies of life insurance" includes "group annuities", and "group annuity contracts."

(c) "Legislative body" means the board of supervisors of a county or city, or the governing board, by whatever name called, of a school district, district, municipal corporation, political subdivision, public corporation, or other public agency of the state.

(d) "Health and welfare benefit" means any one or more of the following: hospital, medical, surgical, disability, legal expense or related benefits including, but not limited to, medical, dental, life, legal expense, and income protection insurance or benefits, whether provided on an insurance or a service basis, and includes group life insurance as defined in subdivision (b) of this section.

(e) "Employees" or "officers and employees" mean all employees and officers, including members of the legislative body, who are eligible under the terms of any plan of health and welfare benefits adopted by a local agency pursuant to this article.

SEC. 4. Section 53202 of the Government Code is amended to read:

53202. In providing health and welfare benefits the local agency may approve plans of their officers and employees or may contract with one or more admitted insurers, health service organizations, or legal service organizations for such plan or plans of health and welfare benefits as the local agency shall determine to be in the best interests of the local agency and the officers and employees electing to accept the benefits. Approval of or application for such benefits may be made by the local agency upon its own motion or with the consent of the legislative body after considering the preference of the employees of the agency, and two or more alternative plans of health and welfare benefits may be offered to the employees if the local agency determines that such action is desirable.

SEC. 5. Section 53202.1 of the Government Code is amended to read:

53202.1. In approving a plan or plans of health and welfare benefits the local agency may approve policies of life, health, legal

expense, and accident insurance, or any of them, from an admitted insurer or from a nonprofit membership corporation (as defined in Section 1157 of this code), wherein a bona fide association, as defined in Section 1157.1 of this code, is the policyholder or contractholder, for the benefit of the agency and the officers and employees authorizing the purchase.

SEC. 6. Section 53205.16 of the Government Code is amended to read:

53205.16. It is the intention of the Legislature to allow legislative bodies to validate or approve any prior, existing, or future payments or claims resulting from insurance or health benefits or health and welfare given their officers and employees and their dependents.

The purpose of the amendments to Sections 53200 and 53205.1 enacted at the 1972 Regular Session and the 1973–74 Regular Session of the Legislature is to make it clear that the Legislature intended that legislative bodies be able to pay for insurance or health benefits or health and welfare benefits including, but not limited to, medical, dental, life, legal expense, and income protection insurance or benefits, for their officers and employees and their dependents under the provisions of Sections 53205 and 53205.1.

SEC. 7. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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## CHAPTER 1371

*An act to amend Section 33448 of the Health and Safety Code, relating to community redevelopment agencies.*

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

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

SECTION 1. Section 33448 of the Health and Safety Code is amended to read:

33448. In a county with a population of 4,000,000 persons or more, or in a city of 500,000 persons or more, an agency may, with the consent of the legislative body, acquire, construct, and finance by the issuance of bonds or otherwise a public improvement whether within or without a project area consisting of a transportation collection and distribution system and peripheral parking structures and facilities, including sites therefor, to serve the project area and surrounding areas, upon a determination by resolution of the agency and the legislative body that such public improvement is of benefit to the project area. Such determination by the agency and the

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legislative body shall be final and conclusive as to the issue of benefit to the project area.

The agency shall, in order to exercise the powers granted by this section, enter into an agreement with the rapid transit district which includes the county or city, or a portion thereof, in which agreement the rapid transit district shall be given all of the following responsibilities:

(a) To participate with the other parties to the agreement to design, determine the location and extent of the necessary rights-of-way for, and construct the transportation, collection, and distribution systems and related peripheral parking structures and facilities.

(b) To operate and maintain such transportation, collection, and distribution systems and related peripheral parking structures and facilities in accordance with the rapid transit district's outstanding agreements and the agreement required by this paragraph.

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## CHAPTER 1372

*An act to amend Section 465 of the Public Utilities Code, relating to wages.*

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

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

SECTION 1. Section 465 of the Public Utilities Code is amended to read:

465. (a) Except as provided in subdivision (b), whenever any labor of a custodial or janitorial nature is not performed by the employees of a public utility, such labor shall be let out under contract to the lowest responsible bidder with the provision that prevailing wages be a condition of any such contract.

(b) Nothing in this section shall prevent a public utility from employing a custodial or janitorial service for a period of 90 days or less without a contract meeting the requirements of subdivision (a) of this section.

(c) As used in this section, "prevailing wage" means the wage determined by the Bureau of Labor Statistics in the United States Department of Labor.

# CHAPTER 1373

*An act to add Title 7.8 (commencing with Section 67500) to the Government Code, relating to transportation, and making an appropriation therefor.*

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

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

SECTION 1. Title 7.8 (commencing with Section 67500) is added to the Government Code, to read:

## TITLE 7.8. SAN FRANCISCO BAY AREA TRANSPORTATION TERMINAL AUTHORITY

### CHAPTER 1. TITLE AND DECLARATION OF POLICY

67500. This title shall be known and may be cited as the "San Francisco Bay Area Transportation Terminal Authority Act."

67501. It is hereby declared to be the policy of the State of California to facilitate the development of regional mass transportation facilities by local agencies to the maximum extent possible. To that end it is hereby declared that it is the policy of this state that a new transit terminal should be developed in the San Francisco Bay area by a local agency and that such development should be undertaken as rapidly as possible.

### CHAPTER 2. DEFINITIONS

67502. When the terms defined in this chapter are used in this title, they have the meanings ascribed to them in this chapter unless the context otherwise requires.

67503. "Authority" means the San Francisco Bay Area Transportation Terminal Authority created by this title.

67504. "Bonds" means the written evidence of any obligation incurred by the authority payable out of revenues as provided in Chapter 3 of this title in order to secure funds with which to carry out the purposes of this chapter, irrespective of the form of such obligation whether in the form of bonds, notes, debentures, interest-bearing certificates, or other forms prescribed by the authority. Bonds shall not be deemed outstanding within the meaning of this section or other sections of Chapter 3 if moneys sufficient to pay the same and all interest thereon have been set aside irrevocably in a special or trust fund for that purpose and the indenture under which such bonds were issued provides that such bonds shall not be deemed to be outstanding in such event.

67505. "Bondholder" or "holder of bonds" or any similar term means any person who shall be the bearer of any outstanding bond

registered to bearer or not registered, or the registered owner of any outstanding bond which shall at the time be registered other than to bearer.

67506. "Transbay transit terminal" means the existing bus terminal under the jurisdiction of the California Toll Bridge Authority located at First and Mission Streets in the City and County of San Francisco.

67507. "Regional transit terminal" means the terminal to be developed and constructed under the provisions of this title, including any and all related facilities developed and constructed in conjunction therewith.

67508. "Revenues" means all rates, rentals, fees, charges or other income or revenue actually received or receivable by or for the account of the authority from the operation of the regional transit terminal, including, without limiting the generality of the foregoing, interest allowed on any moneys or securities and any profits derived from the sale of any securities and any consideration in any way derived from any properties owned, operated or at any time maintained by the authority.

67509. "Indenture" means any resolution, agreement, or other document in writing under which bonds of the authority are authorized to be issued.

67510. "Public corporation" means any county, city and county, city, town, municipal corporation, district of any kind or class, authority, redevelopment agency or political subdivision of this state.

## CHAPTER 3. SAN FRANCISCO BAY AREA TRANSPORTATION TERMINAL AUTHORITY

### Article 1. Creation of the Authority

67520. There is hereby created the San Francisco Bay Area Transportation Terminal Authority.

67521. The authority is a public corporation of the State of California, independent of the agencies from which its board is appointed and in carrying out its corporate purpose as provided in this title, will be performing an essential governmental function. The powers and duties of the authority are those granted or imposed by this chapter, and the powers granted by this chapter are not restricted or qualified by Title 2 (commencing at Section 8000) of this code. Without limiting the generality of the foregoing, the provisions of Chapter 3 (commencing at Section 13290) of Part 3 of Division 3 of Title 2 of this code shall not be applicable to the authority. The authority shall not be deemed a "state agency" as that term is defined by Section 11000 of this code; provided that if the authority itself undertakes the work of developing, designing and construction of the regional transit terminal the provisions of Chapter 3 (commencing with Section 14250) of Part 5 of Division 3 of Title 2 which are applicable to public bidding and award of

contracts shall apply to the authority insofar as they can be made applicable thereto. The authority shall be deemed a "state agency" for purposes of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1, Division 3, Title 2.

67522. The authority's purpose shall be to develop a regional transit terminal in the City and County of San Francisco on and immediately adjacent to the site of the existing transbay transit terminal. The terminal may be developed in conjunction with such other facilities as, in the judgment of the authority, are necessary and proper to develop the site to its highest and best use. The terminal and facilities shall be designed and developed in full compliance so that it will conform with the municipal code and master plan of the City and County of San Francisco.

67523. The authority shall make a progress report to the Legislature annually, on or before the 15th day of February, until the terminal and other facilities have been completed.

Each report shall contain:

(a) A detailed statement of the authority's efforts to implement the provisions of Section 67540 together with the authority's recommendations respecting the method of financing such work and any necessary statutory amendments to enable its accomplishment.

(b) A brief statement of the authority's other work during the preceding calendar year and any recommendations respecting necessary statutory amendments.

(c) Any other information necessary to enable the Legislature to evaluate the authority's progress toward accomplishment of its objectives.

## Article 2. Organization

67525. (a) The authority shall be governed by a board composed of:

(1) One member appointed by the Board of Directors of the Alameda-Contra Costa Transit District;

(2) One member appointed by the Board of Directors of the Golden Gate Bridge Highway and Transportation District;

(3) One member appointed by the Mayor of the City of San Francisco;

(4) One member appointed by the Board of Directors of the San Francisco Bay Area Rapid Transit District; and

(5) The Director of Transportation of the State of California or any representative duly authorized by him in writing.

(b) In addition, the Metropolitan Transportation Commission shall appoint one person to serve as a nonvoting member of the board.

(c) In addition, one nonvoting member, representing private transportation interests, shall be appointed by the Governor.

(d) All members of the board shall be officers of the agency by which they are appointed.

(e) Any member of the board may designate, in writing, an alternate who may attend meetings and act in his place and stead.

(f) All board members shall serve at the pleasure of the agency by which they are appointed.

(g) At least three of the five voting members of the board shall be residents of the City and County of San Francisco.

67526. All members of the authority or their duly designated alternates shall serve without pay, but they may receive their necessary actual expenses incurred in the discharge of their duties.

67527. A majority of the members of the board shall constitute a quorum and may act for the authority.

67528. The authority shall maintain an office located in the City and County of San Francisco.

67529. The authority may either employ an executive director, a secretary, an attorney, and such other officers, or employees, or consultants as are necessary to enable it to perform the duties imposed upon it by this title or it may contract for any or all necessary services with a qualified public agency.

67530. The authority may sue and be sued in the name of the San Francisco Bay Area Transportation Terminal Authority.

## Article 3. General Powers

67535. The authority has perpetual succession.

67536. The authority may sue and be sued in all courts of competent jurisdiction, except that the State of California does not consent to any suit filed against the authority in any federal court of the United States; provided, that the authority may, as a plaintiff, institute or, as an intervenor, intervene in any suit in any federal court of the United States.

67537. (a) When plans for the development of the regional transit terminal have been developed to a stage at which the authority and the Department of Transportation agree that the objectives of this act can be accomplished thereby, the transbay transit terminal shall be transferred to the authority subject to such terms and conditions as in the opinion of the department and of the California Toll Bridge Authority are necessary to protect the interests of the State of California and the rights of the holders of any revenue bonds secured by the tolls and revenues of the San Francisco-Oakland Bay Bridge.

(b) The authority may acquire by grant, purchase, lease, gift, devise, or otherwise any property or interests in property necessary to the development of the regional transit terminal.

67538. The authority itself may develop, design, construct, and operate the regional transit terminal or it may contract for such development, design, construction, and operation.

The regional transit terminal shall be so designed and constructed as to facilitate the transfer of passengers between carriers and between different modes of transit.



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67539. (a) The authority shall have the power to apply for and accept grants and loans from any department or agency of the United States of America to be used for any of the purposes of the authority and to enter into any agreement with such department or agency in relation to such grants or loans; provided, however, that such agreement shall not conflict with any of the provisions of any indenture under which bonds of the authority are then outstanding.

(b) The authority may accept contributions of money or property from any city, city and county, district, or political subdivision of the state for any of the purposes of the authority.

67540. The authority may construct or may assist other public districts or agencies or carriers operating under a certificate of public convenience and necessity issued by the California Public Utilities Commission in the construction of such connections as may be necessary or desirable to facilitate the transfer of passengers between different carriers or modes of transit, including, but not limited to, a connection with facilities of the San Francisco Bay Area Rapid Transit District.

67541. The authority may exercise the right of eminent domain for the condemnation of real or personal property or any right or interest therein for its use within the City and County of San Francisco, including the power to acquire real property in fee simple or any lesser estate or interest or for rights-of-way or other uses of the authority and also for the purpose of protecting and preserving the rights, powers and privileges of the authority with respect to any facilities then owned or operated by the authority. No publicly owned property shall be taken, or condemnation proceedings instituted therefor, without the consent of the public agency or public corporation owning or controlling such publicly owned property.

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

67542. Proceedings in eminent domain brought by the authority shall be governed by the provisions of the Code of Civil Procedure relating to eminent domain, insofar as such provisions are not inconsistent with this chapter. The authority shall not commence any such proceedings unless the board first adopts a resolution by unanimous vote declaring that public interest and necessity require acquisition by the authority of the property or interest therein, described in the resolution, and that such acquisition is necessary and proper for the extension, improvement, or development of the

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regional transit terminal.

The resolution of the board shall be conclusive evidence of the public necessity of such proposed acquisition and that such real or personal property or interest therein is necessary therefor and that such proposed acquisition is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

67543. The authority may adopt such rules and regulations as may be necessary to enable it to exercise the powers and perform the duties conferred or imposed upon it by this chapter. The authority may by resolution make, amend and repeal rules and regulations governing the use, operation, and maintenance of the regional transit terminal or any part thereof under its jurisdiction and control; provided, however, that any indenture may place limitations and conditions upon the exercise of such powers or any thereof.

67544. The authority shall have power to deposit any moneys of the authority, in accordance with the provisions of the general laws of the State of California governing the deposit of public moneys of counties, in such bank or banks in the State of California as may be authorized to receive deposits of public funds, in the same manner and upon the same security as public moneys of counties are deposited in such banks and with like force and effect, and to invest any moneys in any sinking fund or reserve fund created by any indenture or any surplus in the treasury of the authority not required for its immediate needs, in accordance with the general laws of the State of California relating to investments of county funds, but subject to such limitations and restrictions as may be provided in any indenture under which bonds of the authority are outstanding.

67545. The authority shall not have power to levy taxes for any purpose whatsoever.

67546. All property of the authority, and all income, rates, fees, rentals, and other charges received or collected by the authority shall be free and exempt from all taxes by the State of California or by any political subdivision or subordinate taxing authority thereof.

67547. The authority may adopt such rules and regulations governing the employment of any and all employees necessary to carry out its powers, including, without limiting the generality of the foregoing, the establishment of a retirement system.

If the authority determines that it is in the authority's interest to do so, the authority may enter into a contract with the Public Employees' Retirement System to provide for the inclusion of all its employees in the Public Employees' Retirement System.

## Article 4. Revenue Bonds

67550. The authority may issue bonds for the acquisition, construction, reconstruction, completion, addition, betterment, improvement, extension or repair of the regional transit terminal or any part thereof, and any indenture under which bonds are issued

may provide for the payment of any incidental expenses, including legal, engineering, fiscal, financial consultant and other expenses, connected with issuing and disposing of the bonds, for all amounts required for the creation of an operating fund, or construction fund, reserve fund, sinking fund, or other special fund, for all other incidental expenses connected with the acquisition, construction or completion of the regional transit terminal or any part thereof, for reimbursement of advances by the authority or by others for such purposes and for working capital. The total amount of bonds that may be issued by the authority shall not be limited as to aggregate principal amount, except as the authority may provide in any indenture.

67551. The validity of the authorization and issuance of any bonds by the authority is not dependent on or affected in any way, except to the extent provided in the indenture by:

(a) Proceedings taken by the authority for the acquisition, construction or completion of the regional transit terminal or any part thereof.

(b) Any contracts made by the authority in connection with the acquisition, construction or completion of the regional transit terminal or any part thereof.

(c) The failure to complete any part of the regional transit terminal for which bonds are authorized to be issued.

67552. The authority shall issue bonds in its name. These bonds shall constitute obligations of the authority only, and neither the payment of the principal of any such bond nor the payment of interest thereon constitutes a debt, liability or obligation of any county or city, or city and county, or district, or political subdivision, or of the State of California. All bonds issued by the authority shall contain a recital on their face that neither the payment of the principal or any part thereof nor the payment of any interest thereon constitutes a debt, liability or obligation of any county or city, or city and county, or district, or political subdivision, or of the State of California.

67553. The authority shall determine the time, form and manner of the issuance of bonds. Bonds of the authority may be general obligations of the authority or may be payable only out of specified revenues as the authority shall determine at the time of their issuance.

67554. The authority may enter into indentures providing for the principal amount, date or dates, maturities, interest rate, denominations, form, registration, transfer, interchange and other provisions of such bonds and coupons, and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded, and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this chapter into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons,

whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this chapter, and is bound thereby.

67555. An indenture may include such covenants and agreements on the part of the authority as the authority deems necessary or advisable for the issue, payment, better security or protection of the bonds issued thereunder.

67556. An indenture may include a clause requiring the authority to pay, or cause to be paid, punctually the principal of all such bonds and the interest thereon on the date or dates, at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto, all in accordance with such indenture.

67557. An indenture may include a clause requiring the authority to continuously operate the regional transit terminal and other facilities in an efficient and economical manner.

67558. An indenture may include a clause requiring the authority to make all necessary repairs, renewals, and replacements to the regional transit terminal and to keep the same at all times in good repair, working order and condition.

67559. An indenture may include a clause requiring the authority to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

67560. An indenture may include a clause requiring the authority to pay and discharge, or cause to be paid and discharged, all lawful claims for labor, materials, and supplies, or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of the regional transit terminal, or upon any property of the authority, or which might impair the security of the bonds.

67561. An indenture may include a clause which limits, restricts, or prohibits any right, power or privilege of the authority to mortgage or otherwise encumber, sell, lease or dispose of all or any part of the regional transit terminal, or to enter into any other agreement which impairs or impedes the operation of the terminal or any part thereof necessary to secure adequate revenues, or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

67562. An indenture may include a clause requiring the authority to fix, prescribe and collect rates, rents, fees or other charges in connection with the regional transit terminal, and in addition to provide a margin of safety in the collection thereof as further security for the bonds.

67563. An indenture may include a clause, requiring the authority to hold in trust the proceeds of the bonds and the revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the indenture.

67564. An indenture may include a clause limiting the power of the authority to apply the proceeds of the sale of any issue of bonds

except as provided in the indenture.

67565. An indenture may include a clause limiting the power of the authority to issue additional bonds except upon such terms and conditions as are set forth in the indenture.

67566. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the authority on the regional transit terminal, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected. Such insurance may include fire, casualty, fidelity, public liability, property damage, or any other type or kind of insurance deemed desirable by the authority including use and occupancy insurance or insurance against loss of revenues from any cause.

67567. An indenture may include a clause providing the events of default and the terms and conditions upon which such default and its consequences may be waived. An indenture may include a clause designating the rights, limitations, power, and duties arising upon breach by the authority of any of the covenants, conditions or obligations contained in any indenture; provided, that no indenture shall limit or restrict the rights granted to bondholders by Article 7.

67568. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the authority and the vote or written assent of the holders of a specified principal amount of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. Such clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the authority may agree that bonds held by the authority, by any department or agency of the State of California, or by any public corporation, shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

67569. An indenture may include a clause providing for such other acts and matters as may be necessary or convenient or desirable in order to secure the bonds or to make the bonds more marketable.

67570. The authority may designate a bank or trust company, qualified to do business in this state, as a trustee for the authority and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

67571. The authority shall fix and determine, in an indenture, the conditions upon which any indenture trustee shall receive, hold or

disburse any or all revenues collected for or on account of the authority. The authority shall in an indenture prescribe the duties and powers of such indenture trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

67572. The authority may issue bonds in series and may divide any series into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the authority, at or prior to the issue thereof. The authority may provide for successive issues or may provide for one maximum issue. The authority may provide that all bonds, or the bonds of any specified issue, shall be paid from and secured by all revenues of the authority, however derived, or from the revenues of the specified facilities, all in the manner and upon the terms set forth in the indenture.

67573. Bonds may be issued as coupon bonds or as registered bonds. The authority may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the authority may determine.

67574. Bonds shall bear interest at a rate of not to exceed 7 percent per annum, payable annually or semiannually, or in part annually and in part semiannually.

67575. Bonds may be callable upon such terms and conditions and upon such notice as the authority may determine, and upon the payment of the premium fixed by the authority in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

67576. The authority may provide for the payment of the principal and interest of bonds at any place or places within or without the State of California, and in any specified lawful coin or currency of the United States of America.

67577. The authority may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the authority, and by additional authentication by a trustee or fiscal agent appointed by the authority. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers

had remained in office until the delivery of the bonds and coupons.

67578. Bonds shall bear dates prescribed by the authority. Bonds may be serial bonds or sinking fund bonds with such maturities as the authority may determine. No bond by its terms shall mature in more than 50 years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

67579. The authority may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The authority may sell bonds at less than their par or face value, but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the authority, calculated upon the entire issue so sold, of more than 7 percent per annum, payable semiannually, according to standard tables of bond values. All bonds issued and sold for cash pursuant to this chapter shall be sold on sealed proposals to the highest bidder, either bidding alone or in conjunction with others, after advertising for bids by publication of notice of sale once, not less than 10 days prior to the date of sale, in a newspaper of general circulation printed and published in the City and County of San Francisco. The authority may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder, either bidding alone or in conjunction with others, under such terms and conditions as it deems most advantageous to its own interests, but the bonds shall not be sold at a price below that of the highest bid which was rejected. The authority may contract loans and borrow money through the sale of bonds to the United States of America or any of its departments or agencies, upon such terms and conditions as may be agreed to. Such bonds shall be subject to all other provisions of this chapter, except the requirement that bonds be sold on sealed proposals to the highest bidder after advertising for bids.

67580. The authority may provide in the proceedings for the issuance of bonds that the bonds and the interest thereon constitute such lien upon the revenues of the regional transit terminal or any part thereof acquired, constructed, or completed, improved or extended, by the authority as may be provided for in the indenture. The indenture may provide that the bonds shall be secured by revenues derived from the entire regional transit terminal or from revenues of only certain designated facilities therein.

67581. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the period required for construction of the regional transit terminal or any part thereof, and for a period not to exceed three years thereafter as may be provided for in the indenture.

67582. Pending the actual issuance or delivery of definitive

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bonds, the authority may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

67583. All bonds, and the interest thereon, are exempt from all taxation by the State of California or any public corporation other than gift, inheritance and franchise taxes.

67584. The authority may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any bonds issued by the authority. All provisions of this chapter applicable to the issuance of bonds are applicable to the refunding bonds and to the issuance, sale or exchange thereof.

67585. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such refunding bonds. These expenses may include the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded or to the date upon which the bonds to be refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

67586. All bonds issued under the provisions of this chapter are negotiable instruments, except when registered in the name of a registered owner.

67587. The authority may apply to the State Treasurer under the Districts Securities Law (Division 10 (commencing at Section 20000) of the Water Code), as such law now reads or is hereafter amended to read, for the certification of any bonds issued by it as legal investments for savings banks and other funds, but such certification shall not be a condition precedent to the issuance of any bonds by the authority nor shall the State Treasurer have any jurisdiction over the expenditure of any proceeds of bonds certified by it. If the State Treasurer determines that the bonds are adequately secured and that the revenues of the authority applicable to the payment thereof are or probably will be sufficient to pay the principal and interest on the bonds, and if the State Treasurer certifies to that effect, the bonds so certified shall be eligible as legal investments for both public and private funds in the same manner as provided in the Districts Securities Law. The authority may issue bonds with or without such certification and shall not be precluded from issuing bonds subsequently without such certification notwithstanding the fact that earlier issues of bonds may have been certified as legal investments.

67588. Prior to the issuance of any bonds, the authority may

commence in the Superior Court of the State of California, in and for the City and County of San Francisco, a special proceeding to determine the right to issue the bonds and their validity. Such proceedings shall be instituted and prosecuted in the same manner as provided by Sections 860 to 870, inclusive, of the Code of Civil Procedure, as these sections now read or may hereafter be amended to read, and these sections apply to and govern all such proceedings instituted under this chapter. Such proceeding is a proceeding in rem and the judgment rendered therein is conclusive against all persons whomsoever and against the State of California.

67589. No indenture need be recorded or filed in any public office, other than the office of the authority. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein, and irrespective of the date of receipt of such revenues by the authority or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the authority, or to the indenture trustee.

67590. Subject to any applicable provisions which may be contained in an indenture, the authority may invest any available funds in bonds issued by it and may hold, cancel or resell such bonds.

67591. While any bonds issued by the authority remain outstanding and unpaid, the power of the authority to establish, levy and collect rents, fees and other charges in connection with the regional transit terminal shall not be diminished or impaired.

Article 5. Acquisition, Construction, Completion, Improvement, Betterment, and Extension of the Regional Transit Terminal

67600. After the transbay transit terminal has been transferred to the authority, it may thereafter proceed with construction of the regional transit terminal. It may also thereafter enlarge or extend the regional transit terminal if such enlargement or extension is, in its judgment, necessary or convenient for the development of transportation service in the San Francisco Bay area. Such terminal or enlargement or extension thereof shall be constructed in such a manner that it conforms to building codes of the City and County of San Francisco.

67601. The authority has full charge of the acquisition, construction, and completion of the regional transit terminal or any part thereof authorized by it. The authority may construct the regional transit terminal or any part thereof and acquire all property necessary therefor on such terms and conditions as it deems advisable or may contract with a developer for such work. The authority, without awarding a contract for the construction of the regional transit terminal or any part thereof, may do the work directly and may purchase the materials, hire labor, and do all other things necessary for the doing of the work. When any part of the work is to be done or performed by any department or agency of the United States of America or the State of California or any city,

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county, district or other public corporation, jointly or in connection with the authority, the portion of the cost thereof to be borne by the authority may be turned over to the department, or agency, or political subdivision or public corporation to be expended by it in the acquisition, construction, or completion of the regional transit terminal or any part thereof.

67602. Title to all property acquired by the authority and the revenues and income therefrom, is in the name of the authority. The title to any moneys, revenues, sinking funds, reserve funds and other funds of the authority and the income thereof pledged to the payment of the principal or any interest on any bonds issued hereunder is subject to the trusts hereby created in favor of the bondholders. The management, operation and control of the regional transit terminal and of every part thereof acquired, constructed or completed by the authority shall be vested in the authority; provided, however, that any indenture may contain provisions with respect to the exercise thereof.

67603. The authority may use for the payment of the cost of acquisition, construction, completion, additions, betterments, extensions and repairs of the regional transit terminal or any part thereof any funds made available to the authority to be expended for the accomplishing of the purposes set forth in this title or the proceeds of bonds issued and sold by the authority, subject to the provisions of any applicable indenture.

67604. The authority may insure against any accident to or destruction of the regional transit terminal or any part thereof. Any money collected on such insurance shall be used for the purpose of repairing or rebuilding the facility or any part thereof damaged, injured or destroyed, or for the retirement of any bonds issued by the authority as may be set forth in the indenture authorizing the issuance of the bonds.

67605. The authority may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used as provided in the indenture securing any then outstanding bonds of the authority.

67606. The authority may insure against public liability or property damage. It may provide in the proceedings authorizing the issuance of any revenue bonds for the carrying of such or any other insurance, in such amount and of such character as may be specified, and for the payment of the premiums thereon.

## Article 6. Rents, Rates, Fees, and Charges

67610. (a) If the authority contracts with a developer for design, construction, operation, and management of the regional transit terminal, such contract shall require the developer to make annual payments to the authority sufficient in amount to meet all obligations assumed by the authority under the provisions of any bond indenture, including, but not limited to, annual interest, principal

payments, operating costs of the authority, and maintenance costs incurred by the authority.

(b) If the authority itself undertakes operation of the regional transit terminal, it shall fix rents, rates, fees, and charges for occupancy or use of the facilities thereof in compliance with the terms of any applicable indenture.

67611. Subject to such contractual obligations as may be entered into by the authority and the holders of bonds issued under this chapter, the authority is authorized to change such rates, rents, fees, and charges from time to time as conditions warrant.

67612. All rates, rents, fees, and charges shall comply with the provisions of any applicable indenture. The bond redemption and interest payments shall, to the extent provided in the indenture, constitute a first, direct and exclusive charge and lien on all such rates, rents, fees, charges, and other revenues and interest thereon received from the use and operation of the regional transit terminal, and on any sinking or other funds created therefrom; and all such rates, rents, fees, charges, and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and, except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements or extensions of the regional transit terminal or other purposes, shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid.

67613. The authority may provide in an indenture that the rates, rents, fees, and charges established are minimum rates, rents, fees, and charges and subject to increase or decrease in accordance only with the terms of the indenture.

## Article 7. Rights of Bondholders

67620. The holder of any bond may, for the equal benefit and protection of all holders of bonds similarly situated, do either of the following:

(a) By mandamus or other appropriate proceedings, require and compel the performance of any of the duties imposed upon the authority or assumed by it, its officers, agents, or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction, or insurance of the regional transit terminal, or in connection with the collection, deposit, investment, application, and disbursement of the rates, rents, fees, charges, and other revenues derived from the operation and use of the terminal, or in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds.

(b) By action or suit in equity, require the authority to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of

the bonds.

67621. The enumeration of the rights and remedies in Section 67620 does not exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

## Article 8. Contributions and Cooperation

67625. The authority may accept contributions or appropriations from the United States of America, the State of California, or any department or agency of either thereof, or from any public corporation.

67626. The authority may cooperate and contract with the United States of America under any act of Congress heretofore or hereafter enacted authorizing or permitting such cooperation. The authority may enter into any contract, arrangement, or agreement with, and may cooperate with the Department of Transportation or any other department or agency of the State of California or any public corporation for the development, construction, improvement, or maintenance of the regional transit terminal or any part thereof.

## Article 9. Funds

67630. The proceeds from the sale of bonds shall be paid to any bank or trust company designated as the fiscal agent, trustee, or depositary of the authority, as in this chapter provided. If a part of the cash proceeds of the sale or exchange of bonds is to be used for operating funds of the authority, such proceeds or part thereof shall be placed in any fund designated in the indenture pursuant to which the bonds are issued.

67631. The proceeds of the sale of bonds shall be deposited and disbursed as provided in the indenture authorizing the issuance of such bonds.

67632. Any surplus moneys which shall exist after the payment in full of all costs of acquisition, construction, and completion of the regional transit terminal or any part thereof for which the bonds were issued, may be paid out and disbursed as provided in the indenture.

67633. The authority shall, in any indenture, designate a trustee or fiscal agent, which shall be a bank or trust company, or banks or trust companies, duly qualified to do business in this state, to receive the proceeds of such bonds and to hold the same separate and apart from all other funds of the authority. Such moneys shall be paid out and disbursed as provided in the indenture.

67634. The proceeds of the sale of bonds, held by any fiscal agent, trustee, or depositary of the authority, not currently required to meet acquisition or construction costs or expenses payable from the construction fund, or interest on the bonds, may be invested in bonds and other obligations eligible for investment of surplus county moneys, subject to such limitations as may be provided in the

indenture. Any income or interest thereon shall be added to and become a part of the particular fund upon which such interest or income accrues.

67635. All revenues received from the operation of the regional transit terminal shall be paid over by the authority, to any fiscal agent, trustee, or depositary appointed by the authority, as provided in the indenture. The authority may, in its absolute discretion, fix the terms and conditions upon which the fiscal agent or trustee or trustees shall receive, hold, and disburse such revenues, and may prescribe the duties and powers of such fiscal agent, trustee or trustees or depositary in the indenture.

67636. Notwithstanding any of the foregoing provisions of this article, the indenture may specify the fund or funds into which any part of the proceeds from the sale of the bonds shall be paid and the uses of such fund or funds. The revenues likewise may be payable into such fund or funds as may be provided in the indenture and shall be used only as authorized in the indenture.

## Article 10. General Authority

67640. The authority and its officers and agents may perform such acts and enter into such agreements, not inconsistent with law, as may be necessary or desirable in connection with the duties and powers conferred upon the authority by this chapter, including all such acts or agreements in connection with acquiring, constructing, completing, maintaining, operating, repairing, insuring, or replacing the regional transit terminal or any part thereof, for the safeguarding of funds and revenues required for the purposes of this chapter, and for the payment of the bonds issued pursuant to this chapter. Without limiting the generality of the foregoing, the authority may lease out all or any part of the regional transit terminal.

SEC. 2. The property to be transferred to the San Francisco Bay Area Transportation Authority under this act is located in the City and County of San Francisco and is described as follows:

Parcel 1

Beginning at a point of intersection of the Southwesterly line of First Street with the Southeasterly line of Minna Street; running thence Southeasterly along said line of First Street 155 feet to the Northwesterly line of Natoma Street; thence at a right angle Southwesterly and along said line of Natoma Street 476.5 feet; thence at a right angle Northwesterly 75 feet; thence at a right angle Southwesterly 33.5 feet; thence at a right angle Northwesterly 80 feet to the Southeasterly line of Minna Street; thence at a right angle Southeasterly and along said line of Minna Street 510 feet to the point of beginning.

Being portion of 100 Vara Block No. 347.

Containing 76,538 square feet more or less.

Parcel 2

Beginning at the point of intersection of the Southwesterly line of Fremont Street and the Southeasterly line of Mission Street; running thence Southwesterly along said line of Mission Street 275 feet to the Northeasterly line of First Street; thence at a right angle Southeasterly along said line of First Street 350 feet to the Northwesterly line of Natoma Street; thence at a right angle Northeasterly along said line of Natoma Street 275 feet to the Southwesterly line of Fremont Street; thence at a right angle Northwesterly along said line of Fremont Street 350 feet to the point of beginning.

Being portion of 100 Vara Block No. 341.

Containing 96,250 square feet more or less.

Parcel 3

Beginning at a point on the Southwesterly line of Beale Street, distant thereon 163.33 feet Northwesterly from the Northwesterly line of Howard Street; running thence Northwesterly along said line of Beale Street 203.33; thence at a right angle Southwesterly 275 feet to the Northeasterly line of Fremont Street; thence at a right angle Southeasterly along said line of Fremont Street 183.33 feet; thence at a right angle Northeasterly 265 feet; thence Southeasterly in a direct line 22.36 feet to the point of beginning.

Being portion of 100 Vara Block No. 335.

Containing 50,516 square feet more or less.

SEC. 3. There is hereby appropriated to the Department of Transportation for support of the San Francisco Bay Area Transportation Terminal Authority, payable out of money in the funds in the schedules set forth below, the sum of $75,000.

Schedule:

(1) From moneys in the Retail Sales Tax Fund available for transfer to the Transportation Planning and Research Account in the State Transportation Fund pursuant to Revenue and Taxation Code Section 7102, in excess of the first $2 million available therefor, not to exceed $75,000;

(2) From the General Fund in the State Treasury, so much as may be necessary when added to the amount available under (1) above, to make a total of $75,000 available for expenditure for the purposes of this appropriation;

provided that any moneys expended under Schedule (2) hereof shall be returned to the State Treasury, to be accredited to the General Fund, from moneys available in fiscal year 1975–76 in the Retail Sales Tax Fund for transfer to the Transportation Planning and Research Account in the State Transportation Fund pursuant to said Revenue and Taxation Code Section 7102, and provided further that

expenditures from this appropriation shall be made by the Department of Transportation for the purpose of matching funds contributed or advanced to the San Francisco Bay Area Transportation Terminal Authority from other sources.

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## CHAPTER 1374

*An act to add Section 14115.3 to the Welfare and Institutions Code, relating to Medi-Cal.*

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

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

SECTION 1. Section 14115.3 is added to the Welfare and Institutions Code, to read:

14115.3. The department shall permit a nurse anesthetist to bill independently for services rendered by such nurse anesthetist. If a nurse anesthetist chooses to bill independently for such services, the department shall make the payment for the services directly to the nurse anesthetist.

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## CHAPTER 1375

*An act to amend Sections 6499.32, 6951, 10751.5, 15708, 16745, 16749, 16750, 16803, 20456, and 20457 of, and to add Sections 16740.5 and 16751 to, the Education Code, relating to schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 6499.32 of the Education Code is amended to read:

6499.32. It is the intent of the Legislature that program improvement schools be established throughout the state in not more than five separate schools in different districts, and in not more than all of the schools in one elementary district, to offer educational programs which are developed by the director and staff of such schools in cooperation with representatives of the local community, including the parents of children served by the school. It is the further intent of the Legislature that the programs established under the provisions of this chapter be designed to facilitate an evaluation

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of the effectiveness of promising instructional methods, techniques, and staffing patterns that are intended to improve the level of pupil achievement in the areas of reading and mathematics.

SEC. 2. Section 6951 of the Education Code is amended to read:

6951. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in a regularly established licensed children's institution, or in a hospital operated by a county, located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the children's institution or the hospital. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in an institution or in a family home, pursuant to a commitment or placement under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code, located either within or without the boundaries of the district, or whenever a school district provides education in special schools or classes for mentally retarded pupils coming within the provisions of Section 6902 or 6903, physically handicapped pupils coming within the provisions of Section 6801, or educationally handicapped pupils educated pursuant to Section 6751.5, who reside in a licensed children's institution, or a family home, or a hospital operated by a county, located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the institution, or the home, or the hospital. If the child's prior residence cannot be ascertained or if his residence was outside the State of California, the district shall be reimbursed for the actual cost of educating such child by the county or city and county in which the institution, or family home, or the hospital is located. The pupil residing in an institution, or the family home, or the hospital under this section does not acquire residence in the district wherein the institution, or the family home, or the hospital is located during the period of residence in the institution, or the family home, or the hospital.

SEC. 3. Section 10751.5 of the Education Code is amended to read:

10751.5. Notwithstanding Section 10751, the superintendent, principal, or governing board of any public, private, or parochial school providing instruction in kindergarten or any of grades 1 to 12, inclusive, may permit the furnishing, or may furnish, the names and addresses of pupils presently enrolled in grade 12, or pupils who have terminated their enrollment prior to graduation to any official of a public school, college, or university or a private business or professional school or college approved, authorized, or certified pursuant to the provisions of Division 21 (commencing with Section 29001). No public school, college, or university or private business or professional school or college, as provided for in this section, shall use

such information for other than purposes directly related to their own solicitation activities. Any violation of this provision is a misdemeanor, punishable by a fine of not to exceed two thousand five hundred dollars ($2,500), and, in addition the privilege of the school or college to receive the lists shall be suspended for a period of two years from the time of discovery of the misuse of such lists.

SEC. 4. Section 15708 of the Education Code is amended to read:

15708. Before entering into a lease or agreement pursuant to this article (commencing at Section 15701), the governing board of the district shall call, hold, and conduct an election in the manner provided in Section 20803.2, except that the ballot used in the election shall contain substantially the words: "Shall the governing board of the _____ District purchase [a site, sites], prepare plans and specifications, [the reference to the site or sites and plans and specifications shall not be included if, prior to calling the election, the governing board of the district has acquired a site or sites or proposes to lease a site or sites and has prepared plans and specifications] and lease [a site and, sites and] [a building, buildings] to be constructed for use by the school district [designating the location of the site or sites on which the building or buildings will be constructed and generally describing the building or buildings], and, for such purposes, shall the maximum tax rate of the district be increased by not to exceed _____, such increase to be in effect in the _____ District for the years 19__ to _____, be authorized and the amount of such increase used solely and exclusively for such purposes?"

SEC. 5. Section 16745 of the Education Code is amended to read:

16745. The governing board of any school district or the county superintendent of schools may adopt such reasonable rules and regulations governing the child development services or facilities maintained by it as are not in conflict with law or the standards and regulations established for child development services by the Superintendent of Public Instruction.

SEC. 6. Section 16749 of the Education Code is amended to read:

16749. The governing board of any school district or the county superintendent of schools shall establish in the county treasury a fund to be known as the "child development fund" into which shall be paid all funds received by the district or the county for, or from the operation of, child development services under this division. The costs incurred in the maintenance and operation of child development services shall be paid from the fund, with accounting to reflect specific funding sources, except any contributions authorized or required to be paid by the district on account of services of employees providing child development services to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Sections 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipt of district taxes or derived from moneys apportioned to the district for the

support of schools thereof, except state moneys appropriated for the support of child development services, fees, and federal funds, may be expended for, or in connection with child development services.

SEC. 7. Section 16749 of the Education Code is amended to read:

16749. The governing board of any school district or the county superintendent of schools shall establish in the county treasury a fund to be known as the "child development fund" into which shall be paid all funds received by the district or the county for, or from the operation of, child development services under this division. The costs incurred in the maintenance and operation of child development services shall be paid from the fund, with accounting to reflect specific funding sources.

No other funds of a district derived from the receipt of district taxes or derived from moneys apportioned to the district for the support of schools thereof, except state moneys appropriated for the support of child development services, fees, and federal funds, may be expended for, or in connection with child development services.

SEC. 8. Section 16750 of the Education Code is amended to read:

16750. The governing board of any school district maintaining a children's center program may include in its budget the amount necessary to carry out its program pursuant to this chapter and the board of supervisors shall levy a school district tax or a county tax necessary to raise such amount. The tax shall be in addition to any other school district tax or county tax authorized by law to be levied.

The revenue derived from taxes levied pursuant to this section may be used to purchase real property and fixtures, to make alterations or additions to existing buildings, and to purchase furniture, apparatus or equipment for children's center facilities maintained by the taxing school district. As used in this section, "purchase" includes the acquisition of property under a lease-purchase agreement.

SEC. 9. Section 16740.5 is added to the Education Code, to read:

16740.5. The county superintendent of schools in each county, with the approval of the county board of education and the Superintendent of Public Instruction, shall have the authority to establish and maintain children's centers in the same manner and to the same extent as governing boards of school districts, except that nothing in this section shall be construed as vesting in the county superintendents of schools any authority to alone effect the levy and collection of any county, school, or other local taxes for the support of any such centers.

The establishment and maintenance of any children's center by the county superintendent of schools shall be undertaken, subject to the prior approval of both the county board of education and the Superintendent of Public Instruction, upon the application of one or more school districts under his jurisdiction, and such maintenance shall be upon such terms and conditions as may be provided for in a written contract entered into between the county superintendent of schools and the governing board of any such district.

SEC. 10. Section 16751 is added to the Education Code, to read:

16751. The county superintendent of schools maintaining a children's center program may include in its budget the amount necessary to carry out its program pursuant to this chapter. The county board of supervisors shall levy a county tax necessary to raise such amount in only those school districts the governing board of which has entered into a contract with the county superintendent of schools for the maintenance of a children's center program pursuant to Section 16740.5. Such tax shall be at a rate not to exceed ten cents ($0.10) per one hundred dollars ($100) of assessed valuation and shall be in addition to any other county tax authorized by law to be collected.

SEC. 11. Section 16803 of the Education Code is amended to read:

16803. (a) Continuing contracts for the furnishing of transportation of pupils in school districts to and from school, if made, shall be made for a term not to exceed five years. Such contracts shall be renewable at the option of the school district and the party contracting to provide transportation services, jointly, at the end of each term of the contract. The contract as renewed shall include, other than the rates of the previous contract, all of the terms and conditions of the previous contract, including any provisions increasing rates based on increased costs.

(b) Continuing contracts may be made for the lease or rental of schoolbuses, not to exceed five years, except that if such a lease or rental contract provides that the district may exercise an option either to purchase the buses or to cancel the lease at the end of each annual period during the period of the contract, such contract may be made for a term not to exceed 10 years.

SEC. 12. Section 20456 of the Education Code is amended to read:

20456. (a) The county superintendent shall have a maximum tax rate available for the operation, maintenance and housing of the county office and for any ongoing program, except children's center programs maintained by the county superintendent of schools, not included in any previous section of this article.

(b) For fiscally independent county superintendent offices, the maximum allowable tax rate shall be the rate levied for these purposes in 1971–72 or 1972–73, whichever is higher, minus that portion of the rate levied for capital outlay and juvenile hall purposes. This maximum rate may be exceeded in the amount and under the terms specified in subdivision (c) of Section 2165 of the Revenue and Taxation Code.

(c) For fiscally nonindependent county superintendent offices, the maximum allowable tax rate shall be computed by determining the amount of expenditures for the county superintendent of schools' office, exclusive of capital outlay expenditures and expenditures for juvenile hall purposes, in 1971–72 and 1972–73 which were funded from property tax revenues attributable to the county general fund. The amount for each year shall be converted to a tax rate equivalent for that year by dividing each amount by the assessed value of the

county in that year and multiplying the quotient by 100; the higher of the two resulting tax rate equivalents shall be the maximum allowable tax rate. This maximum rate may be exceeded in the manner and under the terms specified in subdivision (c) of Section 2165 of the Revenue and Taxation Code.

(d) The maximum allowable tax rate described in this section is not intended to prohibit a county from augmenting the budget of the county superintendent of schools offices from general county funds. If the budget of the county superintendent of schools, as set by the county, does not require the full amount of the maximum allowable rate, the difference between the maximum rate and the actual rate required shall not be levied and shall not be available for any other county purpose.

(e) The maximum allowable tax rates described in this section may be increased by a majority vote of those voting on a proposition relating to such increase. Such a proposition may be voted on only in conjunction with a general countywide election.

SEC. 13. Section 20457 of the Education Code is amended to read:

20457. In any fiscal year, new maximum allowable rates shall be computed as if the maximum allowable rates were levied in the prior fiscal year, but such maximum allowable rates need not be levied.

SEC. 14. (a) Election proceedings to withdraw from a junior high school system pursuant to Article 2 (commencing with Section 5601) of Chapter 5 of Division 6 of the Education Code may be commenced upon by either of the following means:

(1) A petition signed by thirty-five percent (35%) of the registered voters residing in the district shall be presented to the county committee on school district organization of the county in which the district is situated, setting forth briefly the reasons for withdrawal and praying that the question be submitted to the voters of this district.

(2) The governing boards of all school districts involved shall agree that an election be held and shall notify the county superintendent of schools of such agreement.

(b) Any action to withdraw from a junior high school or a system of junior high schools undertaken pursuant to subdivision (a) of Section 5626 of the Education Code shall be presented to the county committee on school district organization of the county in which the high school district is situated, which committee shall approve or disapprove the proposal represented in the petition.

In the event that the county committee on school district organization approves the petition, the petition shall be presented to the county superintendent of schools of the county in which the high school district is situated. If the county committee disapproves of the petition, the action of the county committee shall be deemed final.

A county committee on school district organization shall not approve of the proposal to withdraw where either: (a) the total of assessed valuation per pupil of the elementary school districts territory remaining within the junior high school or system of junior

high schools would be reduced by more than 10 percent of the assessed valuation per pupil of the combined elementary school districts in the junior high school or system of junior high schools; or (b) the assessed valuation per pupil of the withdrawing elementary school district exceeds the assessed valuation per pupil of the combined elementary school districts remaining in the junior high school or system of junior high schools by more than 15 percent.

(c) The county superintendent of schools, upon receiving the approved petition from the county committee on school district organization or notice of agreement shall immediately order an election in the district, submitting to the voters of the district the question of withdrawal.

The provisions of this section shall only apply to counties having an area of 7,000 square miles or more.

SEC. 15. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because there are savings as well as costs in this act which, in the aggregate, do not result in significant cost changes and because revenue is provided in Section 6955 of the Education Code.

SEC. 16. It is the intent of the Legislature that if this bill and Assembly Bill No. 3638 are both chaptered and become effective on or before January 1, 1975, and both bills amend Section 15708 of the Education Code, that the amendments to Section 15708 in the form set forth in Section 4 of this act shall not become operative. Therefore, Section 4 of this act shall not become operative if Section 15708 of the Education Code is amended by Assembly Bill No. 3638, and such bill is chaptered on or before January 1, 1975.

SEC. 17. It is the intent of the Legislature, if this bill and Assembly Bill No. 3753 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 16749 of the Education Code, and this bill is chaptered after Assembly Bill No. 3753, that Section 16749 of the Education Code, as amended by Section 6 of this act, shall remain operative until the effective date of Assembly Bill No. 3753, and that on the effective date of Assembly Bill No. 3753, Section 16749 of the Education Code, as amended by Section 6 of this act, be further amended in the form set forth in Section 7 of this act to incorporate the changes in Section 16749 proposed by Assembly Bill No. 3753. Therefore, if this bill and Assembly Bill No. 3753 are both chaptered and become effective on or before January 1, 1975, and Assembly Bill No. 3753 is chaptered before this bill and amends Section 16749, Section 7 of this act shall become operative on the effective date of Assembly Bill No. 3753.

SEC. 18. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the ballot revisions effected by this act may apply to school elections set to be conducted prior to the effective date of

ordinary statutes enacted by the Legislature in 1974, it is necessary that this act take effect immediately.

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## CHAPTER 1376

*An act to add Sections 36153 and 36262 to the Water Code, relating to California water districts, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 36153 is added to the Water Code, to read:

36153. In addition to any and all other provisions of this division and any other applicable laws for the issuance of general obligation bonds by a district, general obligation bonds may be issued by a district where the proceeds are to be used to construct facilities in compliance with an order adopted by the State Department of Health pursuant to Chapter 7 (commencing with Section 4010) of Part 1 of Division 5 of the Health and Safety Code and the bonds to be sold have been approved by the State Treasurer in accordance with the provisions of Division 10 (commencing with Section 20000). Bonds issued pursuant to this section shall be issued by a district as otherwise provided in this division without regard to the election procedures of Chapter 3 (commencing at Section 35150) of Part 4 of this division and shall be secured by unlimited ad valorem assessments on land in the district without regard to any limitations set forth in Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code. If 50 percent or more of the voters within the district or if the owners of 50 percent or more of the assessed valuation within the district submit written protests to the district secretary within the 30 days after the date the board adopts the resolution authorizing the issuance of the bonds, the proceedings for the issuance of bonds pursuant to this section shall be terminated and no further proceedings shall be taken pursuant to this section for a period of at least one year.

SEC. 2. Section 36262 is added to the Water Code, to read:

36262. The board may, without a vote of the electors, or without a further hearing, provide for the issuance of, and issue, general obligation bonds of a district or for an improvement district thereof in accordance with the following:

(a) The principal amount of such bonds does not exceed the then unissued balance of the principal amount of bonds of a district, or of such improvement district, authorized pursuant to the provisions of this chapter prior to January 1, 1974.

(b) The bonds are issued for the purpose set forth in the plan of

works adopted for such authorized bonds or as such plan of works may be modified pursuant to Article 1 (commencing with Section 35950) of Chapter 2 of this part.

(c) The bonds are issued in accordance with the provisions of this division, except for the requirement of a bond election or notice and hearing.

Bonds issued pursuant to this section shall be secured by unlimited ad valorem assessments on land in the district or in the improvement district without regard to any limitations set forth in Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code.

When bonds are issued pursuant to this section, unissued bonds as referred to in subdivisions (a) and (b) in a principal amount at least equal to the principal amount of bonds issued pursuant to this section, shall be canceled by order of the board and shall not be issued.

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

The Metropolitan Water District of Southern California is constructing facilities to commingle water being used presently for domestic purposes with water which requires additional treatment in addition to treatment by existing facilities previously constructed to treat water obtained from the existing source. In such instances the State Department of Health has required that such facilities be constructed without delay, and should such construction not occur, residents of the State of California would be deprived of water for domestic purposes even though facilities adequate to meet present needs have previously been constructed to treat for domestic purposes from present sources available for their use. In order to provide such facilities at the earliest possible time, it is necessary that this act go into immediate effect.

In addition, the water quality control plan established by the State of California, as well as requirements promulgated to implement the provisions of the Federal Water Pollution Control Act, the Porter-Cologne Act, and the Clean Water Bond Law of 1970, require immediate implementation of portions of the applicable basin plans established by the State of California. The implementation of portions of applicable basin plans is necessary to protect the environment and its use and enjoyment by the people of the State of California. There is the need to construct such facilities, and the extent of such facilities needed to be constructed requires financing for construction of regional facilities to thereby avoid the degradation of the waters of the State of California and its environment and to comply with existing requirements of state and federal laws and regulations.

There are instances where a district participating in a basin plan has bonds authorized pursuant to Chapter 3.5 (commencing with

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Section 36250) of Part 6 of Division 13 of the Water Code which cannot be issued to finance a district's share of such regional facilities without the adoption of this act. It is also necessary, therefore, for the foregoing reasons that the provisions of this act go into immediate effect.

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## CHAPTER 1377

*An act to amend Section 13321 of the Education Code, relating to school district reorganizations.*

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

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

SECTION 1. Section 13321 of the Education Code is amended to read:

13321. The division, uniting, unionization, unification, or consolidation of any school district or districts, or any change in school district boundaries or organization, shall not affect the classification of certificated employees already employed by any school district affected. Such employees shall have the same status with respect to their classification by the district, including time served as probationary employees of the district after the division, uniting, unionization, unification, or consolidation, or change in school district boundaries or organization as they had prior thereto. If such division, uniting, unionization, unification, or consolidation, or change in school district boundaries or organization results in the school or other place in which any such employee is employed being maintained by another district, any such employee, if a permanent employee of the district which formerly maintained such school or other place of employment, shall be employed as a permanent employee of the district which thereafter maintains the school or other place of employment, unless such employee elects to continue in the employ of the first district. If such employee is a probationary employee of the district which formerly maintained such school or other place of employment, he shall be employed by the district which thereafter maintains the school or other place of employment, unless such probationary employee is terminated by such district pursuant to Section 13443 or 13447, and, if not so terminated, his status with respect to classification by such district shall be the same as it would have been had the school or other place of employment continued to be maintained by the district which formerly maintained it. As used in this paragraph, "the school or other place in which any such employee is employed" and all references thereto, includes, but is not limited to, the school services or school program which, as a result of any division, uniting, unionization, unification,

or consolidation of a school district, will be provided by another district, irrespective of whether any particular building or buildings in which such schoolwork or school program was conducted is physically located in the new district and irrespective of whether any new district resulting from such division elects to provide for the education of its pupils by contracting with another school district until such time as the new district constructs its own facilities.

As used in the preceding paragraph of this section "any change in school district boundaries or organization" includes, but is not limited to, the formation of a community college district which includes a high school district maintaining a community college, and the reorganization of a territory into a new different or additional high school or elementary school district or districts.

In case the unionization, unification, uniting, or consolidation of two or more school districts results in a district in which, under the provisions of this code then in effect, the certificated employees are entitled to probationary or permanent classification, the employees of the union, unified, or consolidated district, or of the school district formed by uniting two or more school districts shall be given such classification on the same basis as certificated employees in other districts of like average daily attendance.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

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## CHAPTER 1378

*An act to amend Section 36516 of, and to add Section 20362 to, the Government Code, relating to local government.*

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

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

SECTION 1. Section 20362 is added to the Government Code, to read:

20362. Notwithstanding any other provision of law, with respect to elective officers of contracting agencies, payment by a contracting agency of employer contributions and any other amounts for employer paid benefits under this system shall not be construed as receipt of salary or compensation by the elective officer for purposes of any statutory salary or compensation limitation.

SEC. 2. Section 36516 of the Government Code is amended to read:

36516. A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of

which shall be determined by the following schedule:

(a) In cities up to and including 35,000 in population, up to and including one hundred fifty dollars ($150) per month;

(b) In cities over 35,000 up to and including 50,000 in population, two hundred dollars ($200) per month;

(c) In cities over 50,000 up to and including 75,000 in population, two hundred fifty dollars ($250) per month.

(d) In cities over 75,000 up to and including 150,000 in population, three hundred dollars ($300) per month.

(e) Cities over 150,000 population up to and including a population of 250,000, four hundred dollars ($400) per month.

(f) Cities over 250,000 population, five hundred dollars ($500) per month.

For the purposes of this section the population shall be determined by the estimates of population made by the Department of Finance.

In a city changing from a lower to a higher population group as provided in this section, the amount of compensation shall be determined by the latest estimate of population made by the Department of Finance or as provided in Sections 2107, 2107.1 and 2107.2 of the Streets and Highways Code.

Compensation of councilmen may be increased beyond the amount provided in this section or decreased below such amount by an affirmative vote by the majority of the electors of the city voting at any municipal election.

Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section provided the same benefits are available and paid by the city for its employees.

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## CHAPTER 1379

*An act to add Sections 31621.3, 31621.4, and 31621.5 to the Government Code, relating to the County Employees Retirement Law of 1937.*

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

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

SECTION 1. Section 31621.3 is added to the Government Code, to read:

31621.3. In counties adopting Section 31676.11 the normal rate of contribution, except for members covered by Article 6.8 (commencing with Section 31639) of this chapter shall be such as will provide an average annuity at age 55 equal to one two-hundred-fortieth of the final compensation of members not covered by Article 6.8, according to the tables adopted by the board

of supervisors, for each year of service rendered after entering the system.

This section may be made applicable in such counties on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county.

SEC. 2. Section 31621.4 is added to the Government Code, to read:

31621.4. The normal rates of contribution except for members covered by Article 6.8 shall be such as will provide an average annuity at age 60 equal to one two-hundred-fortieth of the final compensation of members not covered by Article 6.8 (commencing with Section 31639) of this chapter, according to the tables adopted by the board of supervisors, for each year of service rendered after entering the system.

This section may be made applicable in such counties on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county.

SEC. 3. Section 31621.5 is added to the Government Code, to read:

31621.5. In counties adopting Section 31676.12, the normal rates of contribution, except for members covered by Article 6.8 (commencing with Section 31639) of this chapter, shall be such as will provide an annual annuity at age 60 equal to one two-hundredth of the final compensation of members not covered by Article 6.8, according to tables adopted by the board of supervisors, for each year of service rendered after entering the system.

This section may be made applicable in such counties, on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county.

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## CHAPTER 1380

*An act to amend Section 20930 of the Government Code, relating to the Public Employees' Retirement System.*

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

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

SECTION 1. Section 20930 of the Government Code is amended to read:

20930. "Public service" for purposes of this article means the following:

(a) Employment of the state or a contracting agency while not a

member of this system, but after persons employed in the status of the member were eligible for membership in this system.

(b) Employment of the state or a contracting agency while the employee was excluded from membership because of serving on a part-time basis or because of his failure to exercise his right of election of membership under Section 20360, 20361 or 20364.

(c) Employment of the state or a contracting agency while the employee was excluded from membership in an employment in which persons since have become eligible for membership and which is not creditable to the member under other provisions of this part.

(d) Employment in the State Emergency Relief Administration or the State Relief Administration subsequent to March, 1933, regardless of the source of the compensation paid for such employment.

(e) Employment as an academic employee of the University of California prior to 1963; provided, however, that any member electing to receive credit for such public service shall in addition to other contributions required by this article contribute an amount equal to the contributions which would have been made on his behalf by the state had he been in membership during such employment, assuming that the state rate of contribution in effect at the time of election has been in effect during such employment.

(f) Employment of the state in which the person was not eligible for membership in the system if such ineligibility was solely because his compensation was paid from other than state-controlled funds; provided, however, that time spent in work as a work relief recipient under programs such as, but not limited to, the Works Progress Administration, the Civil Works Administration, the Federal Emergency Relief Administration, the National Youth Administration, and the Civilian Conservation Corps, shall not constitute public service.

(g) Employment in a function formerly performed by a public agency other than a contracting agency and assumed by a contracting agency where the employees who performed such functions are or were transferred to or employed by such contracting agency without change in occupation or position.

(h) Time during which a state employee was absent from state service on war relocation leave; provided, however, that any member electing to receive credit for such public service shall in addition to other contributions required by this article contribute an amount equal to the contributions which would have been made on his behalf by the state had he been in membership during such employment, assuming that the state rate of contribution in effect at the time of election had been in effect during such employment.

"War relocation leave" means the period of absence from state service occasioned by the evacuation and relocation of a member pursuant to orders issued by the commanding officer of the Western Defense Command in March 1942, for the evacuation of persons of

Japanese descent from such area, where the member was in state service on March 5, 1942, and who later returned to state service. War relocation leave of a member shall include the period of time from the separation of a member from state service until his return to state service or July 1, 1947, whichever is earlier.

(i) Time during which a member is excused from performance of his duties on approved leave for the purpose of service of up to two years with a university, college, local, state, federal or foreign governmental agency or nonprofit organization, if he returns to the employment from which the leave was granted; provided, however, that any member electing to receive credit for such public service shall in addition to contributions otherwise required by this article contribute an amount equal to the contribution that would have been made by his employer in respect to him had he not been absent, assuming that the employer rate of contribution in effect at the time of election had been in effect during the absence.

(j) Absence from state service because of illness which arose out of and in the course of employment and for which the member received temporary disability benefits under the Labor Code during such absence and did not receive full compensation as distinguished from such disability benefits for the period of absence.

(k) Civilian service as an employee or officer of an agency of the government of the United States which performed functions the same as or substantially similar to those performed by this state prior to January 1, 1942, and which were transferred from the state to such agency, including military service in any branch of the armed forces of the United States performed by an individual on military leave of absence from such federal employment, if all the following conditions exist:

(1) Prior to performing such federal service he was employed by the state.

(2) He was laid off from state service or would have been so laid off if he had not been absent in military service because of the transfer of the functions of the state to an agency of the United States government.

(3) Subsequent to his layoff from state service he was employed by the United States government in an agency performing functions the same as or substantially similar to those of the state agency from which he was laid off.

(4) After his separation from federal service, he was employed by a state agency or

(5) In lieu of subparagraphs (1), (2), and (3), the United States government pays to the state or an agency of the state, funds equal to contributions which would have been made by the state had the member been in state service for the period of his public service with respect to members who were not employed by the state prior to entering such federal employment or whose state service prior to entering such federal employment was terminated for reasons other than the transfer of the function.

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(*l*) Employment in a district, prior to the time the district became a subsidiary district of a city, of a person who was employed by the city following such reorganization to render service to the district and who became a member in such employment.

(m) Time during which an employee was absent from state service because of illness arising out of and in the course of employment and which is certified by the Workmen's Compensation Appeals Board and for which the employee was not compensated.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local government by this act.

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## CHAPTER 1381

*An act to amend Sections 25138 and 38013 of the Revenue and Taxation Code, relating to the Multistate Tax Compact.*

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

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

SECTION 1. Section 25138 of the Revenue and Taxation Code is amended to read:

25138. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it. Enactment of Article IV of the Multistate Tax Compact (as set forth in Section 38006 of the code) pertaining to the allocation and apportionment of income shall be construed as a reenactment of Sections 25120 to 25137, inclusive, without any inference that a change in interpretation is implied by such enactment.

SEC. 2. Section 38013 of the Revenue and Taxation Code, as added by Chapter 93 of the Statutes of 1974, is amended to read:

38013. The Attorney General, the Controller, a member of the Assembly Revenue and Taxation Committee and a member of the Assembly Ways and Means Committee appointed by the Speaker of the Assembly, a member of the Senate Revenue and Taxation Committee and a member of the Senate Finance Committee appointed by the Senate Rules Committee, and the Director of Finance of this state shall comprise the Multistate Tax Advisory Committee and they or their designees shall be entitled to attend the meetings of the Multistate Tax Commission.

The Members of the Legislature appointed to the committee shall meet with and participate in the work of the committee to the extent that such participation is not incompatible with their positions as Members of the Legislature.

Of the two legislative appointees of the Speaker of the Assembly

and the Senate Rules Committee, one shall be appointed from each of the two major political parties represented in their respective houses of the Legislature.

(b) This state's member of the Multistate Tax Commission as provided in Section 38011 shall consult with the Multistate Tax Advisory Committee and follow policy guidelines which such committee shall establish on matters of tax policy.

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## CHAPTER 1382

*An act to amend Section 14006 of the Education Code, relating to the State Teachers' Retirement System.*

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

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

SECTION 1. Section 14006 of the Education Code, as added by Chapter 110 of the Statutes of 1974, is amended to read:

14006. A member shall receive full service credit for time on and after July 1, 1972, during which he serves as an elected officer of any local, state or national educational organization provided that:

(a) The member is excused by his employing agency from performing the duties requiring membership in this system.

(b) The member makes the member contribution prescribed by Section 14026 with respect to any salary actually received from the employing agency and in addition pays monthly to the employing agency for transmission to the Teachers' Retirement Fund an amount equivalent to 16 percent of the salary that he would have earned, including any increases and other adjustments, had he not been excused from performance of his duties and pays regular interest on any contributions paid for time prior to the effective date of this section.

(c) The member is actively engaged as an elected and compensated officer of the educational organization during the period of absence.

(d) The member was employed in a position requiring membership in this system in the month prior to commencement of the absence from regular duties and returns to a position requiring membership in this system or retires at the conclusion of the term of office.

(e) The maximum amount of service credit pursuant to this section does not exceed four calendar years.

(f) In the event that service pursuant to this section is included in computing final compensation for purposes of retirement, such final compensation shall be based upon the salary that the member would have received had he remained in a position requiring membership

in this system.

## CHAPTER 1383

*An act to add Section 17922.1 to the Health and Safety Code, relating to housing.*

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

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

SECTION. 1. Section 17922.1 is added to the Health and Safety Code, to read:

17922.1. Notwithstanding Section 17922, local agencies may modify or change the requirements contained in regulations adopted pursuant to Section 17922 if they make a finding that temporary housing is required for use in conjunction with a filed mining claim on federally owned property located within the local jurisdiction and that the modification or change would be in the public interest and consistent with the intent of the so-called Federal Mining Act of 1872 (see 30 U.S.C., Sec. 22, et seq.), relating to the development of mining resources of the United States.

## CHAPTER 1384

*An act to amend Sections 7260 and 7261 of the Government Code, relating to community redevelopment.*

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

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

SECTION 1. Section 7260 of the Government Code is amended to read:

7260. As used in this chapter:

(a) "Public entity" includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state when acquiring real property, or any interest therein, in any city or county for public use.

(b) "Person" means any individual, partnership, corporation, or association.

(c) "Displaced person" means any person who moves from real property, or who moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part,



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by a public entity or by any person having an agreement with or acting on behalf of a public entity, or as the result of a written order from a public entity to vacate the real property, for public use. This definition shall be construed so that persons displaced as a result of public action receive relocation benefits in cases where they are displaced as a result of an owner participation agreement or an acquisition carried out by a private person for or in connection with a public use where the public entity is otherwise empowered to acquire the property to carry out the public use.

(d) "Business" means any lawful activity, except a farm operation, conducted primarily:

(1) For the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Solely for the purpose of Section 7262 for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

(e) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(f) "Affected property" means any real property which actually declines in fair market value because of acquisition by a public entity for public use of other real property and a change in the use of the real property acquired by the public entity.

(g) "Public use" means a use for which real property may be acquired by eminent domain.

(h) "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

SEC. 1.5. Section 7260 of the Revenue and Taxation Code is amended to read:

7260. As used in this chapter:

(a) "Public entity" includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, other agency or entity authorized to acquire real property for public use by Title 7 (commencing with Section 1237) of Part 3 of the Code of Civil Procedure, and any other political subdivision or public corporation in the state when acquiring real property, or any interest therein, in any city or county for public use.

(b) "Person" means any individual, partnership, corporation, or association.

(c) "Displaced person" means any person who moves from real property, or who moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part by a public entity or by any person having an agreement with or acting on behalf of a public entity, or as the result of a written order from a public entity to vacate the real property, for public use. This definition shall be construed so that persons displaced as a result of public action receive relocation benefits in cases where they are displaced as a result of an owner participation agreement or an acquisition carried out by a private person for or in connection with a public use where the public entity is otherwise empowered to acquire the property to carry out the public use.

(d) "Business" means any lawful activity, except a farm operation, conducted primarily:

(1) For the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Solely for the purpose of Section 7262 for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

(e) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(f) "Affected property" means any real property which actually declines in fair market value because of acquisition by a public entity for public use of other real property and a change in the use of the real property acquired by the public entity.

(g) "Public use" means a use for which real property may be acquired by eminent domain.

(h) "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

SEC. 2. Section 7261 of the Government Code is amended to read:

7261. (a) A public entity shall provide relocation advisory assistance to any person, business, or farm operation displaced because of the acquisition of real property for public use.

(b) In giving such assistance, the public entity may establish local relocation advisory assistance offices to assist in obtaining replacement facilities for persons, businesses, and farm operations which find that it is necessary to relocate because of the acquisition of real property by the public entity.

(c) Such advisory assistance shall include:

(1) Determining the need, if any, of displaced persons for relocation assistance.

(2) Providing current and continuing information on the availability, prices, and rentals of comparable decent, safe, and sanitary housing for displaced persons, and of comparable commercial properties and locations for displaced businesses.

(3) Assuring that, within a reasonable period of time, prior to displacement, to the extent that it can be reasonably accomplished, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment, except that, in the case of a federally funded project, a waiver may be obtained from the federal government.

(4) Assisting a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location.

(5) Supplying information concerning federal and state housing programs, disaster loan programs, and other federal or state programs offering assistance to displaced persons.

(6) Providing other advisory services to displaced persons in order to minimize hardships to such persons.

(d) The public entity shall coordinate its relocation assistance program with the project work necessitating the displacement and with other planned or proposed activities of other public entities in the community or nearby areas which may affect the implementation of its relocation assistance program.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 4. The Legislature finds and declares that the provisions of this act are declaratory of existing law.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 4344 are both chaptered and become effective January 1, 1975, both bills amend Section 7260 of the Government Code, and this bill is chaptered after Assembly Bill No. 4344, that the amendments to Section 7260 proposed by both bills be given effect and incorporated in Section 7260 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 4344 are both chaptered and become effective January 1, 1975, both amend Section 7260, and this bill is chaptered after Assembly Bill No. 4344, in which case Section 1 of this act shall not become operative.

## CHAPTER 1385

*An act to amend Section 597j of the Penal Code, relating to cocks.*

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

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

SECTION 1. Section 597j of the Penal Code is amended to read:

597j. Any person who owns, possesses or keeps any cock with the intent that such cock shall be used or engaged by himself or by his vendee or by any other person in any exhibition of fighting is guilty of a misdemeanor. The fact that a mature cock's comb has been clipped to a length of three-quarters of one inch or less shall be prima facie evidence of intention to use or engage such cock in an exhibition of fighting.

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## CHAPTER 1386

*An act to amend Section 2504 of the Elections Code, relating to elections.*

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

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

SECTION 1. Section 2504 of the Elections Code, as amended by Chapter 469 of the Statutes of 1974, is amended to read:

2504. Three regular election dates shall be established each year as follows:

(1) One on the first Tuesday after the first Monday in March of both the even- and odd-numbered years.

(2) One on the first Tuesday after the first Monday in June in each even-numbered year and one on the last Tuesday in May in each odd-numbered year.

(3) One on the first Tuesday after the first Monday in November of both the even- and odd-numbered years.

Elections held in June and November in each even-numbered year shall be statewide elections, and these dates shall be considered statewide election dates. Notwithstanding any other provision of law, all state, county, municipal, district, and school district elections shall be held on the established election date nearest to the date on which they would be held in the absence of this election. If the election is held on a statewide election date it shall be consolidated with the statewide election. The procedural requirements prescribed for any such election shall be construed as if the provisions of this section were specifically set forth in the provisions relating to that election.

This section shall not apply to any election called by the Governor, elections held in chartered cities in which the charter provisions are inconsistent with the provisions of this section, school governing board elections consolidated pursuant to Section 1111.6 of the Education Code, school district governing board elections initiated by petition pursuant to Section 1162 of the Education Code, elections of any kind required or permitted to be held by a school district located in a chartered city or county when such election is consolidated with a regular city or county election held in a jurisdiction which includes 95 percent or more of the school district's population, or county, municipal, district, and school district initiative, referendum, recall elections, or elections held pursuant to Section 22032 of the Elections Code.

SEC. 2. Section 2504 of the Elections Code as amended by Chapter 469 of the Statutes of 1974, is amended to read:

2504. Three regular election dates shall be established each year as follows:

(1) One on the first Tuesday after the first Monday in March of both the even- and odd-numbered years.

(2) One on the first Tuesday after the first Monday in June in each even-numbered year and one on the last Tuesday in May in each odd-numbered year.

(3) One on the first Tuesday after the first Monday in November of both the even- and odd-numbered years.

Elections held in June and November in each even-numbered year shall be statewide elections, and these dates shall be considered statewide election dates. Notwithstanding any other provision of law, all state, county, municipal, district, and school district elections shall be held on the established election date nearest to the date on which they would be held in the absence of this election. If the election is held on a statewide election date it shall be consolidated with the statewide election. The procedural requirements prescribed for any such election shall be construed as if the provisions of this section were specifically set forth in the provisions relating to that election.

This section shall not apply to any election called by the Governor, elections held in chartered cities in which the charter provisions are inconsistent with the provisions of this section, school governing board elections consolidated pursuant to Section 1111.6 of the Education Code, school district governing board elections initiated by petition pursuant to Section 1162 of the Education Code, tax rate elections held by a local agency under the mailed ballot procedure authorized in Section 2287 of the Revenue and Taxation Code, elections of any kind required or permitted to be held by a school district located in a chartered city or county when such election is consolidated with a regular city or county election held in a jurisdiction which includes 95 percent or more of the school district's population, or county, municipal, district, and school district initiative, referendum, recall elections, or elections held pursuant to Section 22032 of the Election Code.

SEC. 3. It is the intent of the Legislature, if amendments to Section 2504 of the Elections Code proposed by both this bill and AB 2799 are enacted, that both amendments be given effect and incorporated in Section 2504 in the form set forth in Section 2 of this act. Therefore, in the event AB 2799 is enacted and amends Section 2504, Section 2 of this act shall become operative at the same time that Section 2504 as amended by AB 2799 becomes operative, and at that time, Section 2504 of the Elections Code as amended by Section 1 of this act is repealed.

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## CHAPTER 1387

*An act to add Section 21388 to the Government Code, relating to the Public Employees' Retirement System.*

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

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

SECTION 1. Section 21388 is added to the Government Code, to read:

21388. Notwithstanding any other provision, any state member, other than a school member, who did not elect to be included when the opportunity was afforded may elect to be included in this article. The election by such persons to be included in this article shall be filed in the manner prescribed by the board within 90 days following the effective date of this section.

This section shall not apply to members while their services are included in the federal system.

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## CHAPTER 1388

*An act to add Sections 31870.2 and 31879.2 to the Government Code, relating to County Employees Retirement System.*

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

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

SECTION 1. Section 31870.2 is added to the Government Code, to read:

31870.2. The board shall before April 1 of each year determine whether there has been an increase or decrease in the cost of living as provided in this section. Notwithstanding Section 31481 or any other provision of this chapter (commencing with Section 31450),

every retirement allowance, optional death allowance, or annual death allowance payable to or on account of any member, of this system or superseded system who retires or dies or who has retired or died shall, as of April 1st of each year, be increased or decreased by a percentage of the total allowance then being received found by the board to approximate to the nearest one-half of 1 percent, the percentage of annual increase or decrease in the cost of living as of January 1st of each year as shown by the then current Bureau of Labor Statistics Consumers Price Index for the area in which the county seat is situated, but such change shall not exceed 5 percent per year; however, the amount of any cost-of-living increase or decrease in any year which is not met by the maximum annual change of 5 percent in allowances shall be accumulated to be met by increases or decreases in allowances in future years; except that no decrease shall reduce the allowance below the amount being received by the member or his beneficiary on the effective date of the allowance or the application of this section, whichever is later.

SEC. 2. Section 31879.2 is added to the Government Code, to read:

31879.2. Any county may adopt or readopt this article alone from time to time, adopt Article 16.5 alone, or adopt this article and Article 16.5 at the same time or different times. If both articles are adopted, any accumulated increases in excess of 5 percent per year which are accumulated under this article shall be applicable to the computation of future allowance adjustments as provided in Article 16.5 and any allowance which is increased as provided in this article shall be subject to future increase or decrease as provided in Article 16.5.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: The present maximum cost-of-living increase in retirement benefits of 3 percent is inadequate in the face of current increases in the cost of living. Retired persons on fixed incomes have no means of combating these increases. This act would offer some relief to such persons by permitting counties to grant cost-of-living increases in retirement benefits up to 5 percent rather than 3 percent.

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## CHAPTER 1389

*An act to amend Sections 3527, 3527.1, 3527.3, 3527.4, 3560, 3561, and 3565.5 of the Elections Code, relating to elections.*

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

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

SECTION 1. Section 3527 of the Elections Code is amended to read:

3527. Every measure submitted to the people by the Legislature shall appear on the ballot of the first statewide election occurring after 131 days after the adoption of the proposal by the Legislature.

SEC. 2. Section 3527.1 of the Elections Code is amended to read:

3527.1. Whenever the Legislature submits any measure to the voters of the state, the author of the measure and two persons appointed by the author may draft an argument for the adoption of the measure. This argument shall not exceed 500 words in length.

If the author of the measure desires separate arguments to be written in its favor by each person appointed, separate arguments may be written, but the combined length of the arguments shall not exceed 500 words.

SEC. 3. Section 3527.3 of the Elections Code is amended to read:

3527.3. Arguments prepared by legislators and their appointees shall be submitted to the Secretary of State no later than a date to be designated by the Secretary of State. The arguments may not be amended or changed after submission.

SEC. 4. Section 3527.4 of the Elections Code is amended to read:

3527.4. If an argument for or an argument against a measure submitted to the voters by the Legislature has not been filed by a Member of the Legislature, any voter may request the Secretary of State for permission to prepare and file an argument for either side on which no argument has been prepared by a Member of the Legislature. The Secretary of State shall grant permission unless two or more voters request permission to submit arguments on the same side of a measure, in which event the Secretary of State shall designate one of the voters to write the argument. Any argument prepared pursuant to this section shall be submitted to the Secretary of State by a date sufficient to meet ballot printing deadlines.

SEC. 5. Section 3560 of the Elections Code is amended to read:

3560. The press release shall be mailed at least 100 days prior to the date of the election at which an initiative or referendum measure is to be voted upon.

SEC. 6. Section 3561 of the Elections Code is amended to read:

3561. The press release shall consist of an announcement containing:

(a) A summary of the essential nature or purpose of the measure for or against which no argument has been prepared or filed.

(b) A statement as to whether the affirmative, negative, or both arguments have not been filed.

(c) An invitation to any voter or group of voters to submit and file with the Secretary of State, within the time limit, arguments for or against the measure as to which affirmative or negative arguments have not been filed.

SEC. 7. Section 3565.5 of the Elections Code is amended to read:

3565.5. When the Secretary of State has received the arguments which will be printed in the ballot pamphlet, he shall, within five

days of receipt thereof, send copies of the arguments in favor of the proposition to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. In the case of measures submitted by the Legislature, the rebuttal arguments must be filed with the Secretary of State no later than a date to be designated by the Secretary of State. In the case of initiative or referendum measures, the rebuttal arguments must be filed with the Secretary of State not less than 105 days prior to the election in which the measure will appear.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

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## CHAPTER 1390

*An act to add Sections 21230 and 31641.02 to the Government Code, relating to retirement.*

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

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

SECTION 1. Section 21230 is added to the Government Code, to read:

21230. Notwithstanding Section 21224, the adjustments in allowances for local members provided by this article for time commencing on and after the annual adjustment date next following the effective date of this section shall be subject to the following limitations:

(a) No adjustment shall be made for any year for which the adjustment is less than 1 percent of the base allowance, and the adjustment for any year shall not exceed 6 percent of the base allowance.

(b) No monthly allowance in any year may exceed an amount equal to the base allowance increased by 5 percent per year compounded for the number of years intervening between the end of the base year and the beginning of the calendar year in which the adjustment is made.

(c) No monthly allowance in any year shall be less than the base allowance.

(d) No adjustment shall be made in any year in which the actuarial interest rate is less than 5.25 percent.

Provided, however, that adjusted allowances in years following the year in which the contract of an agency subject to this section is terminated may not exceed the adjusted allowance in the year of contract termination or the amount determined in accordance with

subdivision (b) of Section 21224, whichever is the greater.

This section shall not apply to any contracting agency, unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts or, in the case of contracts made after the date this section is operative, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 2. Section 31641.02 is added to the Government Code, to read:

31641.02. In any county of the third class as established in Section 28024, the board of supervisors may provide by ordinance that members specified in the ordinance shall be credited, for up to the full amount of sick leave accumulated as of the date of their retirement, and that sick leave credit shall be in addition to service credit. The additional cost to the retirement system shall be borne by the county or district.

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## CHAPTER 1391

*An act to add Chapter 3.5 (commencing with Section 23500) to Division 1 of Title 3 of the Government Code, relating to consolidation of counties.*

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

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

SECTION 1. Chapter 3.5 (commencing with Section 23500) is added to Division 1 of Title 3 of the Government Code, to read:

### CHAPTER 3.5. CONSOLIDATION OF COUNTIES

### Article 1. General Provisions

23500. Two or more counties, each contiguous to the other, or to one of the others, may consolidate into one county pursuant to this chapter.

23501. As used in this chapter:

(a) "Affected county" means each county which is proposed to be part of a consolidated county or which is consolidated with one or more counties.

(b) "Principal county" means the county with the greatest proportion of assessed value, as shown on the last equalized assessment roll, to the total amount of taxable property in the county.

(c) "Clerk" means the clerk of the county board of supervisors. Where the office of clerk of the board of supervisors is separate from the office of registrar of voters, "clerk" means the registrar of voters

with respect to all duties pertaining to the conduct of elections and the certification of petitions and clerk of the board of supervisors with respect to all other duties specified in this chapter.

23502. Proceedings under this chapter shall not be subject to the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5, relating to local agency formation commissions.

## Article 2. Initiation of Proceedings

23510. Proceedings for the consolidation of two or more contiguous counties may be initiated by petition, or by resolution of the board of supervisors of each affected county filed with the board of supervisors of the principal county.

23511. A petition initiating proceedings shall be signed by qualified electors of each affected county equaling in number not less than 25 percent of the number of electors of each county registered within the county on the date of the last preceding gubernatorial election.

Each elector, after signing a petition, shall add the name of the county in which the elector resides, the elector's place of residence, giving a street and number or a designation sufficient to enable the place of residence to be readily ascertained, and the date the elector signed the petition.

23512. A petition may consist of a single instrument or several counterparts.

23513. A petition may designate not more than three persons as chief petitioners setting forth their names and mailing addresses.

23514. No petition shall be accepted for filing pursuant to this article unless the signatures therein shall have been secured within six months of the date on which the first signature on the petition was affixed and such petition is submitted for filing as provided in Section 23515 within 60 days after the last signature is affixed. If the time between the date on which the last signature is affixed and the date on which the petition is submitted for filing exceeds 60 days, or, if any signature on the petition has been secured more than six months from the date on which the first signature was affixed, the petition shall be considered insufficient and shall be filed by the clerk as a public record without prejudice to the filing of a new petition.

23515. All petitions shall be filed with the clerk of the principal county. All counterparts of a petition shall be filed at the same time.

23516. Within 30 days after the date of filing of a petition, the clerk of the principal county shall examine the petition and determine whether it is signed by the requisite number of electors. When the clerk has completed the examination, the clerk shall certify the results of the examination.

23517. If the clerk certifies a petition to be insufficient the clerk shall give mailed notice thereof to each of the chief petitioners, if any, and file the petition as a public record without prejudice to the

filing of a new petition.

23518. If the clerk certifies a petition to be sufficient, the clerk shall immediately transmit a copy of the certification to the board of supervisors of each county and to each of the chief petitioners, if any.

23519. In certifying the sufficiency of a petition, the clerk shall compare the name of each person signing the petition with the registration records of the county in which the person signing the petition resides.

23520. Upon receipt of the certification of a petition for county consolidation or the adoption of resolutions pursuant to Section 23510, the board of the principal county shall forthwith transmit to the Governor a copy of the certification or a certified copy of the resolutions.

## Article 3. County Consolidation Review Commission

23530. Upon receipt of notice pursuant to Section 23520, the Governor shall create a County Consolidation Review Commission to review the proposed county consolidation and appoint two residents of each affected county to be members of the commission and one member who shall not be a resident of any affected county.

23531. Within 10 days after notice of appointment and acceptance by the last appointed member, the members of the commission shall meet at the principal administrative office of the principal county and organize by electing from their number a chairman. They shall also appoint a secretary who shall not be a member of the commission. Thereafter the members of the commission may meet at such times and places as they select.

A majority of the commissioners shall constitute a quorum for purposes of transacting business and making the determinations required by this article.

The commission shall conduct a public hearing to receive information regarding its determinations, and to hear submissions of any interested persons and any protests and objections to the proposed county consolidation. Notices of the hearing shall be published pursuant to Section 6061 in a newspaper of general circulation in each affected county. In addition, the commission shall cause mailed notice of the hearing to be given to each of the chief petitioners, if any, at least two weeks prior to the date fixed for the hearing.

23532. The hearing may be continued from time to time during the course of the commission's review.

23533. By citation or subpoena signed by its chairman and secretary, the commission may compel the attendance of such persons and the production of such books, papers and other documents before it as it deems necessary for the performance of its duties.

23534. All officers and employees of each affected county shall cooperate with, perform any functions required by, and produce any

books, records or other documents of the county requested by the commission and necessary for the performance of the commission's duties.

23535. The commission shall determine:

(a) The fiscal impact of the proposed consolidation on the affected counties.

(b) A procedure for the orderly and timely transition of services, functions and responsibilities from each affected county to the consolidated county.

(c) The division of the proposed consolidated county into five supervisorial districts.

(d) The division of the proposed consolidated county into a convenient and necessary number of judicial, road and school districts, the territory of which shall be defined.

(e) The county officers to be elected at the election provided for in Section 23550.

(f) The location of the county seat of the proposed consolidated county.

23536. In determining the fiscal impact of the proposed consolidation, the commission shall consider:

(a) The cost of providing services in the consolidated county.

(b) Projected revenues available to the consolidated county.

(c) Projected economics of scale to result from consolidation.

23537. Members of the commission shall receive as compensation a per diem not to exceed fifty dollars ($50) a day for every day they are actually employed together with their actual expenses incurred in performing their duties. If consolidation is effected all expenses of the commission, together with the reasonable costs of stationery, postage, and incidental expenses shall be borne by the consolidated county, or by each affected county, in equal shares, if the consolidation is not effected.

23538. The commission shall adopt a resolution making its determinations and transmit its report to the board of supervisors of each affected county within 180 days after notice of appointment and acceptance by the last appointed member, and shall be signed and attested to by each member of the commission.

The determinations of the commission shall become the terms and conditions for consolidation and as such shall be final and binding on each affected county if the consolidated county is legally established as provided in this chapter.

## Article 4. Election

23550. Upon receiving the commission's determinations, the board of supervisors of each affected county shall order and give proclamation and notice of an election to be held in their respective affected county, the election to be held in each affected county on the same specified day which shall be the next established election date in the principal county not less than 74 days after receipt of the

commission's determinations, for the purpose of determining whether the affected counties shall be established and organized as a consolidated county.

23551. The proclamation and notice of election to determine whether a consolidated county should be organized shall be published at least once a week for three weeks commencing not less than 70 days prior to the date of the election in a newspaper of general circulation in each affected county.

23552. At the same time that the board of supervisors of each affected county issues a proclamation and notice of election for the purpose of determining whether the proposed consolidated county shall be organized, the boards shall issue a proclamation and notice of an election to be held on the same day in each affected county, with the same election officers, for the election of officers and the location of the county seat of the proposed consolidated county if the vote at the election is in favor of organizing the proposed consolidated county.

23553. The notice of election shall:

(a) State distinctly the propositions to be submitted.

(b) State the names of the counties proposed to be consolidated.

(c) State the date of the election.

(d) Designate the election precincts and places at which the polls will be open as established by the board of each affected county.

(e) Instruct the electors how to vote in the election.

(f) Request the submission of written arguments for and written arguments against the proposed county consolidation.

(g) A statement that the board of supervisors of an affected county or any member or members of such board authorized by the board, any city council or a city within an affected county or any member or members of such council authorized by the council, any qualified elector entitled to vote at the election, any bona fide association of citizens, or any combination of qualified electors and associations may submit and file written arguments with the clerk of the principal county for printing and distribution in the ballot pamphlet, not later than 54 days prior to the date of the election.

(h) A statement that only one argument for and one argument against shall be selected and printed in the ballot.

(i) A statement that arguments shall not exceed 500 words in length and shall be accompanied by at least one and not more than three signatures.

23554. All qualified electors of each affected county who have been registered electors of the county 30 days prior to the date of the election are entitled to vote at the election. Registration and transfers of registration shall be made and shall close in the manner and at the times provided by law for registration and transfers of registration for a general election in the state.

23555. Ballots at the election shall contain the words:

(a) "For consolidation Yes," and "For consolidation No." Each voter shall stamp a cross (+) opposite the words "Yes," or "No."

(b) "For _____ as county seat
(name of county seat as determined by commission)
Yes" and "For _____ as county
(name of county seat as determined by commission)
seat No". Each voter shall stamp a cross (+) opposite the words "Yes," or "No."

23556. Candidates for elective offices of the consolidated county shall file nomination papers at the same time and in the same manner as candidates for the governing body of general law counties.

23557. The election shall be governed and controlled by the general election laws of the state so far as applicable, except as otherwise provided in this article.

23558. If more than one argument for or more than one argument against the proposed consolidation is filed with the clerk of the principal county the clerk shall select one of the arguments for and one of the arguments against the proposed consolidation for printing and distribution to the electors.

In selecting arguments, the clerk shall give preference and priority in the order specified to arguments submitted by the following:

(a) The board of supervisors of an affected county, or any member or members of such board authorized by it.

(b) The city council of any city located within an affected county, or any member or members of such council authorized by it.

(c) Qualified electors or bona fide associations of citizens, or combinations of electors and associations.

23559. The clerk of the principal county shall cause a ballot pamphlet concerning the proposed consolidation to be printed and mailed to each qualified elector of each affected county.

The ballot pamphlet shall contain the following in the order prescribed:

(a) An impartial analysis of the proposed consolidation prepared by the commission.

(b) A summary of the commission's report on fiscal impact of the proposed consolidation.

(c) A summary of the commission's terms and conditions.

(d) The names of the persons to be voted for to fill the county offices designated by the commission.

(e) The argument for consolidation.

(f) The argument against consolidation.

The clerk shall mail a ballot pamphlet to each qualified elector at least 10 days prior to the date of the election. Such ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

23560. The clerk shall also prepare and mail to the qualified electors of each affected county a sample ballot. The sample ballot shall be mailed with and at the same time as the ballot pamphlet.

23561. The law relating to the preparation, printing, and distribution of sample ballots and primary elections does not apply to any election held pursuant to this article.

23562. Except as otherwise provided by this article, the election shall be conducted as other elections in the principal county.

23563. The board of each affected county shall appoint as election officers three representatives who reside in the affected county represented.

23564. Immediately on the closing of the polls the election officers shall, in connection with the affected county they represent:

(a) Canvass the ballots.

(b) Make up and certify the tally sheets of the ballots cast.

(c) Seal up the ballots.

(d) Attach a statement, signed by each election officer, to the tally sheets showing the number of votes cast and the number of votes cast for and against each of the propositions submitted to the electors.

(e) Seal up the tally sheets.

23565. The clerk of each affected county shall upon the completion of a canvass of the vote, in the county the clerk represents, forward to the board of that affected county, a certified copy of the results of the canvass, giving the number of votes cast in that affected county for each of the propositions submitted to the electors and the number of votes cast in that affected county against each of the propositions submitted to the electors.

23566. All costs of the election on county consolidation shall be borne by the consolidated county if the county consolidation is effected. If the county consolidation is not effected, the costs of the election shall be borne by all the affected counties on an equal basis.

## Article 5. Establishment of Consolidated Counties

23567. If upon a canvass of the total votes cast in all the affected counties at the election, it appears that within each affected county, more than 50 percent of the total number of all votes cast in such affected county are in favor of formation of the proposed consolidated county, the board of supervisors of the principal county, by resolution, shall:

(a) Declare the results of the election and that the consolidated county shall be deemed established pursuant to the general laws of this state as a county upon the 91st day after the election on establishment of the proposed consolidated county was held.

(b) Declare the results of the election on the county seat. If more than 50 percent of the total number of all votes cast within each affected county are in favor of the county seat, such location shall be the county seat until removed in the manner provided by law. Where the proposed county seat is not affirmed by the voters, the board of supervisors of the consolidated county shall designate a temporary county seat until removed in the manner provided by law.

(c) Name the persons receiving the highest number of votes cast for the several offices to be filled at the election and declare those persons duly elected to the respective offices and that they shall

enter upon the duties of their offices upon the date which the consolidated county shall be deemed legally established as provided in subdivision (a), and prescribe the amount of the bonds such elected officers shall provide upon taking office.

(d) State the effective date or dates upon which the various service responsibilities and functions for the consolidated county shall be transferred from each affected county to the consolidated county. Such date or dates shall be established in accordance with the terms and conditions established by the commission and in such a manner as to provide for the orderly and expeditious transition of responsibilities and functions but shall in no event exceed two fiscal years from the date on which the consolidated county shall be deemed legally established as provided in subdivision (a).

23568. The clerk of the principal county shall immediately make out and deliver to each person elected a certificate of election, authenticated by his signature and the seal of the board of the principal county.

23569. All the officers elected at the election shall hold their offices until the time provided by general law for the election and qualification of such officers, and until their successors are elected and qualified.

23570. The board of supervisors of the principal county shall cause a copy of the resolution adopted pursuant to Section 23566 to be filed with the State Board of Equalization, the Secretary of State, and the board of supervisors of each affected county.

23571. When the consolidated county is deemed legally established, the affected counties are dissolved and if any of the affected counties has a charter, it is deemed surrendered and annulled.

The title to any property owned or held by, or in trust for, any of the affected counties, or by any of their officers or boards in trust for public use, is vested in the consolidated county, or its officers or boards.

23572. Any county created by the consolidation of counties pursuant to this chapter is the successor of the affected counties.

23572.5. The maximum tax rate for the consolidated county shall be determined in accordance with Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code.

23573. The affected counties shall continue to provide necessary service from the date of establishing the consolidated county until service responsibilities and functions are transferred to the consolidated county according to the provisions of the resolution of the board of supervisors of the principal county adopted pursuant to Section 23567.

23574. Notwithstanding any other provision of law no special district which is organized within any affected county and governed by the board of supervisors thereof, shall have its territory divided or in any other way have its organization changed as a result of the

county consolidation except as to proceedings taken pursuant to law subsequent to the consolidation becoming effective.

23575. After the establishment of the consolidated county its officers shall proceed to complete all proceedings necessary for the assessment or collection of the state and county taxes for the current year, and all acts and steps theretofore taken by the officers of the affected counties prior to the consolidation shall be deemed performed by the officers of the consolidated county for the benefit of the consolidated county.

23576. The officers of each affected county shall immediately execute and deliver to the board of supervisors of the consolidated county copies of all assessments or other proceedings relative to the assessment and collection of the current state and county taxes on property in the consolidated county. The copies shall be filed with the respective officers of the consolidated county who would have their custody if the proceedings had been originally had in the consolidated county and shall be deemed originals. All proceedings recited in such copies shall be deemed original proceedings in the consolidated county, and have the same effect as if the proceedings had been had at the proper time and in the proper manner by the respective officials of the consolidated county. The officials of the consolidated county shall proceed with the assessment and collection of the taxes as if the proceedings originally had in the affected counties had been originally had in the consolidated county.

23577. The superior court of the principal county shall become the superior court of the consolidated county.

23578. On or after the date the consolidated county is established, the superior court in the affected counties shall retain jurisdiction in all cases pending in a session of such court immediately prior to consolidation.

23579. Those municipal and justice court districts in the affected counties immediately prior to consolidation shall continue in existence for all purposes in the consolidated county with the same name, judges, officers, attachés and other employees.

23580. Except as otherwise provided in this chapter, consolidation does not affect any debts, demands, liabilities, or obligations of any kind existing in favor of or against the counties consolidated, at the time of consolidation. Consolidation does not affect any pending action or proceeding involving any such debt, demand, liability or obligation, or any action or proceeding brought by or against any county prior to consolidation. All such proceedings shall be continued and concluded, by final judgment or otherwise, as if consolidation had not been effected. All such rights or liabilities become the rights or liabilities of the consolidated county.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local entities in 1974–75 by this act. However, there are state-mandated local costs in this act in 1975–76

and subsequent years that require reimbursement under Section 2231 of the Revenue and Taxation Code which can be handled in the regular budget process.

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## CHAPTER 1392

*An act to repeal and add Chapter 3 (commencing with Section 23300), of Division 1, of Title 3, of the Government Code, relating to the creation of new counties.*

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

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

SECTION 1. Chapter 3 (commencing with Section 23300) of Division 1, of Title 3, of the Government Code, is repealed.

SEC. 2. Chapter 3 (commencing with Section 23300) is added to Division 1, of Title 3, of the Government Code, to read:

### CHAPTER 3. CREATION OF NEW COUNTIES

### Article 1. General Provisions

23300. New counties may be formed and created from portions of one or more existing counties solely pursuant to the provisions of this chapter.

23301. As used in this chapter:

(a) "Affected county" means each county from which territory is proposed to be transferred to create a new county.

(b) "Clerk" means the clerk of a county board of supervisors. Where the office of clerk of the board is separate from the office of registrar of voters, "clerk" means the registrar of voters with respect to all duties pertaining to the conduct of elections and the certification of petitions and clerk of the board with respect to all other duties specified in this chapter.

(c) "Commission" means the County Formation Review Commission.

(d) "Indebtedness" means the net obligations of a county arising from contract or through the operation of law, other than short-term operational expenses, but including and not limited to obligations arising under general obligation bonds, leases, joint powers agreements, and similar obligations or contracts entered into by the county prior to the date on which a petition is filed. Net obligation shall be deemed to mean the gross obligation outstanding after deduction of offsetting revenues, other than tax revenues.

(e) "Principal county" means the county from which it is proposed that territory with the greatest proportion of assessed

value, as shown on the last equalized assessment roll, relative to the total amount of taxable property within the boundaries of a proposed county, is to be transferred to create, in part, that proposed county.

23306. A proposed county shall not be created if:

(a) The population of any affected county shall be reduced to less than 20,000.

(b) The population of the proposed county shall be less than 10,000.

(c) The area of any affected county will be reduced to less than 1,200 square miles.

The most recent federal decennial census shall be used for purposes of determining population.

23309. No boundary line of a proposed county shall pass through or divide the territory of any incorporated city.

23310. Proceedings under this chapter shall not be subject to the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5, relating to local agency formation commissions.

## Article 2. Initiation of Proceedings

23320. Proceedings for the creation of a proposed county shall be initiated by petition. Any such petition shall contain the following:

(a) An accurate description of the boundaries of the proposed county.

(b) A statement that such boundaries do not pass through or divide the territory of any incorporated city.

(c) A statement of the population of the proposed county, as near as may be determined.

(d) A statement of the population which will remain in the affected county or counties if the territory of the proposed county is detached therefrom, as near as may be determined.

(e) A statement of the area in square miles which will remain in the affected county or counties if the territory of the proposed county is detached therefrom.

(f) The name of the proposed county.

(g) The name of the affected county or counties.

(h) A request that proceedings for creation of the proposed county be initiated.

23321. A petition initiating proceedings shall be signed by qualified electors residing within the territory of the proposed county as described in the petition equaling in number not less than 25 percent of the number of electors of the territory of the proposed county registered within the territory on the date of the last preceding gubernatorial election.

Each elector, after signing a petition, shall add the name of the county in which the elector resides, the elector's place of residence, giving a street and number or a designation sufficient to enable the place of residence to be readily ascertained, and the date the elector

signed the petition.

23322. A petition may consist of a single instrument or several counterparts.

23323. A petition may designate not more than three persons as chief petitioners setting forth their names and mailing addresses.

23324. No petition shall be accepted for filing pursuant to this article unless the signatures thereon shall have been secured within six months of the date on which the first signature on the petition was affixed and such petition is submitted for filing as provided in Section 23325 within 60 days after the last signature is affixed. If the time between the date on which the last signature is affixed and the date on which the petition is submitted for filing exceeds 60 days, or, if any signature on the petition has been secured more than six months from the date on which the first signature was affixed, the petition shall be considered insufficient and shall be filed by the clerk as a public record without prejudice to the filing of a new petition.

23325. All petitions shall be filed with (a) the clerk of the county from which the new county is to be formed if it is to be formed from but one county, or (b) the clerk of the principal county if it is to be formed from portions of two or more counties. All counterparts of a petition shall be filed at the same time.

23326. Within 30 days after the date of filing of a petition, the clerk of the principal county shall examine the petition and determine whether it is signed by the requisite number of signers. When the clerk has completed his examination, he shall certify the results of his examination.

23327. If the clerk certifies a petition to be insufficient he shall give mailed notice thereof to each of the chief petitioners, if any, and file the petition as a public record without prejudice to the filing of a new petition.

23328. If the clerk certifies a petition to be sufficient, he shall immediately transmit a copy of his certification to the board of supervisors of each affected county and to each of the chief petitioners, if any.

23329. In certifying the sufficiency of a petition, the clerk shall compare the name of each person signing the petition with the registration records of the county in which the person signing the petition resides.

23330. Upon certification of a petition, the board of the principal county shall forthwith transmit a copy of the petition certification to the Governor.

## Article 3. County Formation Review Commission

23331. Upon receipt of notice pursuant to Section 23330, the Governor shall create a County Formation Review Commission to review the proposed county creation, and appoint five persons to be members of the commission. Of the five persons appointed to the commission, two shall reside within the territory of the proposed

county, two shall reside within the territory remaining in the affected county or counties should the proposed county be created; and one shall not be a resident of either the territory of the proposed county or the affected county or counties.

23332. The commission shall determine:

(a) A fair, just and equitable distribution, as between each affected county and the proposed county, of the indebtedness of each affected county.

(b) The fiscal impact of the proposed county creation on each affected county.

(c) The economic viability of the proposed county.

(d) The final boundaries of the proposed county.

(e) A procedure for the orderly and timely transition of service functions and responsibilities from the affected county or counties to the proposed county.

(f) The division of the proposed county into five supervisorial districts.

(g) The division of the proposed county into a convenient and necessary number of judicial, road and school districts, the territory of which shall be defined. To the extent possible, existing judicial, road and school districts located within the territory of the proposed county shall be maintained.

(h) The county officials to be elected at the election on the proposed county creation.

(i) That the boundaries of the proposed county do not create a territory completely surrounded by any affected county.

(j) The location of the county seat of the proposed county.

23333. In determining the fiscal impact of the creation of the proposed county on the affected county or counties and the economic viability of the proposed county, the commission shall consider:

(a) The cost of providing services in the proposed county and in each affected county.

(b) Projected revenues available to the proposed county.

(c) Effect of reduction in revenue available to the affected county or counties.

23334. Except as otherwise provided in this article, the commission may, in determining a fair, just and equitable distribution of the indebtedness of each affected county, as between each affected county and the proposed county, provide for one or more of the following:

(a) The payment of a fixed or determinable amount of money by the proposed county either as a lump sum or in installments, for the acquisition, transfer, use or right of use of any part of the property, real or personal, owned by an affected county at the time a petition was filed pursuant to Section 23325.

(b) The levying or fixing and the collection in the proposed county of (1) special, extraordinary or additional taxes or assessments, or (2) special, extraordinary or additional service

charges, rentals or rates, or (3) both; or the issuance and sale of bonds for purposes of providing for any payment required pursuant to subdivision (a) of this section.

(c) The imposition, exemption, transfer, division or apportionment, as between any affected county and the proposed county, of liability for payment of all or any part of principal, interest or any other amounts which shall become due on account of all or any part of any bonds, including revenue bonds, of an affected county which are outstanding or authorized, at the time a petition is filed pursuant to Section 23325, or other contracts or obligations of an affected county; and the levying or fixing and the collection in the proposed county of any (1) taxes or assessments, or (2) service charges, rentals or rates, or, (3) both, as may be necessary to provide for such payment.

In making its determinations, the commission shall ascertain the current indebtedness of each affected county. It shall also ascertain (a) the total assessed value of all property located in each affected county; and (b) the assessed value of the territory of the proposed county. The assessed values used by the commission shall be those shown on the last equalized assessment roll of each affected county.

The commission shall also identify and determine the location and value of all real and personal property owned by each county and located within the boundaries of the proposed county. Any real and personal property identified by the commission pursuant to this section shall become property of the proposed county, should it be established as provided in this chapter, upon settlement of the indebtedness in the manner specified by the commission.

23335. Within 10 days after notice and acceptance of their appointment, the members of the commission shall meet at the principal administrative office of the principal county and organize by electing from their number a chairman. They shall also appoint a secretary who shall not be a member of the commission. Thereafter the members of the commission may meet at such times and places as they select.

A majority of the commissioners shall constitute a quorum for purposes of transacting business and making the "determinations" required pursuant to this article.

23336. The commission shall hear any protests and objections to the creation of the proposed county. Notices of the hearing shall be given pursuant to Section 6061 in a newspaper of general circulation published in each affected county. In addition, the board shall cause mailed notice of the hearing to be given to each of the chief petitioners, if any, at least two weeks prior to the date of hearing.

23337. On the date and at the time fixed for hearing, the commission shall hear all protests and objections to the creation of the proposed county, and may grant or deny any requests for exclusion filed pursuant to Sections 23337.5 and 23338. The hearing may be continued from time to time during the course of the commission's determinations.

23337.5. At any time prior to the final hearing on the creation of the new county, any owner of real property within the territory of the proposed county, and contiguous to the boundary line thereof, may make a written request, filed with the commission, for exclusion of his property from the proposed county. Such a request shall contain sufficient information to identify the property for which the exclusion is sought.

23338. Written requests for exclusion of any territory within the territory of the proposed county and contiguous to the boundary thereof may be filed with the commission by any registered elector of the territory. Such a request shall contain sufficient information to identify the territory for which the exclusion is sought.

23339. By citation or subpoena signed by its chairman and secretary, the commission may compel the attendance of such persons and the production of such books, papers and other documents before it as it deems necessary for the performance of its duties.

23340. All officers and employees of any affected county shall cooperate with, perform any functions required by, and produce any books, records or other documents of such county requested by the commission and necessary for the performance of the commission's functions.

23341. The commission shall adopt a resolution making its determination and transmit its report in writing to the board of supervisors of each affected county, within 180 days of the date of notice and acceptance by the last appointed member and shall be signed and attested to by all the members of the commission.

23342. The determinations of the commission shall become the terms and conditions of creation of the proposed county and as such shall be final and binding in each affected county and the proposed county should the proposed county be legally established as provided in this chapter.

23343. Members of the commission shall receive as compensation a per diem not to exceed fifty dollars ($50) a day for every day they are actually employed together with their actual expenses incurred in performing their duties. If the proposed county is created, all expenses of the commission, together with the reasonable costs of stationery, postage, and incidental expenses shall be borne by the new county, or, if the proposed county is not created, by each affected county, in equal shares.

## Article 4. Election on Creation of the Proposed County

23350. Upon receiving the commission's determinations, the board of supervisors of each affected county shall order and give proclamation and notice of an election to be held in each affected county on the same specified day which shall be the next established election date in the principal county not less than 74 days after receipt of the commission's determinations, for the purpose of

determining whether the proposed county shall be created.

23351. The proclamation and notice of election shall be published at least once a week for three weeks commencing not less than 70 days prior to the date of the election in a newspaper of general circulation in each affected county.

23352. At the same time that the board of supervisors of each affected county issues a proclamation and notice of election for the purpose of determining whether the proposed county shall be created, the boards shall issue a proclamation and notice of an election to be held on the same day in each affected county, with the same election officers, for the election of officers and the location of the county seat of the proposed county if the vote at the election is in favor of the creation of the proposed county.

23353. The notice of election shall:

(a) State distinctly the propositions to be submitted.

(b) State the names of the affected county or counties.

(c) State the date of the election.

(d) Designate the election precincts and places at which the polls will be open as established by the board of each affected county.

(e) Instruct the electors how to vote in the election.

(f) Request the submission of written arguments for and written arguments against the creation of the proposed county.

(g) A statement that the board of supervisors of an affected county or any member or members of such board authorized by the board, any city council or a city within an affected county or any member or members of such council authorized by the council, any qualified elector entitled to vote at the election, any bona fide association of citizens, or any combination of qualified electors and associations may submit and file written arguments with the clerk of the principal county for printing and distribution in the ballot pamphlet, within 54 days of the election.

(h) A statement that only one argument for and one argument against shall be selected and printed in the ballot.

(i) A statement that arguments shall not exceed 500 words in length and shall be accompanied by at least one and not more than three signatures.

(j) A description of the boundaries of the proposed county.

23354. All qualified electors of each affected county who have been registered electors of the county 30 days prior to the date of the election are entitled to vote at the election. Registration and transfers of registration shall be made and shall close in the manner and at the times provided by law for registration and transfers of registration for a general election in the state.

23355. Ballots at the election shall contain the words:

(a) "For the new county of (giving name of proposed county) Yes," and "For the new county of (giving name of proposed county) No." Each voter shall stamp a cross (+) opposite the words "Yes," or "No."

(b) "For _____ as county seat
(name of county seat as determined by commission)

Yes" and "For _____ as county
(name of county seat as determined by commission)
seat No". Each voter shall stamp a cross (+) opposite the words "Yes," or "No."

23356. Candidates for elective offices of the proposed county shall file nomination papers at the same time and in the same manner as candidates for the governing body of general law counties.

23357. The election shall be governed and controlled by the general election laws of the state so far as applicable, except as otherwise provided in this article.

23358. If more than one argument for or more than one argument against creation of the proposed county is filed with the clerk of the principal county the clerk shall select one of the arguments for and one of the arguments against creation of the proposed county for printing and distribution to the electors.

In selecting arguments, the clerk shall give preference and priority in the order specified to arguments submitted by the following:

(a) The board of supervisors of an affected county, or any member or members of such board authorized by it.

(b) The city council of any city located within an affected county, or any member or members of such council authorized by it.

(d) Qualified electors or bona fide associations of citizens, or combinations of electors and associations.

23359. The clerk shall cause a ballot pamphlet concerning the proposed county formation to be printed and mailed to each qualified elector of each affected county.

The ballot pamphlet shall contain the following in the order prescribed:

(a) An impartial analysis of the creation of the proposed county prepared by the commission.

(b) A summary of the commission's report on fiscal impact and financial viability.

(c) A summary of the commission's terms and conditions.

(d) The names of the persons to be voted for to fill the county offices designated by the commission.

(e) The argument for creation of the proposed county.

(f) The argument against creation of the proposed county.

The clerk shall mail a ballot pamphlet to each qualified elector at least 10 days prior to the date of the election. Such ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

23360. The clerk shall also prepare and mail to the qualified electors of each affected county a sample ballot. The sample ballot shall be mailed with and at the same time as the ballot pamphlet.

23361. The law relating to the preparation, printing, and distribution of sample ballots and primary elections does not apply to any election held pursuant to this article.

23362. Except as otherwise provided by this article, the election

shall be conducted as other elections in the principal county.

23363. The board of each affected county shall appoint as election officers three representatives who reside in the affected county represented, and each board shall pay its representatives.

23364. If necessary for the purposes of the election, the board of each affected county shall change the boundaries of the election precincts in its county to make them conform to the boundaries of the proposed county. The boundary lines of any precinct shall not extend beyond the boundary lines of the existing county in which it is located.

23365. The clerk of the principal county shall furnish to the officers of each precinct in the proposed county all ballots, poll lists, tally lists, registers for voters' signatures, ballot boxes, and other election supplies and equipment necessary to conduct the election, except those specifically directed in this article to be furnished by the clerk of another county or counties.

23366. The county clerks of each affected county from which territory is proposed to be taken for the proposed county shall five days before the date of the election furnish to each board of election within the proposed county the book of affidavits of registration for the precincts of the proposed county within their respective county, and the copies of indexes thereof required by law, containing the names of all persons who were qualifed electors therein up to 30 days before the date of the election.

23367. Immediately on the closing of the polls the election officers shall, in connection with the affected county they represent:

(a) Canvass the ballots.

(b) Make up and certify the tally sheets of the ballots cast.

(c) Seal up the ballots.

(d) Attach a statement, signed by each election officer, to the tally sheets showing the number of votes cast and the number of votes cast for and against each of the propositions submitted to the electors.

(e) Seal up the tally sheets.

23368. The clerk of each affected county shall, upon the completion of a canvass of the vote, in the county the clerk represents, forward to the board of that county a certified copy of the results of the canvass, giving the number of votes cast in that affected county for each of the propositions submitted to the electors and the number of votes cast in that affected county against each of the propositions submitted to the electors.

23369. If upon a canvass of the total votes cast in all the affected counties at the election, it appears that within each affected county more than 50 percent of the total number of all votes cast in such affected county, and more than 50 percent of the total number of all votes cast in the proposed county, are in favor of creation of the proposed county, the board of supervisors of the principal county, by resolution, shall:

(a) Declare the results of the election and that the proposed county shall be deemed created pursuant to the general laws of this

state as a county under the name of (naming it), upon the 91st day after the election on creation of the proposed county was held. On the day the proposed county is deemed created, it shall be responsible for and discharge all the duties, powers and functions of a county as required by law, except as provided in this chapter.

(b) Declare the results of the election in the county seat. If more than 50 percent of the total number of all votes cast within each affected county are in favor of the county seat, such location shall be the county seat until removed in the manner provided by law. Where the proposed county seat is not affirmed by the voters, the board of supervisors of the consolidated county shall designate a temporary county seat until removed in the manner provided by law.

(c) Name the persons receiving the highest number of votes cast for the several offices to be filled at the election and declare those persons duly elected to the respective officers and that they shall enter upon the duties of their offices upon the date which the proposed county shall be deemed legally created as provided in subdivision (a), and prescribe the amount of the bonds such elected officers shall provide upon taking office.

(d) State the effective date or dates upon which the various service responsibilities and functions for the proposed county shall be transferred from each affected county to the proposed county. Such date or dates shall be established in accordance with the terms and conditions established by the commission and in such a manner as to provide for the orderly and expeditious transition of responsibilities and functions but shall in no event exceed two fiscal years from the date on which the proposed county shall be deemed legally created as provided in subdivision (a).

23370. The clerk of the principal county shall immediately make out and deliver to each person elected a certificate of election, authenticated by his signature and the seal of the board of the principal county.

23371. All the officers elected at the election shall hold their offices until the time provided by general law for the election and qualification of such officers, and until their successors are elected and qualified.

23372. The board of supervisors of the principal county shall cause a copy of the resolution adopted pursuant to Section 23369 to be filed with the State Board of Equalization, the Secretary of State, and the board of supervisors of each affected county.

23373. If upon a canvass of the votes cast at the election, it appears that the votes cast for creation of the proposed county are 50 percent or less, of the total number of votes cast within each and every affected county, or 50 percent or less of the total number of votes cast within the proposed county, the board of supervisors of the principal county shall, by resolution, declare creation of the proposed county defeated and no further proceedings for creation of a county with substantially the same territory as the proposed county shall be

intitiated for a period of one year after the date of the election.

23374. All costs of an election shall be paid by the principal county, if the creation of the proposed county is defeated, or by the proposed county if it is created pursuant to this chapter.

## Article 5. Transfers

23375. After the creation of the proposed county its officers shall proceed to complete all proceedings necessary for the assessment or collection of the state and county taxes for the current year, and all acts and steps theretofore taken by the officers of the affected county or counties prior to the creation of the proposed county shall be deemed performed by the officers of the proposed county for the benefit of the proposed county.

23376. The officers of each affected county shall immediately execute and deliver to the board of supervisors of the proposed county copies of all assessments or other proceedings relative to the assessment and collection of the current state and county taxes on property in the proposed county. The copies shall be filed with the respective officers of the proposed county who would have their custody if the proceedings had been originally had in the proposed county and shall be deemed originals. All proceedings recited in such copies shall be deemed original proceedings in the proposed county, and have the same effect as if the proceedings had been had at the proper time and in the proper manner by the respective officials of the proposed county. The officials of the proposed county shall proceed with the assessment and collection of the taxes as if the proceedings originally had in the affected county or counties had been originally had in the proposed county.

23377. The county superintendent of schools of each affected county shall furnish the county superintendent of schools of the proposed county with a certified copy of the last school census of the different school districts in the territory forming the proposed county, and shall draw his warrant on the treasurer of his county in favor of the treasurer of the proposed county, for all the money that is or may be due from his county by any apportionment or otherwise to the different school districts embraced in the proposed county.

23378. The auditor of each affected county shall draw his warrant on the treasurer of his county in favor of the treasurer of the proposed county for all money that is or may be due from his county by apportionment or otherwise to the different road and supervisorial or district funds in the territory forming the proposed county. The amounts shall be properly credited in both counties.

23379. The treasurer of each affected county shall immediately cause to be transferred to the county treasurer of the proposed county all money standing to the credit of or belonging to any road or school district, the territory comprising which is included within the boundaries of the proposed county. A compliance with the provisions of this section shall be a full and complete settlement of

all debts which the proposed county has against the affected county or counties.

23380. Whenever in the formation of a proposed county, a road, supervisorial, or school district has been divided the board of each affected county shall by resolution direct its treasurer to transfer the proper proportionate amount of the money remaining in the fund of such district to the treasurer of the proposed county.

23381. The board of supervisors of any proposed county shall provide suitable books and have transcribed from the records of the affected county or counties all parts thereof relating to or affecting the title to or property situate in the proposed county. When transcribed and certified the records shall have the same force and effect as original records. Compensation for services shall be fixed and allowed by the board of the proposed county at not to exceed eight cents ($0.08) a folio for transcribing. The recorder of each affected county shall compare the books of transcripts and attach to each volume a certificate under his seal of office of the correctness of the records copied. For the service of comparing he may charge not to exceed two cents ($0.02) a folio, and for each certificate, not to exceed twenty-five cents ($0.25).

23382. All actions pending in the superior court of an affected county for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon, real estate lying in the proposed county shall on motion of any party thereto be transferred to the superior court of the proposed county and deemed originally brought in the superior court of the proposed county. Any other action or special proceeding pending in the superior court of an affected county which might have been commenced in the proposed county if the proposed county had been in existence at the date of commencement, may in the discretion of the court in which it is pending and on motion of any party interested therein be transferred to the superior court of the proposed county.

23383. The affected county or counties shall continue to provide necessary services from the date of creation of the proposed county until service responsibilities and functions are transferred to the proposed county according to the provisions of the resolution of the board of supervisors of the principal county adopted pursuant to Section 23369. The proposed county shall contract with the affected county or counties for such purposes from the date of creation until actual transfer or the effective date or dates for transfer as provided in such resolution. The contract shall specify the amount or amounts to be paid by the proposed county to the affected county or counties for the performance of such services and functions. The proposed county may continue to contract with the affected county or counties for any services and functions subsequent to the date or dates specified in any resolution adopted pursuant to Section 23369.

23383.5. The maximum tax rate for the new county shall be established in accordance with Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code.

23384. Except as provided by the commission, upon creation of the proposed county the territory located within the proposed county shall be relieved of annual tax liability for outstanding indebtedness of each affected county in the year next succeeding the election on creation of the proposed county when assessments or taxes are to be levied for payment of such indebtedness.

Territory remaining in the affected county or counties upon the creation of the proposed county shall be relieved of annual tax liability for any outstanding indebtedness of such affected county or counties which the commission determines is to be assumed by the proposed county. Such relief shall become effective in the year next succeeding the year in which the election on creation of the proposed county is held when assessments or taxes are to be levied for payment of such indebtedness.

Nothing in this section shall be construed as in any way limiting the power of a bondholder to enforce his contractual rights; and nothing in this section shall affect the ultimate liability of territory of the affected county or counties, or of the proposed county for bonded indebtedness of the affected county or counties, or of the proposed county for bonded indebtedness of the affected county or counties in case of default.

23385. When the proposed county is deemed created, all funds, records and the title to any property owned or held by, or in trust for any of the affected counties, or by their officers or boards in trust for public use, is vested in the proposed county, or its officers or boards.

23386. Except as otherwise provided in this chapter, creation of the proposed county does not affect any debts, demands, liabilities or obligations of any kind existing in favor of or against the affected county or counties. Creation of the proposed county does not affect any pending action or proceeding involving any such debt, demand, liability, or obligation, or any action or proceeding brought by or against any affected county prior to creation of the proposed county. All such proceedings shall be continued and concluded, by final judgment or otherwise, as if the proposed county had not been created.

## Article 6. Districts

23390. Notwithstanding any other provision of law, no special district, which is organized within the affected county or counties and governed by the board of supervisors thereof, shall have its territory divided or in any other way have its organization changed as the result of the establishment of the proposed county except by proceedings taken pursuant to law subsequent to the establishment of the proposed county.

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Article 7. Courts

23394. On and after the date of creation of the proposed county, the county shall be included in that district court of appeals district which included the largest portion of the proposed county, prior to its formation. The district court of appeals district which included any portion of the new county prior to its formation shall retain jurisdiction over all cases pending in a session of such court, within the boundaries of the proposed county immediately prior to its creation.

23395. In a proposed county there is one judge of the superior court who shall be selected as provided by law.

23396. The presiding or sole judge of the superior court in a proposed county may appoint officers, attachés, and other employees as are necessary to assist the court in the performance of its duties. Preference in appointment shall be given to those persons serving a session of the superior court located within the boundaries of the proposed county immediately prior to its creation.

23397. On and after the date of creation of the proposed county, the superior court in the affected county or counties shall retain jurisdiction in all cases pending in a session of such court which is located within the boundaries of the proposed county immediately prior to its creation.

23398. Those municipal and justice court districts in the affected county or counties which are located within the boundaries of the proposed county immediately prior to its creation shall continue in existence for all purposes in the proposed county with the same name, judges, officers, attachés, and other employees.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local entities in 1974–75 by this act. However, there are state-mandated local costs in this act in 1975–76 and subsequent years that require reimbursement under Section 2231 of the Revenue and Taxation Code which can be handled in the regular budget process.

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## CHAPTER 1393

*An act to add Article 4.5 (commencing with Section 23230) to Chapter 2 of Division 1 of Title 3 of the Government Code, relating to alteration of county boundaries.*

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

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

96—3659

SECTION 1. Article 4.5 (commencing with Section 23230) is added to Chapter 2 of Division 1 of Title 3 of the Government Code, to read:

## Article 4.5. Alteration of Boundaries

23230. This article shall provide the sole procedure for the change, alteration or reformation of existing county boundaries, not authorized to be taken pursuant to Article 4 (commencing with Section 23200) of Chapter 2 of Division 1 of Title 3 of the Government Code.

23231. As used in this article:

(a) "Accepting county" means the county accepting transferred territory by reason of a county boundary change.

(b) "Clerk" means the clerk of a county board of supervisors. When the office of clerk of the board is separate from the office of registrar of voters, "clerk" means the registrar of voters with respect to all duties pertaining to the conduct of elections and the certification of petitions and clerk of the board with respect to all other duties specified in this article.

(c) "Commission" means the County Boundary Review Commission.

(d) "Indebtedness" means the net obligations of a county arising from contract or through the operation of law, other than short-term operational expenses, but including and not limited to obligations arising under general obligation bonds, leases, joint powers agreements, and similar obligations or contracts entered into by the county prior to the date on which a petition is filed. Net obligation shall be deemed to mean the gross obligation outstanding after deduction of offsetting revenues, other than tax revenues.

(e) "Owner" means the owner as shown on the last equalized assessment roll, except that the person entitled to be shown as owner on the current assessment roll shall be deemed the owner, and except that, where the property affected is subject to a recorded written agreement to buy, the purchaser under such agreement to buy shall be deemed the owner.

(f) "Transferring county" means the county from which territory is, or is proposed to be, transferred by reason of a county boundary change.

(g) "Uninhabited territory" means territory where less than 12 persons who have been registered to vote within the territory for at least 54 days reside at the time of filing of a petition or resolution for county boundary change.

(h) "Value of the uninhabited territory" means the value of land and improvements thereon.

23232. Proceedings under this article shall not be subject to the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5, relating to local agency formation commissions.

23233. Proceedings to change, alter, or reform the boundary lines between counties may be initiated by petition, or by resolution of the legislative body of either affected county or of any city within either affected county filed with the clerk of the transferring county.

23234. A petition shall contain in substance the following:

(a) An accurate description of the proposed new boundary line as it will appear or exist if the existing boundary line is changed, altered and reformed.

(b) A statement that the proposed new boundary line does not pass through or divide the territory of any incorporated city.

(c) A statement of the area in square miles of the territory proposed to be transferred.

(d) A statement of the population which will remain in each of the counties affected.

(e) The name of the transferring and accepting counties.

23235. The petition shall be signed by qualified electors of either affected county equaling in number not less than 25 percent of the number of electors of each county registered within the county on the date of the last preceding gubernatorial election.

23236. When the territory to be transferred from one county to another is uninhabited, proceedings may also be initiated by a petition signed by the owners of not less than one-fourth of the land in the territory by area and by assessed value as shown in the last equalized assessment roll of the county in which the territory is situate. Such petitions shall comply with all other requirements of this article.

23237. Each elector, after signing a petition, shall add the name of the county in which the elector resides, the elector's place of residence, giving a street and number or a designation sufficient to enable the place of residence to be readily ascertained, and the date the elector signed the petition.

23238. A petition may consist of a single instrument or several counterparts.

23239. A petition may designate not more than three persons as chief petitioners setting forth their names and mailing addresses.

23240. No petition shall be accepted for filing pursuant to this article unless the signatures thereon shall have been secured within six months of the date on which the first signature on the petition was affixed and such petition is submitted for filing as provided in Section 23241 within 60 days after the last signature is affixed. If the time between the date on which the last signature is affixed and the date on which the petition is submitted for filing exceeds 60 days, or, if any signature on the petition has been secured more than six months from the date on which the first signature was affixed, the petition shall be considered insufficient and shall be filed by the clerk as a public record without prejudice to the filing of a new petition.

23241. All petitions shall be filed with the clerk of the transferring county. All counterparts of a petition shall be filed at the same time.

23242. Within 30 days after the date of filing of a petition, the

clerk of the transferring county shall examine the petition and determine whether it is signed by the requisite number of signers. When the clerk has completed the examination, the clerk shall certify the results of the examination.

23243. If the clerk certifies a petition to be insufficient the clerk shall give mailed notice thereof to each of the chief petitioners, if any, and file the petition as a public record without prejudice to the filing of a new petition.

23244. If the clerk certifies a petition to be sufficient, the clerk shall immediately transmit a copy of the certification to the board of supervisors of both affected counties and to each of the chief petitioners, if any.

23245. In certifying the sufficiency of a petition, the clerk shall compare the name of each person signing the petition with the registration records of the county in which the person signing the petition resides.

23246. A resolution to initiate proceedings for a county boundary change shall contain the information required for a petition by Section 23234.

23247. Upon receipt of the certification of a petition or a certified copy of a resolution, the board of the transferring county shall forthwith transmit a copy of the certification or a certified copy of the resolution to the Governor.

23248. Upon receipt of notice pursuant to Section 23247, the Governor shall create a County Boundary Review Commission to review the proposed county boundary change, and appoint five persons to be members of the commission. Of the five persons appointed to the commission, two shall reside within the territory to be transferred, two shall reside within the accepting county, and one shall not be a resident of either the territory to be transferred or of the accepting county.

23249. The commission shall determine:

(a) An equitable distribution, as between the transferring county and the accepting county, of the indebtedness of each affected county.

(b) The fiscal impact of the proposed boundary change in each affected county.

(c) The economic viability of each affected county if the proposed boundary change is effected.

(d) The final boundary lines between the two affected counties as they will exist if the proposed boundary change is effected.

(e) A procedure for the orderly and timely transition of services, functions and responsibilities from the transferring county to the accepting county.

(f) The division of both affected counties into five supervisorial districts. The boundaries of the districts shall be established in a manner that results in a population in each district which is as equal as possible to the population in each other district within the county.

(g) The division of both affected counties into a convenient and

necessary number of judicial, road and school districts, the territory of which shall be defined. To the extent possible, existing judicial, road and school districts located within the territory which is to be transferred shall be maintained.

23250. In determining the fiscal impact of the proposed boundary change and the economic viability of each affected county if the proposed boundary change is effected, the commission shall consider:

(a) The cost of providing services in both affected counties.

(b) Projected revenues available to each county.

(c) The effect of any projected reduction in revenue available to each county.

23251. Within 10 days after notice and acceptance of appointment of the last appointed member, the members of the commission shall meet at the principal administrative office of the transferring county and organize by electing from their number a chairman. They shall also appoint a secretary who shall not be a member of the commission. Thereafter the members of the commission may meet at such times and places as they select.

A majority of the commissioners shall constitute a quorum for purposes of transacting business and making the determinations required by this article.

23252. The commission shall conduct a public hearing to receive information regarding its determinations, and to hear any protests and objections to the proposed county boundary change. Notices of hearing shall be published pursuant to Section 6061 in a newspaper of general circulation in each affected county.

In addition:

(a) The commission shall cause written notice of the hearing to be given to each of the chief petitioners, if any.

(b) Where the territory proposed to be transferred is uninhabited, the commission shall cause written notice of the hearing to be mailed to each person to whom land within the territory proposed to be transferred is assessed in the last equalized county assessment roll available on the date the proceedings were initiated, at the address shown on the assessment roll or as known to the commission, and to any persons who have filed their name and address and the designation of the lands in which they have any interest, either legal or equitable, with the commission.

(c) In the event any land within the territory proposed to be transferred is tide or submerged land owned by the state, the commission shall also cause written notice of the hearing to be mailed to the State Lands Commission. Such notice shall be given not less than 45 days before the time fixed for hearing.

The notices referred to in subdivisions (a) and (b) shall be given not less than 20 days before the time fixed for hearing; provided, that the notice referred to in subdivision (b) need not be sent if the owner or owners of all of the territory to be transferred have petitioned for the county boundary change or filed their consent to

the boundary change in writing with the commission.

23253. At any time prior to final adjournment of the hearing on protests, any owner of property within the uninhabited territory proposed to be transferred may file written protest against the boundary change. The protest shall state the name of the owner of the property affected and the street address or other description of the property sufficient to identify it on the last equalized assessment roll. A metes and bounds description shall not be required if the property can be otherwise described in a manner sufficient to identify it on the last equalized assessment roll. Protests may be made on behalf of the owner by an agent authorized in writing by the owner to act as agent with respect to such land, except that protest may be made on behalf of a private corporation which is an owner of property by any officer or employee of the corporation without written authorization by the corporation to act as agent or make such protest.

23254. On the date and at the time set for hearing, the commission shall hear and consider all protests made by owners of property within the uninhabited territory proposed to be transferred.

If the territory proposed to be transferred is uninhabited, the commission shall hear and pass upon all protests so made:

(a) If privately owned property and no publicly owned property is proposed to be transferred, further proceedings shall not be taken if protest is made by private owners of one-half of the value of the uninhabited territory proposed to be transferred. The value given such property for protest purposes shall be that shown on the last equalized assessment roll if the property is not exempt from taxation. If the property is exempt from taxation, its value for protest purposes shall be determined by the county assessor in the same amount as he would assess such property if it were not exempt from taxation.

(b) If privately owned property and publicly owned property are proposed to be transferred in the same proceeding, further proceedings shall not be taken if protest is made by public and private owners of one-half of the value of the uninhabited territory. The value given privately owned property shall be determined pursuant to subdivision (a) of this section. The value given publicly owned property for protest purposes shall be determined by the county assessor in the same manner as is provided in subdivision (a) of this section for privately owned property, exempt from taxation.

(c) The value for protest purposes to be given property held in joint tenancy or tenancy in common shall be determined by the commission in proportion to the proportionate interest of the protestant in such property.

(d) When property is subject to a written recorded agreement to buy, the purchaser under the agreement may protest and the seller may not even though he is shown as the owner on the last equalized assessment roll.

Determinations of the value of publicly owned property, or

privately owned property exempt from taxation by the county assessor for protest purpose shall be obtained from the assessor by the protestant and submitted to the commission with the written protest.

23255. The commission shall determine at the hearing or within 30 days after the closing of the hearing whether or not a majority protest, of owners of property within uninhabited territory proposed to be transferred has been made. If it does not make a determination within such period, it shall be deemed to have made a determination on the 30th day that a majority protest has been made.

If there is a determination that a majority protest has been made, no further proceedings for the transfer of any of the same uninhabited territory shall be taken for one year after the date of the determination except upon the petition or consent of all property owners of the uninhabited territory proposed to be transferred.

23256. On the date and at the time fixed for hearing, the commission shall also hear and may grant or deny any requests for exclusion filed pursuant to Sections 23256.5 and 23257.

23256.5. At any time prior to the final hearing on the proposed county boundary change, any owners of real property within the territory proposed to be transferred and contiguous to the boundary line thereof, may make a written request, filed with the commission, for exclusion of his property from the territory proposed to be transferred. Such a request shall contain sufficient information to identify the property for which the exclusion is sought.

23257. Written requests for exclusion of any territory within the territory proposed to be transferred and contiguous to the boundary line thereof may be filed with the commission by any registered elector of that territory. Such a request shall contain sufficient information to identify the territory for which the exclusion is sought.

23258. Boundary lines between counties may not be changed if as a result of such change: (a) a strip of untransferred territory less than 200 feet wide and more than 300 feet long is created; (b) a strip of untransferred territory consisting solely of a highway or portion thereof is created; or (c) the territory of any incorporated city is divided.

23259. The hearing of protests and requests for exclusion may be continued from time to time during the course of the commission's determinations.

By citation or subpoena signed by its chairman and secretary, the commission may compel the attendance of such persons and the production of such books, papers and other documents before it as it deems necessary for the performance of its duties.

All officers and employees of either affected county shall cooperate with, perform any functions required by, and produce any books, records or other documents of such county requested by the commission and necessary for the performance of the commission's functions.

23260. Except as otherwise provided in this article, the commission may, in determining a fair, just and equitable

distribution of the indebtedness of the transferring county between that county and the accepting county, provide for:

(a) The levying or fixing and the collection in the accepting county of (1) special, extraordinary or additional taxes or assessments, or (2) special, extraordinary or additional service charges, rentals or rates, or (3) both.

(b) The imposition, exemption, transfer, division or apportionment, as between the transferring county, and the accepting county, of liability for payment of all or any part of principal, interest or any other amounts which shall become due on account of all or any part of any bonds, including revenue bonds outstanding or authorized at the time a petition is filed or resolution adopted, or other contracts or obligations, of the transferring county; and the levying or fixing and the collection in the accepting county of any (1) taxes or assessments, or (2) service charges, rentals or rates, or, (3) both, as may be necessary to provide for such payment.

In making its determinations, the commission shall ascertain the current indebtedness of both affected counties. It shall also ascertain (a) the total assessed value of all property located in both affected counties; and, (b) the assessed value of the territory to be transferred. The assessed values used by the commission shall be those shown on the last equalized assessment roll of both affected counties.

23261. The commission shall also identify and determine the location and value of all real and personal property owned by the transferring county located within the territory to be transferred. Any real and personal property identified by the commission pursuant to this section shall become property of the accepting county, should the boundary change be effected as provided in this article, upon settlement of the indebtedness in the manner specified by the commission.

23262. Except as provided by the commission, when the boundary change is effected the territory which is transferred shall be relieved of annual tax liability for the outstanding indebtedness of the transferring county in the year following the year in which the election on the question of the boundary change is held.

Territory remaining in the transferring county when the boundary change is effected shall be relieved of annual tax liability for any outstanding indebtedness of that county which the commission determines is to be assumed by the accepting county. Such relief shall become effective in the year following the year in which the election on the question of the boundary change is held.

Nothing in this section shall be construed as in any way limiting the power of a bondholder to enforce contractual rights or affecting the ultimate liability of territory of the transferring county, or of the accepting county for bonded indebtedness in case of default.

23263. Members of the commission shall receive as compensation a per diem not to exceed fifty dollars ($50) a day for every day they are actually employed together with their actual expenses incurred

in performing their duties. If the boundary change is effected, all expenses of the commission, together with the reasonable costs of stationery, postage, and incidental expenses shall be borne by the accepting county or by both affected counties, in equal shares, if the boundary change is not effected.

23264. The commission shall adopt a resolution making its determinations and transmit its report in writing within 180 days of the date of notice and acceptance of appointment of the last appointed member of the commission, to the board of supervisors of both affected counties and shall be signed and attested to by all five members of the commission.

The determinations of the commission shall become the terms and conditions for boundary change and as such shall be final and binding on both affected counties should the proposed boundary change be legally effected as provided in this article.

At any time not later than 30 days after receipt of the commission's report, if the territory proposed to be transferred is inhabited or if it is uninhabited and there is no majority protest, the board of supervisors of both affected counties shall adopt a resolution approving or disapproving the proposed boundary change.

23265. If either board disapproves the proposed boundary change, no further proceedings shall be taken for that boundary change and no new proceedings for substantially the same boundary change may be initiated within one year after the date of such disapproval, provided both boards may waive or shorten such time limitations if they find the same to be in the public interest.

23266. If the territory proposed to be transferred is uninhabited, no majority protest has been made and the boards of both affected counties approve the proposed boundary change, the proposed boundary change shall be deemed effected pursuant to the general laws of this state from the date of filing of a copy of the resolutions of both boards approving the proposed boundary change with the Secretary of State, and the boards shall also state the effective date or dates upon which the various service responsibilities and functions for the transferred uninhabited territory shall be transferred according to the terms of subdivision (b) of Section 23281.

23267. If the proposed territory to be transferred is inhabited and the boards of both affected counties have approved the boundary change, the board of the transferring county shall, not later than 30 days after receiving the commission's determinations, order and give proclamation and notice of an election to be held in the territory proposed to be transferred, on the next established election date in the transferring county not less than 74 days after receipt of the commission's determinations, for the purpose of determining whether the county boundary shall be changed.

23268. The proclamation and notice of election shall be published at least once a week for three weeks commencing not less than 70 days prior to the date of the election in a newspaper of general circulation in the territory proposed to be transferred. If there is no

newspaper of general circulation within the territory proposed to be transferred, the proclamation and notice of election shall be posted not less than 70 days prior to the date of the election in at least three conspicuous places within the territory proposed to be transferred.

23269. The notice of election shall contain the following:

(a) A statement of the proposition to be voted on and a description of the county boundaries as they will exist if the proposal is adopted.

(b) An invitation to any qualified elector entitled to vote on the proposition, or any bona fide association of citizens, to submit and file, with the clerk of the transferring county for printing and distribution in the ballot pamphlet, not later than 54 days prior to the date of the election, an argument for or an argument against the proposed county boundary change.

(c) The date of the election.

(d) A statement that only one argument for and one argument against shall be selected and printed in the ballot pamphlet.

(e) A statement that arguments shall not exceed 500 words in length and shall be accompanied by not more than three signatures.

23270. All qualified electors of the territory proposed to be transferred who have been registered electors of the county 30 days prior to the date of the election are entitled to vote at the election. Registration and transfers of registration shall be made and shall close in the manner and at the times provided by law for registration and transfers of registration for a general election in the state.

23271. Ballots at the election shall contain the words "For the transfer of (description of territory) to (name of county accepting transferred territory) Yes," and "For the transfer of (description of territory) to (name of county accepting transferred territory) No." Each voter shall stamp a cross (+) opposite the words "Yes," or "No."

23272. The election shall be governed and controlled by the general election laws of the state so far as applicable, except as otherwise provided in this article.

23273. If more than one argument for or more than one argument against the proposed boundary change is filed with the clerk of the transferring county the clerk shall select one of the arguments for and one of the arguments against the proposed boundary change for printing and distribution to the electors.

In selecting arguments, the clerk shall give preference and priority in the order specified to arguments submitted by the following:

(a) The board of supervisors of either affected county, or any member or members of such board authorized by it.

(b) The city council of any city located within either affected county, or any member or members of such council authorized by it.

(c) Qualified electors or bona fide associations of citizens, or combinations of electors and associations.

23274. The clerk shall cause a ballot pamphlet concerning the

proposed boundary change to be printed and mailed to each qualified elector in the territory proposed to be transferred.

The ballot pamphlet shall contain the following in the order prescribed:

(a) An impartial analysis of the proposed boundary change prepared by the commission.

(b) A summary of the commission's report on fiscal impact and financial viability.

(c) A summary of the commission's terms and conditions.

(d) The argument for boundary change.

(e) The argument against boundary change.

The clerk shall mail a ballot pamphlet to each qualified elector at least 10 days prior to the date of the election. Such ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

23275. The clerk shall also prepare and mail a sample ballot to the qualified electors of the territory proposed to be transferred. The sample ballot shall be mailed with and at the same time as the ballot pamphlet.

23276. The law relating to the preparation, printing, and distribution of sample ballots and primary elections does not apply to any election held pursuant to this article.

23277. Except as otherwise provided by this article, the election shall be conducted as other elections in the transferring county.

23278. The board of the transferring county shall appoint as election officers three representatives who reside in the affected county represented.

23279. Immediately on the closing of the polls the election officers shall:

(a) Canvass the ballots.

(b) Make up and certify the tally sheets of the ballots cast.

(c) Seal up the ballots.

(d) Attach a statement, signed by each election officer, to the tally sheets showing the number of votes cast and the number of votes cast for and against the proposition.

(e) Seal up the tally sheets.

23280. The clerk of the transferring county shall upon the completion of a canvass of the vote in the territory proposed to be transferred, forward to the board of the transferring county, a certified copy of the results of the canvass, giving the number of votes cast in the territory to be transferred for the proposition and the number of votes cast in the territory proposed to be transferred against the proposition.

23281. If upon a canvass of the total votes cast in the territory proposed to be transferred at the election, it appears that more than 50 percent of the total number of all votes cast within the territory proposed to be transferred are in favor of the proposed boundary change, the board of supervisors of the transferring county, by resolution, shall:

(a) Declare the results of the election and that the proposed county boundary change shall be deemed effected pursuant to the general laws of this state from the date of filing a copy of the resolution with the Secretary of State.

(b) State the effective date or dates upon which the various service responsibilities and functions for the transferred territory shall be transferred from the transferring county to the accepting county. Such date or dates shall be established in accordance with the terms and conditions established by the commission and in such a manner as to provide for the orderly and expeditious transition of responsibilities and functions but shall in no event exceed two fiscal years from the date on which the county boundary change shall be deemed legally effected as provided in subdivision (a).

23282. The board of supervisors of the county from which territory is transferred shall cause a copy of the resolution adopted pursuant to Section 23281 to be filed with the State Board of Equalization, the Secretary of State, and the board of supervisors of the county accepting the transferred territory.

23283. If upon a canvass of the total votes cast in the territory proposed to be transferred at the election, it appears that 50 percent or less, of the total number of all votes cast within the territory proposed to be transferred are in favor of the proposed boundary change, the board of supervisors of the county from which territory is proposed to be transferred, by resolution, shall declare the proposition concerning the proposed boundary change defeated. No further proceedings to effect substantially the same boundary change shall be initiated or taken for a period of one year after the date of the election.

23284. All costs of the election shall be borne by the county accepting transferred territory if the boundary change is effected. If the boundary change is not effected, the costs of the election shall be borne by both affected counties, on an equal basis.

23285. Whenever county boundaries are changed pursuant to this article, the board of supervisors of both affected counties shall cause to be filed before the following January 1, with the State Board of Equalization and with the assessors of both affected counties, a statement setting forth the legal description of the boundaries, as changed, together with a map or plat indicating such boundaries. The change of the boundaries shall not be effective for purposes of assessment in taxation unless the statement, together with the map or plat required by this section, is filed with the county assessors and with the State Board of Equalization on or before January 1 of the year in which the assessments or taxes are to be levied.

23286. When a county boundary is changed, all taxes levied before the boundary change was effected shall be collected by the officers of and belong to the county in which the territory was situated before the boundary change.

23287. The transferring county shall continue to provide necessary services from the date the county boundaries are changed

until service responsibilities and functions are transferred to the accepting county, according to the provisions of the resolution adopted pursuant to Section 23281.

23288. Notwithstanding any other provision of law, no special district, which is organized within either affected county and governed by the board of supervisors thereof, shall have its territory divided or in any other way have its organization changed as the result of a county boundary change except as to proceedings taken pursuant to law subsequent to the boundary change becoming effective.

23289. After the county boundary change is effected, the officers of the accepting county shall proceed to complete all proceedings necessary for the assessment or collection of the state and county taxes for the current year, in connection with all the property in the transferred territory, and, subject to Section 23286, all acts and steps taken, by the officers of the transferring county prior to the date when the boundary change was effected shall be deemed performed by the officers of the accepting county for the benefit of that county.

23290. The officers of the transferring county shall immediately execute and deliver to the board of supervisors of the accepting county, copies of all assessments or other proceedings relative to the assessment and collection of the current state and county taxes on property within the transferred territory. The copies shall be filed with the respective officers of the accepting county who would have their custody if the proceedings had been originally had in that county and shall be deemed originals. All proceedings recited in such copies shall be deemed original proceedings in the accepting county and have the same effect as if the proceedings had been had at the proper time and in the proper manner by the respective officials of that county. The officials of the accepting county shall proceed with the assessment and collection of the taxes as if the proceedings originally had in the transferring county had been originally had in the accepting county.

23291. The county superintendent of schools of the transferring county shall furnish the county superintendent of schools of the accepting county with a certified copy of the last school census of the different school districts in the territory which is transferred, and the superintendent of the transferring county shall draw a warrant on the treasurer of the transferring county in favor of the treasurer of the accepting county for all the money that is or may be due from the transferring county by any apportionment or otherwise to the different school districts embraced in the accepting county.

23292. The auditor of the transferring county shall draw a warrant on the treasurer of that county in favor of the treasurer of the accepting county for all money that is or may be due from the transferring county by apportionment or otherwise to the different road and supervisorial or district funds in the territory which is transferred. The amounts shall be properly credited in both counties.

23293. The treasurer of the transferring county shall immediately

cause to be transferred to the county treasurer of the accepting county all money standing to the credit of or belonging to any road or school district, the territory comprising which is included within the boundaries of the territory which is transferred.

23294. Where the county accepting territory is located in a different district court of appeals district than the transferring county, the district court of appeals district which includes the transferring county shall retain jurisdiction in all cases pending in a session of such court, within the boundaries of the transferred territory immediately prior to its transfer.

23295. On and after the date the boundary change is effected, the superior court in the transferring county shall retain jurisdiction in all cases pending in a session of such court which is located within the boundaries of the territory which is transferred immediately prior to its transfer.

23296. Those municipal and justice court districts in the transferring county which are located within the boundaries of the territory which is transferred immediately prior to its transfer shall continue in existence for all purposes with the same name, judges, officers, attachés, and other employees.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local entities in 1974–75 by this act. However, there are state-mandated local costs in this act in subsequent years that require reimbursement under Section 2231 of the Revenue and Taxation Code, which can be handled in the regular budget.

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## CHAPTER 1394

*An act to add Section 31727.5 to the Government Code, relating to the County Employees Retirement Law of 1937.*

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

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

SECTION 1. Section 31727.5 is added to the Government Code, to read:

31727.5. The board of supervisors in any county, by a majority vote, may enact an ordinance providing that the maximum annual allowance payable to a member pursuant to Section 31727.4 who is totally disabled shall be increased to 60, 70, 80, or 90 percent of the member's final compensation, as determined by the board, on the operative date of such ordinance.

For purposes of this section, "totally disabled" means inability to

perform substantial employment and the presumptions contained in Section 4662 of the Labor Code shall also be applied to the determination of total disability.

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## CHAPTER 1395

*An act to add Sections 19702.5 and 50085.5 to the Government Code, relating to public employment.*

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

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

SECTION 1. Section 19702.5 is added to the Government Code, to read:

19702.5. (a) The board shall provide to the State Fair Employment Practice Commission a copy of each affirmative action plan, and all subsequent amendments of such plans, adopted by each state agency, department, office or commission.

(b) The board shall annually, commencing January 1, 1975, submit to the State Fair Employment Practice Commission a statistical survey of the employment of each state agency, department, office or commission. The survey shall include, but not be limited to: sex, age, ethnic origin, current employment classification, salary, full-time or other employment status, department and administrative unit, and county of employment of employees.

(c) Such reports and information shall constitute public records.

SEC. 2. Section 50085.5 is added to the Government Code, to read:

50085.5. (a) Every local agency shall provide to the State Fair Employment Practice Commission a copy of any affirmative action plan and subsequent amendments to such plan adopted by the local agency.

(b) Every local agency which is required by federal law, rule or regulation to submit an annual statistical survey of the employment of the agency to the United States Equal Employment Opportunity Commission shall annually, commencing with January 1, 1975, submit a copy of such survey to the State Fair Employment Practice Commission.

(c) Such reports and information shall constitute public records.

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

# CHAPTER 1396

*An act to amend Sections 926 and 933 of, and to repeal Section 929.1 of, the Penal Code, relating to grand juries.*

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

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

SECTION 1. Section 926 of the Penal Code is amended to read:

926. (a) If, in the judgment of the grand jury, the services of one or more experts are necessary for the purposes of Sections 925, 925a, 928 and 933.5 or any of them, the grand jury may employ one or more experts, at an agreed compensation, to be first approved by the court. If, in the judgment of the grand jury, the services of assistants to such experts are required, the grand jury may employ such assistants, at a compensation to be agreed upon and approved by the court. Expenditures for the services of experts and assistants for the purposes of Section 933.5 shall not exceed the sum of thirty thousand dollars ($30,000) annually, unless such expenditures shall also be approved by the board of supervisors.

(b) When making an examination of the books, records, accounts and documents maintained and processed by the county assessor, the grand jury, with the consent of the board of supervisors, may employ expert auditors or appraisers no later than March 1 of any calendar year to assist in the examination. Auditors and appraisers, while performing pursuant to the directive of the grand jury, shall have access to all records and documents that may be inspected by the grand jury subject to the same limitations on public disclosure as apply to the grand jury.

(c) Any contract entered into by a grand jury pursuant to this section may include services to be performed after the discharge of the jury, but in no event may a jury contract for services to be performed later than six months after the end of the fiscal year during which the jury was impaneled.

SEC. 2. Section 929.1 of the Penal Code is repealed.

SEC. 3. Section 933 of the Penal Code is amended to read:

933. (a) No later than one month after the end of each fiscal year of a county, each grand jury impaneled during that fiscal year shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters other than fiscal matters during the fiscal year.

(b) No later than three months after the end of each fiscal year of a county, each grand jury impaneled during the succeeding fiscal year shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to fiscal matters of county government during the previous fiscal year of the county.

(c) No later than 60 days after the grand jury submits any final

report, the board of supervisors shall comment on the findings and recommendations of the grand jury that pertain to county government matters under the control of the board and every elective county officer shall report to the board of supervisors on the findings and recommendations pertaining to such county officer. All such comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury for the previous fiscal year. A copy thereof shall be placed on file with the county clerk and shall remain on file in the office of the county clerk.

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## CHAPTER 1397

*An act to amend Section 832.3 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 832.3 of the Penal Code is amended to read:

832.3. (a) Except as provided in subdivision (b), any sheriff, undersheriff, or deputy sheriff of a county, any policeman of a city, and any policeman of a district authorized by statute to maintain a police department, who is first employed after January 1, 1975, for the purposes of the prevention and detection of crime and the general enforcement of the criminal laws of this state, shall successfully complete a course of training approved by the Commission on Peace Officer Standards and Training before exercising the powers of a peace officer, except while participating as a trainee in a supervised field training program approved by the Commission on Peace Officers Standards and Training.

(b) A police department of a city or district which employs 10 or fewer sworn law enforcement officers in its service on the effective date of this subdivision, and does not employ more than 10 sworn law enforcement officers in its service during the 1975 calendar year, may apply to the Commission on Peace Officer Standards and Training for a permit authorizing a policeman first employed after January 1, 1975, to exercise the powers of a peace officer without the successful completion of the course of training required by subdivision (a). Such application shall include a plan showing that the policeman to be granted peace officer powers will complete the training required by subdivision (a) within six months of the date of the permit authorizing peace officer powers.

If the commission determines that the policeman is by reason of training or experience likely to successfully complete the course of

training required by subdivision (a) within six months of the date of the permit to exercise the powers of a peace officer, then the commission in the interest of justice may permit such policeman to exercise the powers of a peace officer for a specified period of time not to exceed six months, and in no case to extend beyond January 1, 1976.

This subdivision shall be operative until January 1, 1976, and at such date shall have no force or effect.

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

Section 832.3 of the Penal Code currently provides that after January 1, 1975, new peace officers who have not completed a required course of training approved by the Commission on Peace Officer Standards and Training shall not have peace officer powers. Because it is not feasible to first administer such a course of training to all new police department members in the smaller communities of the state without causing great hardship to the community because of an already small staff of officers and the infrequency with which such required courses are offered in some rural areas, it is in the best interest of the public safety to exempt such persons until January 1, 1977, so that small communities can maintain full law enforcement strength. For these reasons it is necessary that this act take effect before January 1, 1975, as an urgency statute.

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## CHAPTER 1398

*An act to amend Sections 20750.87 and 20862.5 of the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 20750.87 of the Government Code is amended to read:

20750.87. The state shall make contributions on account of liability for benefits under Section 20862.5 for state miscellaneous members and each employer included in a contract under Chapter 4.5 (commencing with Section 20580) of this part and each school district which is a contracting agency shall make contributions on account of such liability for school and local miscellaneous members in addition to those otherwise specified in this chapter in a sum equal to 0.23 percent of compensation paid such members by such employer.

The additional contributions required by the amendments made to this section at the 1973–74 Regular Session of the Legislature shall be paid for any member retiring on or after June 1, 1974.

SEC. 2. Section 20862.5 of the Government Code is amended to read:

20862.5. A state or school member, whose effective date of retirement is within four months of separation from employment with the employer subject to this section which granted the sick leave credit, shall be credited at his retirement with 0.004 year of service credit for each unused day of sick leave certified to the board by such employer.

Until receipt of certification from an employer concerning unused sick leave, the board may pay an estimated allowance pursuant to this section. At the time of receipt of such certification, the allowance shall be adjusted to reflect any necessary changes.

Notwithstanding provisions of this part subjecting local miscellaneous members to provisions applicable to state miscellaneous members, this section shall not apply to local miscellaneous members other than local miscellaneous members employed by a school district which is a contracting agency.

The amendments made to this section at the 1973–74 Regular Session of the Legislature shall be applicable to any school member retiring on or after June 1, 1974.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this act nor shall there be any appropriation made by this act because there are savings as well as costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

The Auditor General shall conduct a survey of school districts to determine the savings and the costs resulting from implementation of this act during the period between the effective date of this act and the conclusion of the 1976–77 school year and shall report his findings thereon to the Legislature on or before December 31, 1977.

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

This act must take effect immediately in order that the benefits shall be available before the end of the 1973–74 school and fiscal years.

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## CHAPTER 1399

*An act to amend Sections 20100.1, 20230, 20493, 20740, 20750, 20750.1, 20750.144, 20750.2, 20750.3, 20750.85 and 20758 of, to add Sections 20741, 20750.91 and 20758.1 to, and to repeal Sections 20750.01, 20750.11, 20750.21, 20750.28, 20750.29, 20750.31, 20750.32, 20750.38*

*and 20750.87 of the Government Code, relating to Public Employees' Retirement System.*

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

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

SECTION 1. Section 20100.1 of the Government Code is amended to read:

20100.1. The members of the board of administration appointed by the Governor pursuant to subdivision (c) of Section 20100 shall receive fifty dollars ($50) for every day of actual attendance at meetings of the board, together with their necessary traveling expenses incurred in connection with the performance of their official duties.

SEC. 2. Section 20230 of the Government Code is amended to read:

20230. In addition to other records and accounts, the board shall keep such records and accounts as may be necessary to show at any time

(a) The total accumulated contributions of members.

(b) The total accumulated contributions of retired members and of deceased members, to or on account of whom payments involving life contingencies are paid, less the annuity payments made to such members.

(c) The accumulated contributions of the state and of contracting agencies held for the benefit of members on account of current service.

(d) All other accumulated contributions of the state and of contracting agencies, which shall include the amounts available to meet the obligation of the state and of the contracting agencies, respectively, on account of benefits that have been granted to or on account of retired and deceased employees and on account of prior service of members.

For purposes of this section, all employers of school members and local miscellaneous members shall be deemed a single contracting agency.

SEC. 3. Section 20493 of the Government Code is amended to read:

20493. Any contract heretofore or hereafter entered into shall subject the contracting agency and its employees to all provisions of this part and all amendments thereto applicable to members, local miscellaneous members, or local safety members except such as are expressly inapplicable to a contracting agency unless and until it elects to be subject to such provision.

SEC. 4. Section 20740 of the Government Code is amended to read:

20740. "Employer" for purposes of this chapter means school

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districts, county superintendent of schools, and all contracting agencies. It shall not include a contracting agency on and after the effective date of such agency's election to be subject to any amendment of this part effective on or after the effective date of this section which provides that it is inapplicable to a contracting agency unless and until the agency elects to be subject thereto. "Miscellaneous member" for purposes of this chapter includes school member.

SEC. 5. Section 20741 is added to the Government Code, to read:

20741. The state's contribution to the retirement fund with respect to state miscellaneous members is a sum equal to 7.63 percent of the compensation paid such members by the state.

SEC. 6. Section 20750 of the Government Code is amended to read:

20750. The contribution to the retirement fund of an employer, some or all of whose employees who are school or miscellaneous members have been included in the federal system, with a reduction in the service retirement allowance because of such inclusion, in respect to miscellaneous members is a sum equal to 7.18 percent of the compensation paid such members employed by such employer.

SEC. 7. Section 20750.01 of the Government Code is repealed.

SEC. 8. Section 20750.1 of the Government Code is amended to read:

20750.1. The contribution of an employer, other than one subject to Section 20750, in respect to miscellaneous members is a sum equal to 7.67 percent of the compensation paid miscellaneous members employed by such employer.

SEC. 9. Section 20750.11 of the Government Code is repealed.

SEC. 10. Section 20750.144 of the Government Code is amended to read:

20750.144. The contribution to the retirement fund of each employer included in a contract under Chapter 4.5 (commencing with Section 20580) of this part with respect to miscellaneous members provided by any and all other provisions of this chapter is increased by a sum equal to 0.11 of 1 percent of the compensation paid such members by such employer.

SEC. 11. Section 20750.2 of the Government Code is amended to read:

20750.2. The state's contribution to the retirement fund in respect to state patrol members is a sum equal to 28.17 percent of the compensation paid state patrol members employed by such employer.

SEC. 12. Section 20750.21 of the Government Code is repealed.

SEC. 13. Section 20750.28 of the Government Code is repealed.

SEC. 14. Section 20750.29 of the Government Code is repealed.

SEC. 15. Section 20750.3 of the Government Code is amended to read:

20750.3. The state's contribution to the retirement fund in respect to state safety members is a sum equal to 15.48 percent of the

compensation paid state safety members employed by such employer.

SEC. 16. Section 20750.31 of the Government Code is repealed.

SEC. 17. Section 20750.32 of the Government Code is repealed.

SEC. 18. Section 20750.38 of the Government Code is repealed.

SEC. 19. Section 20750.85 of the Government Code is amended to read:

20750.85. Each employer included in a contract under Chapter 4.5 of this part shall make contributions on account of liability for prior service and benefits under Section 21382 of this code in addition to those otherwise specified in this chapter in a sum equal to 0.11 percent of compensation paid miscellaneous members.

SEC. 20. Section 20750.87 of the Government Code is repealed.

SEC. 21. Section 20750.91 is added to the Government Code, to read:

20750.91. The state's rate of contribution to the retirement fund with respect to state miscellaneous members shall be adjusted effective July 1, 1975 pursuant to the next regular actuarial valuation of the system on the basis of accumulated contributions of the state determined and held as provided in Section 20758.1 of this code.

SEC. 22. Section 20758 of the Government Code is amended to read:

20758. Accumulated contributions other than contributions for prior service credited to or held as of the operative date of the amendments to this section at the 1971 Regular Session as having been made by an employer included in a contract included under Chapter 4.5 of this part and a contracting agency to the extent subject to Section 20493, with respect to miscellaneous members, and all contributions thereafter made by an employer pursuant to this chapter, other than contributions pursuant to Sections 20750.8 and 20750.85, with respect to such members shall be held for the benefit of all such members of this system who are now or hereafter credited with service rendered as employees of any such employer, and for beneficiaries of this system who are now or hereafter entitled to receive benefits on account of such service.

SEC. 23. Section 20758.1 is added to the Government Code, to read:

20758.1. Contributions of the state with respect to state miscellaneous members made on and after the operative date of this section and accumulated contributions credited to or held as of July 1, 1968 as having been made by the state adjusted by addition of all contributions thereafter made by the state with respect to such members and interest credited thereto and subtraction of amounts paid thereafter to or on account of such members shall be held on and after the operative date of this section exclusively for the benefit of state miscellaneous members, retired state miscellaneous members and beneficiaries of such members and retired members.

SEC. 24. Sections 2 through 23 of this act shall become operative only if either Senate Bill 1764 or Assembly Bill 3608 is enacted at the

1973–74 Regular Session.

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## CHAPTER 1400

*An act to amend Section 69894.1 of the Government Code, relating to superior courts.*

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

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

SECTION 1. Section 69894.1 of the Government Code, as amended by Chapter 289 of the Statutes of 1972, is amended to read:

69894.1. In the County of Los Angeles a majority of the judges of the superior court may appoint the following officers and employees whose salaries shall be:

| Number | Title | Schedule |
|---|---|---|
| 3 | Accounting clerk | 16F |
| 3 | Accounting technician | 20J |
| 3 | Administrative assistant I | 26J |
| 4 | Administrative assistant II | 36A[BB] |
| 14 | Administrative secretary | 25F |
| 1 | Assistant criminal courts coordinator | 39J |
| 1 | Assistant director, family counseling services | 50A |
| 1 | Assistant jury commissioner | 48A |
| 1 | Assistant juvenile courts coordinator | 39J |
| 1 | Assistant supervising counselor, mental health | 45J |
| 1 | Assistant supervising juvenile traffic hearing officer | 47A |
| 1 | Assistant supervising probate attorney | 61H |
| 1 | Assistant to the executive officer | 51A |
| 2 | Chief clerk | 32F |
| 1 | Chief, personnel division | 49A |
| 1 | Civil courts coordinator | 49A |
| 45 | Clerk I | 9A |
| 90 | Clerk II | 13A[AA] |
| 45 | Clerk III | 18H |
| 18 | Clerk III-secretary | 19F |
| 2 | Clerk IV | 26F |
| 58 | Counselor | 36A |
| 58 | Court commissioner | FA $30,092 |

| | | |
|---|---|---|
| 250 | Court reporter | 46H |
| 1 | Court reporter assignment clerk | 25F |
| 1 | Court statistician | 33J |
| 1 | Criminal calendar assignment clerk | 21H[BB] |
| 1 | Criminal courts coordinator | 49A |
| 1 | Director, administrative services | 53A |
| 1 | Director, family counseling services | 54A |
| 1 | Director, research and development | 56A |
| 1 | Duplicating and mail unit supervisor | 22A |
| 1 | Executive assistant | 45A |
| 1 | Executive officer | E40 |
| 1 | Executive secretary | 36A |
| 3 | Family counselor I | 36A |
| 4 | Family counselor II | 42A |
| 1 | Finance officer | 44A |
| 1 | Graphic arts aid | 21J |
| 1 | Head, property services | 38J |
| 1 | Head, recognizance services | 47A |
| 1 | Head, staff services | 51A |
| 13 | Interpreter | 21J |
| 1 | Jury commissioner | 54A |
| 8 | Jury interviewer | 26J |
| 1 | Jury qualification supervisor | 32F |
| 1 | Juvenile calendar assignment clerk | 21H[BB] |
| 1 | Juvenile courts coordinator | 49A |
| 19 | Law clerk | 35H |
| 5 | Legal research assistant | 25H |
| 27 | Legal secretary | 21F |
| 1 | Light vehicle driver | 15E[BB] |
| 1 | Offset duplicator operator | 16A |
| 1 | Payroll records supervisor | 27A |
| 1 | Personnel officer | 45A |
| 2 | Principal counselor | 43J[BB] |
| 17 | Probate attorney | 57H |
| 9 | Probate checker | 24F |
| 1 | Probate commissioner | 65A |
| 2 | Procurement assistant | 24F |
| 5 | Property custodian-auditor | 20F |
| 1 | Psychiatric physician FD | $130 |
| 10 | Referee | 57H |
| 1 | Research attorney | 51H |
| 1 | Secretary and assignment clerk | 21F |
| 1 | Secretary and personnel clerk | 21F |
| 1 | Secretary to executive officer | 33A |
| 20 | Senior counselor | 40B |
| 18 | Senior family counselor | 46B |
| 30 | Senior judicial secretary | 23F |

| | | |
|---|---|---|
| 25 | Senior juvenile traffic hearing officer | 42J |
| 1 | Senior offset duplicator operator | 20A |
| 1 | Senior property custodian-auditor | 26F |
| 2 | Senior referee | FA $30,092 |
| 14 | Senior stenographic secretary | 28F |
| 1 | Special assistant | 48A |
| 2 | Statistical clerk | 14F |
| 1 | Supervising administrative assistant II | 45A |
| 1 | Supervising counselor, mental health | 54A |
| 1 | Supervising judicial secretary | 35F |
| 1 | Supervising juvenile traffic hearing officer | 51A |
| 2 | Supervising law clerk | 37H |
| 1 | Supply clerk | 19A |

Whenever a reference to numbered salary schedules and notes is made in this section, those found in the salary ordinance of the County of Los Angeles shall apply. Whenever the compensation of superior court judges is adjusted, the flat-rate salaries for court commissioners and senior referees shall be adjusted to maintain the salary relationship of 80 percent of the annual compensation of superior court judges.

Reduction of the schedule applicable to a class by reason of the adoption of this salary plan or subsequent reclassification of positions for organizational purposes shall not result in a lower salary rate to incumbents of such positions. The court is authorized to regulate by rule the status of employees so affected.

All personnel appointed pursuant to this article shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

SEC. 2. Section 69894.1 of the Government Code is amended to read:

69894.1. In the County of Los Angeles a majority of the judges of the superior court may appoint the following officers and employees whose salaries shall be:

| Number | Title | Schedule |
|---|---|---|
| 3 | Accounting clerk | 16F |
| 3 | Accounting technician | 20J |
| 3 | Administrative assistant I | 26J |
| 4 | Administrative assistant II | 36A[BB] |
| 14 | Administrative secretary | 25F |
| 1 | Assistant criminal courts coordinator | 39J |
| 1 | Assistant director, family counseling services | 50A |

| | | |
|---|---|---|
| 1 | Assistant jury commissioner | 48A |
| 1 | Assistant juvenile courts coordinator | 39J |
| 1 | Assistant supervising counselor, mental health | 45J |
| 1 | Assistant supervising juvenile traffic hearing officer | 47A |
| 1 | Assistant supervising probate attorney | 61H |
| 1 | Assistant to the executive officer | 51A |
| 2 | Chief clerk | 32F |
| 1 | Chief, personnel division | 49A |
| 1 | Civil courts coordinator | 49A |
| 45 | Clerk I | 9A |
| 90 | Clerk II | 13A[AA] |
| 45 | Clerk III | 18H |
| 18 | Clerk III-secretary | 19F |
| 2 | Clerk IV | 26F |
| 58 | Counselor | 36A |
| 58 | Court commissioner | FA $30,092 |
| 1 | Court reporter assignment clerk | 25F |
| 1 | Court statistician | 33J |
| 1 | Criminal calendar assignment clerk | 21H[BB] |
| 1 | Criminal courts coordinator | 49A |
| 1 | Director, administrative services | 53A |
| 1 | Director, family counseling services | 54A |
| 1 | Director, research and development | 56A |
| 1 | Duplicating and mail unit supervisor | 22A |
| 1 | Executive assistant | 45A |
| 1 | Executive officer | E40 |
| 1 | Executive secretary | 36A |
| 3 | Family counselor I | 36A |
| 4 | Family counselor II | 42A |
| 1 | Finance officer | 44A |
| 1 | Graphic arts aid | 21J |
| 1 | Head, property services | 38J |
| 1 | Head, recognizance services | 47A |
| 1 | Head, staff services | 51A |
| 13 | Interpreter | 21J |
| 1 | Jury commissioner | 54A |
| 8 | Jury interviewer | 26J |
| 1 | Jury qualification supervisor | 32F |
| 1 | Juvenile calendar assignment clerk | 21H[BB] |
| 1 | Juvenile courts coordinator | 49A |
| 19 | Law clerk | 35H |
| 5 | Legal research assistant | 25H |
| 27 | Legal secretary | 21F |

| | | |
|---|---|---|
| 1 | Light vehicle driver | 15E[BB] |
| 1 | Offset duplicator operator | 16A |
| 1 | Payroll records supervisor | 27A |
| 1 | Personnel officer | 45A |
| 2 | Principal counselor | 43J[BB] |
| 17 | Probate attorney | 57H |
| 9 | Probate checker | 24F |
| 1 | Probate commissioner | 65A |
| 2 | Procurement assistant | 24F |
| 5 | Property custodian-auditor | 20F |
| 1 | Psychiatric physician | $130 |
| 10 | Referee | 57H |
| 1 | Research attorney | 51H |
| 1 | Secretary and assignment clerk | 21F |
| 1 | Secretary and personnel clerk | 21F |
| 1 | Secretary to executive officer | 33A |
| 20 | Senior counselor | 40B |
| 18 | Senior family counselor | 46B |
| 30 | Senior judicial secretary | 23F |
| 25 | Senior juvenile traffic hearing officer | 42J |
| 1 | Senior offset duplicator operator | 20A |
| 1 | Senior property custodian-auditor | 26F |
| 2 | Senior referee | FA $30,092 |
| 14 | Senior stenographic secretary | 28F |
| 1 | Special assistant | 48A |
| 2 | Statistical clerk | 14F |
| 1 | Supervising administrative assistant II | 45A |
| 1 | Supervising counselor, mental health | 54A |
| 1 | Supervising judicial secretary | 35F |
| 1 | Supervising juvenile traffic hearing officer | 51A |
| 2 | Supervising law clerk | 37H |
| 1 | Supply clerk | 19A |

Whenever a reference to a numbered salary schedule is made in this section that found in the salary ordinance of the County of Los Angeles shall apply. Reduction of the schedule applicable to a class by reason of the adoption of this salary plan or subsequent reclassification of positions for organizational purposes shall not result in a lower salary rate to incumbents of such positions. The court is authorized to regulate by rule the status of employees so affected.

All personnel appointed pursuant to this article shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

SEC. 3. Notwithstanding Section 2231 of the Revenue and

Taxation Code, there shall be no reimbursements pursuant to this section nor shall there be any appropriations made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to carry out the program specified in this act.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 3547 are both chaptered and amend Section 69894.1 of the Government Code, and this bill is chaptered after Assembly Bill No. 3547, that the amendments to Section 69894.1 proposed by both bills be given effect and incorporated in Section 69894.1 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 3547 are both chaptered, both amend Section 69894.1 of the Government Code, and Assembly Bill No. 3547 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

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## CHAPTER 1401

*An act to add Article 5.5 (commencing with Section 1790) to Chapter 1 of Division 2.5 of, and to repeal Section 1752.5 of, the Welfare and Institutions Code, relating to the Department of the Youth Authority.*

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

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

SECTION 1. Section 1752.5 of the Welfare and Institutions Code is repealed.

SEC. 2. Article 5.5 (commencing with Section 1790) is added to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, to read:

### Article 5.5. Crime and Delinquency Prevention

1790. The purpose of this article is to reduce crime and delinquency by assisting the development, establishment and operation of comprehensive public and private community based programs for crime and delinquency prevention.

1791. The Department of the Youth Authority shall exercise leadership on behalf of the state in order to accomplish the purpose of this article. All state agencies shall cooperate with the Department of the Youth Authority in order to bring about a statewide program for the reduction and prevention of crime and delinquency.

1792. The Director of the Youth Authority may provide funds for financial support, in amounts determined by him, from funds available for such purposes, to public or private agencies engaging

in crime and delinquency prevention programs. No public or private organization may receive such support unless it complies with the standards developed pursuant to Section 1793.

1792.1. The director shall make annual allocations from funds made available to him for such purposes for administrative expenses to county delinquency prevention commissions established pursuant to Sections 535.5 and 536 not to exceed one thousand dollars ($1,000) per year for each commission.

1792.2. The director may make additional matching allocations from funds available to him for such purposes, in amounts determined by him, to county delinquency prevention commissions for the development and operation of delinquency prevention projects or programs administered and operated by local governmental or nongovernmental organizations under the general supervision of the county delinquency prevention commission.

1793. The Director of the Youth Authority shall develop standards for the operation of programs funded under Sections 1792, 1792.1 and 1792.2. He shall seek advice from interested citizens, appropriate representatives of public and private agencies and youth groups in developing such standards.

1794. Application for funds under Sections 1792, 1792.1, and 1792.2 shall be made to the Director of the Youth Authority in the manner and form prescribed by the department. The department shall prescribe the amounts, time, and manner of payments of assistance if granted.

1795. To help communities develop effective local programs, the Director of the Youth Authority may, upon request, provide technical assistance to judges, probation officers, law enforcement officials, school administrators, welfare administrators, and other public and private organizations, and citizen groups. The assistance may include studies and surveys to identify problems, development of written instructional or information materials, preparation of policy statements and procedural guides, field consultation with appropriate persons in the community, and other assistance as appears appropriate.

1796. The Director of the Youth Authority may from funds available to him for such purposes provide funds for demonstration or experimental projects designed to test the validity of new methods or strategies in delinquency prevention programs.

1797. The director may assist in the establishment of public committees having as their object the prevention or decrease of crime and delinquency among youth, and the director may participate in the work of any such existing or established committees.

1798. The Director of the Youth Authority shall appoint an advisory commission on crime and delinquency prevention, not to exceed eight (8) in number, to advise him on matters relating to this article. Committee members shall include interested citizens and representatives of public and private agencies and youth groups. The

members of the committee shall be entitled to their reasonable expenses, including travel expenses, incurred in the discharge of their duties.

1799. The director may, with the approval of the Director of General Services, enter into contracts with the federal government, other state governments, counties, cities, private foundations, private organizations, or any other group to accomplish the purposes of this article.

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## CHAPTER 1402

*An act to amend Section 2 of Chapter 1504 of the Statutes of 1969, relating to radiation.*

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

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

SECTION 1. Section 2 of Chapter 1504 of the Statutes of 1969 is amended to read:

Sec. 2. This chapter shall be operative only until January 1, 1980 and on and after such date shall have no force or effect.

SEC. 2. The Department of Health shall evaluate its administration of Chapter 1504 of the Statutes of 1969 and report to the Legislature on or before January 1, 1976 on the administration of that chapter together with any recommendations the department may have regarding regulation of radiologic technology.

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## CHAPTER 1403

*An act to amend Sections 11453, 11454, 11480, 11592, 11593, and 11594 of, to amend and renumber Section 11452 of, and to repeal Sections 11006, 11028, 11450, and 11451 of, the Health and Safety Code, and to amend Section 830.3 of the Penal Code, relating to the Department of Justice.*

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

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

SECTION 1. Section 11006 of the Health and Safety Code is repealed.

SEC. 2. Section 11028 of the Health and Safety Code is repealed.

SEC. 3. Section 11450 of the Health and Safety Code is repealed.

SEC. 4. Section 11451 of the Health and Safety Code is repealed.

SEC. 5. Section 11452 of the Health and Safety Code is amended and renumbered to read:

11450. The Attorney General may, in conformity with the State Civil Service Act, Part 2 (commencing with Section 18500), Division 5, Title 2 of the Government Code, employ such agents, chemists, clerical, and other employees as are necessary for the conduct of the affairs of the Department of Justice in carrying out its responsibilities specified in this division.

SEC. 6. Section 11453 of the Health and Safety Code is amended to read:

11453. The Department of Justice may employ a physician to interview and examine any patient for whom any controlled substance classified in Schedule I, II, or III has been prescribed or to whom any such controlled substance has been furnished or administered, or who is an habitual user of such a controlled substance, or who has a previous addiction record to a substance listed as a controlled substance classified in Schedules I, II, or III.

The patient shall submit to the interview and examination and shall not in any manner hinder or impede it.

The physician employed by the Department of Justice to conduct the interview and examination shall report the results of the examination and interview to the department.

The physician so employed may testify in any action brought under this division or in any hearing before the State Board of Medical Examiners or the State Board of Osteopathic Examiners and his testimony is not privileged.

Every person who violates any provision of this section is guilty of a misdemeanor.

SEC. 7. Section 11454 of the Health and Safety Code is amended to read:

11454. The Attorney General and the agents appointed by him, when authorized so to do by the Attorney General, may expend such sums as the Attorney General deems necessary in the purchase of controlled substances for evidence and in the employment of operators to obtain evidence.

The sums so expended shall be repaid to the officer making the expenditures upon claims approved by the Attorney General and subject to postaudit by the Department of Finance. The claims when approved shall be paid out of the funds appropriated or made available by law for the support or use of the Department of Justice.

SEC. 8. Section 11480 of the Health and Safety Code is amended to read:

11480. The Legislature finds that there is a need to encourage further research into the nature and effects of marijuana and hallucinogenic drugs and to coordinate research efforts on such subjects.

There is a Research Advisory Panel which consists of a representative of the State Department of Health, a representative of the California State Board of Pharmacy, a representative of the

Attorney General, a representative of the University of California who shall be a pharmacologist or physician or a person holding a doctorate degree in the health sciences, a representative of a private university in this state who shall be a pharmacologist or physician or a person holding a doctorate degree in the health sciences, a representative of a statewide professional medical society in this state who shall be engaged in the private practice of medicine and shall be experienced in treating controlled substance dependency, and a representative appointed by and serving at the pleasure of the Governor, who shall hold a doctorate degree in the health sciences and shall have experience in drug abuse or controlled substance research. The Governor shall annually designate the private university and the professional medical society represented on the panel. Members of the panel shall be appointed by the heads of the entities to be represented, and they shall serve at the pleasure of the appointing power.

The panel shall annually select a chairman from among its members.

The panel may hold hearings on, and in other ways study, research projects concerning marijuana or hallucinogenic drugs in this state. Members of the panel shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties.

The panel may approve research projects, which have been registered by the Attorney General, into the nature and effects of marijuana or hallucinogenic drugs, and shall inform the Attorney General of the head of such approved research projects which are entitled to receive quantities of marijuana pursuant to Section 11478.

The panel may withdraw approval of a research project at any time, and when approval is withdrawn shall notify the head of the research project to return any quanitites of marijuana to the Attorney General.

The panel shall report annually to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, and, where available, the conclusions of the research project.

SEC. 9. Section 11592 of the Health and Safety Code is amended to read:

11592. Any person who, on or after the effective date of this section is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the offenses described in Section 11590 shall, prior to such discharge, parole, or release, be informed of his duty to register under that section by the official in charge of the place of confinement and the official shall require the person to read and sign such form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement shall obtain the address where the

person expects to reside upon his discharge, parole, or release and shall report such address to the Department of Justice. The official in charge of the place of confinement shall give one copy of the form to the person, and shall send two copies to the Department of Justice, which, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

SEC. 10. Section 11593 of the Health and Safety Code is amended to read:

11593. Any person who, on or after the effective date of this section is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under Section 11590 by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the Department of Justice. The court shall give one copy of the form to the person, and shall send two copies to the Department of Justice, which, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

SEC. 11. Section 11594 of the Health and Safety Code is amended to read:

11594. The registration required by Section 11590 shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the Department of Justice, and (b) the fingerprints and photograph of such person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the Department of Justice.

If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

All registration requirements set forth in this article shall terminate five years after the discharge from prison, release from jail or termination of probation or parole of the person convicted. Nothing in this section shall be construed to conflict with the provisions of Section 1203.4 of the Penal Code concerning termination of probation and release from penalties and disabilities of probation.



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Any person required to register under the provisions of this section who shall knowingly violate any of the provisions thereof is guilty of a misdemeanor.

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

SEC. 12. Section 830.3 of the Penal Code is amended to read:

830.3. (a) The Deputy Director, Assistant Directors, chiefs, assistant chiefs, special agents, and narcotics agents of the Department of Justice, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Consumer Affairs are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(e) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to Section 856 of the Fish and Game Code, deputies appointed pursuant to Section 851 of such code, and county fish and game wardens appointed pursuant

to Section 875 of such code are peace officers; provided, that the primary duty of deputized members of the Wildlife Protection Branch, and the exclusive duty, except as provided in Section 8597 of the Government Code, of any other peace officer listed in this subdivision, shall be the enforcement of the provisions of the Fish and Game Code, as such duties are set forth in Sections 856, 851 and 878, respectively, of such code.

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary fire wardens as are designated by him pursuant to Section 4156 of the Public Resources Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(k) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department of a local agency regularly paid and employed as such, are peace officers; provided, that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law, and the exclusive duty, except as provided in Section 8597 of the Government Code, of fire department members other than arson investigators when acting as

peace officers shall be the enforcement of laws relating to fire prevention and fire suppression. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, members of fire departments other than arson investigators are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(*l*) The Chief and such inspectors of the Bureau of Food and Drug as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(m) Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided, that the primary duty of any such peace officer shall be the protection of park property and preservation of the peace therein. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such park rangers are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(n) Members of a community college police department appointed pursuant to Section 25429 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 25429 of the Education Code.

(o) All investigators of the Division of Labor Law Enforcement, as designated by the Labor Commissioner, are peace officers; provided that the primary duty of any such peace officer shall be enforcement of the law as prescribed in Section 95 of the Labor Code.

(p) The authority of any peace officer listed in subdivisions (c) through (o), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6 of this code, or Section 8597 of the Government Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

# CHAPTER 1404

*An act to add Section 42684 to, and to repeal Article 3 (commencing with Section 42701), Article 3.5 (commencing with Section 42721), and Article 4 (commencing with Section 42731) of Chapter 2 of, Article 1 (commencing with Section 43251), Article 2 (commencing with Section 43281), and Article 3 (commencing with Section 43311) of Chapter 3 of, Article 2 (commencing with Section 43481) of Chapter 4 of, and Chapter 5 (commencing with Section 43801), Chapter 6 (commencing with Section 44301), Chapter 7 (commencing with Section 44501), Chapter 8 (commencing with Section 44701), Article 1 (commencing with Section 44951) of Chapter 9, Chapter 10 (commencing with Section 45101), Chapter 11 (commencing with Section 45301), Chapter 12 (commencing with Section 45451), Chapter 12.5 (commencing with Section 45541), Chapter 13 (commencing with Section 45601), Chapter 14 (commencing with Section 45801), Chapter 15 (commencing with Section 46051), Chapter 16 (commencing with Section 46251), Chapter 17 (commencing with Section 46501), Chapter 18 (commencing with Section 46831), Chapter 19 (commencing with Section 47251), Chapter 20 (commencing with Section 47401), Chapter 21 (commencing with Section 47601), Chapter 22 (commencing with Section 48001), Chapter 23 (commencing with Section 48201), Article 2 (commencing with Section 48361) of Chapter 24, Chapter 25 (commencing with Section 48551), Chapter 25.5 (commencing with Section 48561), Chapter 26 (commencing with Section 48701), Chapter 27 (commencing with Section 48951), Chapter 28 (commencing with Section 49201), Chapter 29 (commencing with Section 49401), Chapter 30 (commencing with Section 49551), Chapter 31 (commencing with Section 49751), Chapter 32 (commencing with Section 50001), Chapter 33 (commencing with Section 50201), Chapter 34 (commencing with Section 50351), Chapter 35 (commencing with Section 50601), and Chapter 36 (commencing with Section 50801) of, Division 17 of, the Food and Agricultural Code, relating to agricultural products.*

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

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

SECTION 1. Section 42684 is added to the Food and Agricultural Code, to read:

42684. The director may, upon a petition of a commercial producer or handler that the director finds has a substantial interest in the growing or handling of the particular fruit, nut, or vegetable involved, hold a hearing to establish, modify, or rescind, by regulation, quality and maturity standards for any fruits, nuts, or vegetables.

The director shall, upon a petition of 10 commercial producers or handlers, each of whom the director finds has a separate and substantial interest in the growing or handling of the particular fruit, nut, or vegetable involved, or a petition by the Director of the Department of Consumer Affairs, hold a hearing to establish, modify, or rescind, by regulation, quality and maturity standards for any fruits, nuts, or vegetables.

In establishing, modifying, or rescinding any quality and maturity standard for any fruit, nut, or vegetable pursuant to this chapter, the director shall do all of the following: (1) find that the regulation will provide the consumer with acceptable quality fruits, nuts, and vegetables which will also provide stability in the marketing of such products, (2) find that the regulation will tend to prevent waste in the production and marketing of fruits, nuts, and vegetables, (3) consider the impact of the regulation upon the agricultural industry, and (4) find that the regulation is necessary to accomplish the purposes of this chapter.

All regulations shall be adopted in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code; provided, however, that the director prior to adopting any emergency regulations for quality and maturity standards for any fruits, nuts, and vegetables, shall hold a public hearing. Notice of the hearing shall be given to all persons known to the director to be interested in the proposed emergency regulations, not less than three days prior to such hearing. Any such public hearing on emergency regulations is not in place of, and shall not preclude the director from holding, a public hearing within 120 days after adoption of such emergency regulations to make the emergency regulations permanent.

The director shall have no authority to establish, modify, or rescind, by regulation, quality and maturity standards for any fruits, nuts, or vegetables on or after January 1, 1978. All regulations, except emergency regulations, adopted pursuant to this section which are in effect on January 1, 1978, are continued as statutory enactments and shall have the same force and effect as if enacted by the Legislature.

SEC. 2. Article 3 (commencing with Section 42701) of Chapter 2 of Division 17 of the Food and Agricultural Code is repealed.

SEC. 3. Article 3.5 (commencing with Section 42721) of Chapter 2 of Division 17 of the Food and Agricultural Code is repealed.

SEC. 4. Article 4 (commencing with Section 42731) of Chapter 2 of Division 17 of the Food and Agricultural Code is repealed.

SEC. 5. Article 1 (commencing with Section 43251) of Chapter 3 of Division 17 of the Food and Agricultural Code is repealed.

SEC. 6. Article 2 (commencing with Section 43281) of Chapter 3 of Division 17 of the Food and Agricultural Code is repealed.

SEC. 7. Article 3 (commencing with Section 43311) of Chapter 3 of Division 17 of the Food and Agricultural Code is repealed.

SEC. 8. Article 2 (commencing with Section 43481) of Chapter 4

of Division 17 of the Food and Agricultural Code is repealed.

SEC. 9. Chapter 5 (commencing with Section 43801) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 10. Chapter 6 (commencing with Section 44301) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 11. Chapter 7 (commencing with Section 44501) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 12. Chapter 8 (commencing with Section 44701) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 13. Article 1 (commencing with Section 44951) of Chapter 9 of Division 17 of the Food and Agricultural Code is repealed.

SEC. 14. Chapter 10 (commencing with Section 45101) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 15. Chapter 11 (commencing with Section 45301) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 16. Chapter 12 (commencing with Section 45451) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 17. Chapter 12.5 (commencing with Section 45541) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 18. Chapter 13 (commencing with Section 45601) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 19. Chapter 14 (commencing with Section 45801) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 20. Chapter 15 (commencing with Section 46051) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 21. Chapter 16 (commencing with Section 46251) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 22. Chapter 17 (commencing with Section 46501) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 23. Chapter 18 (commencing with Section 46831) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 24. Chapter 19 (commencing with Section 47251) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 25. Chapter 20 (commencing with Section 47401) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 26. Chapter 21 (commencing with Section 47601) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 27. Chapter 22 (commencing with Section 48001) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 28. Chapter 23 (commencing with Section 48201) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 29. Article 2 (commencing with Section 48361) of Chapter 24 of Division 17 of the Food and Agricultural Code is repealed.

SEC. 30. Chapter 25 (commencing with Section 48551) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 30.5. Chapter 25.5 (commencing with Section 48561) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 31. Chapter 26 (commencing with Section 48701) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 32. Chapter 27 (commencing with Section 48951) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 33. Chapter 28 (commencing with Section 49201) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 34. Chapter 29 (commencing with Section 49401) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 35. Chapter 30 (commencing with Section 49551) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 36. Chapter 31 (commencing with Section 49751) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 37. Chapter 32 (commencing with Section 50001) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 38. Chapter 33 (commencing with Section 50201) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 39. Chapter 34 (commencing with Section 50351) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 40. Chapter 35 (commencing with Section 50601) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 41. Chapter 36 (commencing with Section 50801) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 42. The director shall adopt quality and maturity standards for fruits, nuts, and vegetables, to take effect January 1, 1975, at the same time that Sections 2 to 41, inclusive, of this act become operative. It is the intent of the Legislature that there shall be no period when there are no laws or regulations governing maturity and quality standards of fruits, nuts, and vegetables.

SEC. 43. It is the intention of the Legislature that if the director after hearing, makes a determination, based on Section 42684 of the Food and Agricultural Code, that the statutory provision for quality and maturity standards for fruits, nuts, and vegetables now contained in the Food and Agricultural Code are satisfactory, that they shall be adopted as the regulations governing these subjects.

SEC. 44. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

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## CHAPTER 1405

*An act to add Section 232 to the Revenue and Taxation Code, relating to property taxation, making an appropriation therefor.*

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

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

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

232. All cargo containers principally used for the transportation of cargo by vessels in ocean commerce shall be exempt from property taxation.

Any tax exemption created by this section shall not apply to a cargo-carrying vehicle subject to the registration provisions of Section 4000 of the Vehicle Code.

The term "container" means a receptacle:

(a) Of a permanent character and accordingly strong enough to be suitable for repeated use;

(b) Specially designed to facilitate the carriage of goods, by one or more modes of transport, one of which shall be by vessels, without intermediate reloading;

(c) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;

(d) So designed to be easy to fill and empty; and

(e) Having a cubic displacement of 1,000 cubic feet or more.

SEC. 2. The Legislative Analyst shall report to the Legislature on or before December 31, 1977, on the net revenue effect of Section 1 of this act, which shall include, but not be limited to, the change in economic activity, change of employment, and sales to and by the maritime industry and businesses serving the maritime industry, including any multiplier effect, and the increase in tax revenue due to such activity.

SEC. 3. County auditors shall file claims for the 1975–76 fiscal year with the Controller, as provided in subdivision (b) of Section 16113 of the Government Code, for reimbursement for property tax revenues lost by reason of the exemption of property by Section 1 of this act as required by Section 2229 of the Revenue and Taxation Code.

SEC. 4. There is hereby continuously appropriated from the General Fund to the Controller to make reimbursements to local governmental units as follows:

(a) For the 1975–76 fiscal year, the amount claimed by county auditors pursuant to Section 3 of this act.

(b) For the 1976–77 fiscal year, 106 percent of the amount of claims paid for the 1975–76 fiscal year.

(c) For the 1977–78 fiscal year, 106 percent of the amount of claims paid for the 1976–77 fiscal year.

(d) For the 1978–79 fiscal year, 106 percent of the amount of claims paid for the 1977–78 fiscal year.

SEC. 5. Section 1 of this act shall be operative from the lien date in 1975 to the lien date in 1978, inclusive, and after that date shall have no further force or effect.

# CHAPTER 1406

*An act to add Section 6388.5 to the Revenue and Taxation Code, and to repeal Sections 1 and 3 of Chapter 1456 of the 1970 Statutes, relating to sales and use taxation.*

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

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

SECTION 1. Section 6388.5 is added to the Revenue and Taxation Code, to read:

6388.5. Notwithstanding Section 6388, where a new trailer or semitrailer with an unladen weight of 6,000 pounds or more is purchased for use without this state and is delivered by the manufacturer to the purchaser within this state, and such purchaser drives or moves such vehicle to any point outside this state within 30 days from and after the date of delivery, there are exempted from the taxes imposed by Part 1 (commencing with Section 6001), Part 1.5 (commencing with Section 7200), Part 1.6 (commencing with Section 7251), and Part 17 (commencing with Section 37001) the gross receipts from the sale of and the storage, use or other consumption of such vehicle within the state, provided that the purchaser furnishes the following to the manufacturer:

(a) Written evidence of an out-of-state license and registration for such vehicle.

(b) The purchaser's affidavit attesting that he purchased such vehicle from a dealer at a specified location for use exclusively outside this state, or exclusively in interstate commerce.

(c) The purchaser's affidavit that such vehicle has been moved or driven to a point outside this state within 30 days of the date of the delivery of the vehicle to him.

SEC. 2. Section 1 of Chapter 1456 of the Statutes of 1970 is repealed.

SEC. 3. Section 3 of Chapter 1456 of the Statutes of 1970 is repealed.

SEC. 4. The repeal of Section 1 of Chapter 1456 of the 1970 statutes and its reenactment as Section 6388.5 of the Revenue and Taxation Code is declaratory of administrative application of Section 1 and as that section relates to trailers conforms it to Section 6388 of the Revenue and Taxation Code. Transactions involving property described in Section 1 of this act are not now subject to sales and use taxes. Therefore, Section 2230 of the Revenue and Taxation Code does not apply to this act, as counties and cities will not lose sales and use tax revenues.

# CHAPTER 1407

*An act to amend Section 2815 of, and to add Article 2.5 (commencing with Section 2746) to Chapter 6 of Division 2 of, and to add Section 2815.5 to, the Business and Professions Code, relating to midwives.*

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

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

SECTION 1. Article 2.5 (commencing with Section 2746) is added to Chapter 6 of Division 2 of the Business and Professions Code, to read:

## Article 2.5. Nurse-Midwives

2746. The board shall issue a certificate to practice nurse-midwifery to any person who qualifies under this article and is licensed pursuant to the provisions of this chapter.

2746.1. Every applicant for a certificate to practice nurse-midwifery shall comply with all the provisions of this article in addition to the provisions of this chapter.

2746.2. Each applicant shall show by evidence satisfactory to the board that he has met the educational standards established by the board or has at least the equivalent thereof. The board is authorized to appoint a committee of qualified physicians and nurses, including, but not limited to, obstetricians and nurse-midwives, to develop the necessary standards relating to educational requirements, ratios of nurse-midwives to supervising physicians, and associated matters.

2746.3. Midwife's certificates issued by the Board of Medical Examiners of the State of California prior to the effective date of this article shall be renewable only by such board.

2746.4. Nothing in this article shall be construed to prevent the practice of midwifery by a person possessing a midwife's certificate issued by the Board of Medical Examiners of the State of California on the effective date of this article.

2746.5. The certificate to practice nurse-midwifery authorizes the holder, under the supervision of a licensed physician and surgeon, to attend cases of normal childbirth and to provide prenatal, intrapartum, and postpartum care, including family-planning care, for the mother, and immediate care for the newborn.

As used in this chapter, the practice of nurse-midwifery constitutes the furthering or undertaking by any certified person, under the supervision of a licensed physician and surgeon who has current practice or training in obstetrics, to assist a woman in childbirth so long as progress meets criteria accepted as normal. All complications shall be referred to a physician immediately. The practice of nurse-midwifery does not include the assisting of childbirth by any artificial, forcible, or mechanical means, nor the performance of any

version.

As used in this article, "supervision" shall not be construed to require the physical presence of the supervising physician.

A nurse-midwife is not authorized to practice medicine and surgery by the provisions of this chapter.

2746.6. The board may take disciplinary action against a person possessing a certificate as a nurse-midwife for:

(a) Unprofessional conduct, which includes but is not limited to the following:

(1) Incompetence, or gross negligence in carrying out the usual functions of a nurse-midwife.

(2) A conviction of practicing medicine without a license in violation of Chapter 5 (commencing with Section 2000) of Division 2, in which event the record of conviction shall be conclusive evidence thereof.

(3) The use of advertising relating to nursing which violates Section 17500.

(b) Procuring his certificate by fraud, misrepresentation, or mistake.

(c) Procuring, or aiding, or abetting, or attempting, or agreeing, or offering to procure or assist at a criminal abortion.

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter.

(e) Making or giving any false statement or information in connection with the application for issuance of a license.

(f) Conviction of a felony or of any offense involving moral turpitude, in which event the record of the conviction shall be conclusive evidence thereof.

(g) Impersonating any applicant or acting as proxy for an applicant in any examination required under this chapter for the issuance of a license or a certificate.

(h) Impersonating another licensed practitioner, or permitting or allowing another person to use his license or certificate for the purpose of nursing the sick or afflicted.

(i) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the performance of or arranging for a violation of any of the provisions of Article 13 (commencing with Section 2360) of Chapter 5 of Division 2.

(j) Commission of any act coming within the scope of Section 2762.

2746.7. An applicant for certification pursuant to this article shall submit a written application in the form prescribed by the board, accompanied by the fee prescribed by Section 2815.5.

2746.8. Each certificate issued pursuant to this article shall be renewable biennially, and each person holding a certificate under this article shall apply for a renewal of his certificate and pay the biennial renewal fee required by Section 2815.5 every two years on or before the last day of the month following the month in which his

birthday occurs, beginning with the second birthday following the date on which the certificate was issued, whereupon the board shall renew the certificate.

Each such certificate not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by Section 2815.5 and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatment of any such expired certificate which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of nurse-midwifery.

SEC. 2. Section 2815 of the Business and Professions Code is amended to read:

2815. The amount of the fees prescribed by this chapter in connection with the issuance of licenses for registered nurses under its provisions is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application for a regular renewable license by any person is twenty dollars ($20).

(b) The fee to be paid upon the filing of an application for a temporary license and for each reissuance of a temporary license is five dollars ($5).

(c) The biennial fee to be paid upon the filing of an application for renewal of the regular renewable license shall be set by the board at not more than eight dollars ($8) nor less than two dollars ($2).

(d) The penalty fee for failure to renew a regular renewable license within the prescribed time is five dollars ($5).

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

SEC. 3. Section 2815.5 is added to the Business and Professions Code, to read:

2815.5. The amount of the fees prescribed by this chapter in connection with the issuance of certificates as nurse-midwives is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application for a certificate shall be fixed by the board at not more than fifteen dollars ($15).

(b) The biennial fee to be paid upon the application for a renewal of a certificate shall be fixed by the board at no more than fifteen dollars ($15).

(c) The penalty fee for failure to renew a certificate within the prescribed time shall be five dollars ($5).

## CHAPTER 1408

*An act to amend Section 3857 of, and to add Sections 3901.5 and 4182 to, the Food and Agricultural Code, relating to district agricultural associations.*

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

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

SECTION 1. Section 3857 of the Food and Agricultural Code is amended to read:

3857. District 6 is all that portion of Los Angeles County which is not included in District 48, District 50, and District 51, and, notwithstanding any other provision of this chapter, also includes that portion of Los Angeles County within the boundaries of the 29th Senatorial District. District 6 shall be known and designated as the California Museum of Science and Industry.

SEC. 2. Section 3901.5 is added to the Food and Agricultural Code, to read:

3901.5. District 51 is all the portion of Los Angeles City which is described as follows:

From a point commencing where the City of Los Angeles most northerly boundary intersects with the Golden State Freeway and following on the city boundary in an easterly direction where such boundary first intersects with the boundary of the City of Burbank; thence continuing southeasterly along the Burbank City boundary to the Ventura Freeway; thence in a westerly direction to Cahuenga Avenue; thence in a southerly direction to Lankershim Boulevard; thence in a southwesterly direction to Vineland Avenue; thence in a westerly direction to Wrightwood Drive; thence in a southerly direction to Mulholland Drive; thence along Mulholland Drive to the Los Angeles City boundary; thence following the Los Angeles City boundary west and northerly until such boundary intersects with the starting point at the Golden State Freeway.

SEC. 2. Section 4182 is added to the Food and Agriculture Code, to read:

4182. Notwithstanding any other provision of this code to the contrary, the 51st District Agricultural Association may enter into leases or joint operational agreements with any public agency with respect to the use of land and facilities for district purposes.

# CHAPTER 1409

*An act to amend Sections 11580.1, 11580.2, 11580.4, and 11580.9 of the Insurance Code, to amend Sections 14904, 16251, 16370, 16377, 16430, and 16434 of, to add Section 1808 to, and to repeal and add Chapter 1 (commencing with Section 16000) of Division 7 to the Vehicle Code, relating to financial responsibility, and making an appropriation therefor.*

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

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

SECTION 1. It has been the policy of the State of California that those owning or operating motor vehicles on the streets or highways of this state shall be financially capable of providing recompense to those who may be injured in their person or property by use of such motor vehicles. To that end the Legislature of the State of California has heretofore enacted the financial responsibility laws (Division 7 (commencing with Section 16000) of the Vehicle Code). The California Supreme Court, in Rios v. Cozens (7 Cal. 3d 792), ruled that, since operation of the sanctions contained in the financial responsibility laws presupposed the likelihood of negligent or willfully improper motor vehicle operation, such sanctions could not be constitutionally imposed without granting the right to notice and hearing on the issue of fault related vehicle operation, to such owner or operator. During the pendency of court proceedings thereon, the Legislature enacted Chapter 1179, Statutes 1972, suspending the operation of some of such sanctions.

The Legislature has investigated the operation of the financial responsibility laws and the efficacy thereof in fostering the primary purpose thereof: to afford monetary protection to those who suffer injury or property damage by virtue of the acts of financially irresponsible drivers. The Legislature finds that as a result of the difficulty of ascertaining a likelihood of fault in connection with vehicle operation, the number of financially irresponsible motor vehicle owners and operators has increased dramatically. The Legislature further finds that such fault determinations, and the costs associated therewith, do not further the purpose of the financial responsibility laws. Therefore, the Legislature declares that it is the policy of this state that those owning or operating motor vehicles on the streets or highways of this state shall be financially capable of providing monetary protection to those suffering injury to their person or property by reason of the ownership or use of such vehicles without regard to the negligence, liability, carelessness, or culpability of the owners or operators thereof, and further, that such capability shall be deemed a concurrent responsibility of such motor vehicle ownership or operation. The Legislature further declares that it is the public policy of this state that those owning or operating motor

vehicles on the streets or highways thereof shall evidence such financial capability by the methods specified in this act.

SEC. 2. Section 11580.1 of the Insurance Code is amended to read:

11580.1. (a) No policy of automobile liability insurance described in Section 16054 of the Vehicle Code covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be issued or delivered in this state on or after the effective date of this section unless it contains the provisions set forth in subdivision (b). However, none of the requirements of subdivision (b) shall apply to the insurance afforded under any such policy (1) to the extent that such insurance exceeds the limits specified in subdivision (a) of Section 16056 of the Vehicle Code, or (2) if such policy contains an underlying insurance requirement, or provides for a retained limit of self-insurance, equal to or greater than the limits specified in subdivision (a) of Section 16056 of the Vehicle Code.

(b) Every policy of automobile liability insurance to which subdivision (a) applies shall contain all of the following provisions:

(1) Coverage limits not less than the limits specified in subdivision (a) of Section 16056 of the Vehicle Code.

(2) Designation by explicit description of, or appropriate reference to, the motor vehicles or class of motor vehicles to which coverage is specifically granted.

(3) Designation by explicit description of the purposes for which coverage for such motor vehicles is specifically excluded.

(4) Provision affording insurance to the named insured with respect to any motor vehicle covered by such policy, and to the same extent that insurance is afforded to the named insured, to any other person using, or legally responsible for the use of, such motor vehicle, provided such use is by the named insured or with his permission, express or implied, and within the scope of such permission, except that: (i) with regard to insurance afforded for the loading or unloading of any such motor vehicle, the insurance may be limited to apply only to the named insured, a relative of the named insured who is a resident of the named insured's household, a lessee or bailee of the motor vehicle, or an employee of any such person; and (ii) the insurance afforded to any person other than the named insured need not apply to: (A) any employee with respect to bodily injury sustained by a fellow employee injured in the scope and course of his employment, or (B) any person, or to any agent or employee thereof, employed or otherwise engaged in the business of selling, repairing, servicing, delivering, testing, road-testing, parking, or storing automobiles with respect to any accident arising out of the maintenance or use of a motor vehicle in connection therewith.

(c) In addition to any exclusion as provided in paragraph (3) of subdivision (b), the insurance afforded by any such policy of automobile liability insurance to which subdivision (a) applies may, by appropriate policy provision, be made inapplicable to any or all of the following:

(1) Liability assumed by the insured under contract.

(2) Liability for bodily injury or property damage caused intentionally by or at the direction of the insured.

(3) Liability imposed upon or assumed by the insured under any workmen's compensation law.

(4) Liability for bodily injury to any employee of the insured arising out of and in the course of his employment.

(5) Liability for bodily injury to an insured.

(6) Liability for damage to property owned, rented to, transported by, or in charge of, an insured.

(7) Liability for any bodily injury or property damage with respect to which insurance is or can be afforded under a nuclear energy liability policy.

(8) Any motor vehicle or class of motor vehicles, as described or designated in the policy, with respect to which coverage is explicitly excluded, in whole or in part.

The term "the insured" as used in paragraphs (1), (2), (3), and (4) of this subdivision shall mean only that insured under the policy against whom the particular claim is made or suit brought. The term "an insured" as used in paragraphs (5) and (6) of this subdivision shall mean any insured under the policy.

(d) Notwithstanding the provisions of paragraph (4) of subdivision (b), or the provisions of Article 2 (commencing with Section 16450) of Chapter 3 of Division 7, or Article 2 (commencing with Section 17150) of Chapter 1 of Division 9, of the Vehicle Code, the insurer and any named insured may, by the terms of any policy of automobile liability insurance to which subdivision (a) applies, or by a separate writing relating thereto, agree as to either or both of the following limitations, such agreement to be binding upon every insured to whom such policy applies and upon every third party claimant:

(1) That coverage under such policy shall not apply nor accrue to the benefit of any insured or any third party claimant while any insured motor vehicle is being used or operated by a natural person or persons designated by name. Such agreement shall remain in force as long as the policy remains in force, and shall apply to any continuation, renewal, or replacement of such policy by the named insured, or reinstatement of such policy within 30 days of any lapse thereof.

(2) That with regard to any such policy issued to a named insured engaged in the business of selling, repairing, servicing, delivering, testing, road-testing, parking, or storing automobiles, coverage shall not apply to any person other than the named insured or his agent or employee, except to the extent that the limits of liability of any other valid and collectible insurance available to such person are not equal to the limits of liability specified in subdivision (a) of Section 16056 of the Vehicle Code.

(e) Nothing in this section or in Section 16054 or 16450 of the Vehicle Code shall be construed to constitute a homeowner's policy,

personal and residence liability policy, personal and farm liability policy, general liability policy, comprehensive personal liability policy, manufacturers' and contractors' policy, premises liability policy, special multiperil policy, or any policy or endorsement where automobile liability coverage is offered as incidental to some other basic coverage as an "automobile liability policy" within the meaning of Section 16054 of the Vehicle Code, or as a "motor vehicle liability policy" within the meaning of Section 16450 of the Vehicle Code, notwithstanding that any such policy may provide automobile or motor vehicle liability coverage on insured premises or the ways immediately adjoining.

SEC. 3. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) (1) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16056 of the Vehicle Code insuring the insured, his heirs or his legal representative for all sums within such limits which he or they, as the case may be, shall be legally entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. The insurer and any named insured, prior to or subsequent to the issuance or renewal of a policy, may, by agreement in writing, in the form specified in paragraph (2), delete the provision covering damage caused by an uninsured motor vehicle (1) completely, or (2) with respect to a natural person or persons designated by name when operating a motor vehicle. Either of such deletions by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply while such policy is in force, and shall continue to be so binding with respect to any continuation, renewal, or replacement of such policy by the named insured, or with respect to reinstatement of such policy within 30 days of any lapse thereof. A policy shall be excluded from the application of this section if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles.

(2) The agreement specified in paragraph (1) shall be in the following form:

"The California Insurance Code requires an insurer to provide uninsured motorists coverage in each bodily injury liability insurance policy it issues covering liability arising out of the ownership, maintenance, or use of a motor vehicle. Such section also permits the insurer and the applicant to delete such coverage completely or with respect to one or more natural persons designated by name when

operating a motor vehicle. Uninsured motorists coverage insures the insured, his heirs, or legal representatives for all sums within the financial responsibility limits which such person or persons are legally entitled to recover as damages for bodily injury, including any resulting sickness, disease, or death, to him from the owner or operator of an uninsured motor vehicle not owned or operated by the insured."

Such agreement may contain additional statements not in derogation of or conflict with the foregoing. The execution of such agreement shall relieve the insurer of liability under this section while such agreement remains in effect.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying.

(2) The insured or someone on his behalf shall have reported the

accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a policy period in which its insured's motor vehicle coverage is in effect where the liability insurer of the tortfeasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law, or directly to the benefit of the United States, or any state or any political subdivision thereof.

(5) To establish proof of financial responsibility as provided in subdivisions (a), (b), and (c) of Section 16054 of the Vehicle Code.

(6) To bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an insured motor vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured.

(d) Subject to paragraph (c) (2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or endorsement added thereto may provide that if the insured has valid and collectible automobile medical payment insurance available to him, the damages which he shall be entitled to recover from the owner or operator of an uninsured motor vehicle shall be reduced for purposes of uninsured motorist coverage by the amounts paid or due to be paid under such automobile medical payment insurance. This subdivision shall become operative on January 1, 1971.

(f) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration. The arbitration shall be conducted by a single neutral arbitrator. An award or a judgment confirming an award shall not be conclusive on any party in any action or proceeding between (i) the insured, his insurer, his legal representative, or his heirs and (ii) the uninsured motorist to recover damages arising out of the accident upon which the award is based. If the insured has or may have rights to benefits, other than nonoccupational disability benefits, under any workmen's compensation law, the arbitrator shall not proceed with the arbitration until the insured's physical condition is stationary and ratable. In those cases in which the insured claims a permanent disability, such claims shall, unless good cause be shown, be adjudicated by award or settled by compromise and release before the arbitration may proceed. Any demand or petition for arbitration shall contain a declaration, under penalty of perjury, stating whether (i) the insured has a workmen's compensation claim; (ii) such claim has proceeded to findings and award or settlement on all issues reasonably contemplated to be determined in that claim; and (iii) if not, what reasons amounting to good cause are grounds for the arbitration to proceed immediately. The provisions of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall be applicable to such determinations, and all rights, remedies, obligations, liabilities and

procedures set forth in such Article 3 shall be available to both the insured and the insurer at any time after the accident, both before and after the commencement of arbitration, if any, with the following limitations:

(1) Whenever in such Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the superior court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a) (4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b) (2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(g) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made. Such action may be brought within three years from the date that payment was made hereunder.

(h) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions

stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law, exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured. This paragraph shall remain in effect until December 31, 1970, and shall have no force or effect after that date.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(i) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been concluded, or

(3) The insured has formally instituted arbitration proceedings.

(j) Notwithstanding the provisions of subdivisions (b) and (i), in the event the accident occurs in any other state or foreign jurisdiction to which coverage is extended under the policy and the insurer of the tortfeasor becomes insolvent, any action authorized pursuant to the provisions of this section may be maintained within three months of the insolvency of the tortfeasor's insurer, but in no event later than the pertinent period of limitation of the jurisdiction in which the accident occurred.

(k) Notwithstanding the provisions of subdivision (i), any insurer whose insured has made a claim under his or her uninsured motorist coverage, and such claim is pending, shall, at least 30 days before the expiration of the applicable statute of limitation, notify its insured in writing of the statute of limitation applicable to such injury or death. Failure of the insurer to provide such written notice shall operate to toll any applicable statute of limitation or other time limitation for a period of 30 days from the date such written notice is actually given.

SEC. 4. Section 11580.4 of the Insurance Code is amended to read:

11580.4. In any action or arbitration proceeding to determine whether an insured shall be entitled to recovery of damages under uninsured motorist coverage, the certificate of the Department of Motor Vehicles that the owner or operator of the motor vehicle alleged to have been an uninsured motor vehicle at the time of the

accident has not established financial responsibility, as provided in Section 16020 of the Vehicle Code, shall be admissible in evidence to create a rebuttable presumption that such vehicle was an uninsured motor vehicle at the time of the accident.

SEC. 5. Section 11580.9 of the Insurance Code is amended to read:

11580.9. (a) Where two or more policies affording valid and collectible automobile liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, and one of such policies affords coverage to a named insured engaged in the business of selling, repairing, servicing, delivering, testing, road-testing, parking, or storing motor vehicles, then both of the following shall be conclusively presumed:

(1) If, at the time of loss, the motor vehicle is being operated by any person engaged in any of such businesses, or by his employee or agent, the insurance afforded by the policy issued to the person engaged in such business shall be primary, and the insurance afforded by any other policy shall be excess.

(2) If, at the time of loss, the motor vehicle is being operated by any person other than as described in paragraph (1), the insurance afforded by the policy issued to any person engaged in any of such businesses shall be excess over all other insurance available to such operator as a named insured or otherwise.

(b) Where two or more policies are applicable to the same loss, and one of such policies affords coverage to a named insured engaged in the business of renting or leasing commercial vehicles without operators, as the term "commercial vehicles" is used in Section 260 of the Vehicle Code, or the leasing of any other motor vehicle for six months or longer, it shall be conclusively presumed that the insurance afforded by such policy to a person other than the named insured or his agent or employee shall not be primary, but shall be excess over any other valid and collectible insurance applicable to the same loss covering such person as a named insured or as an additional insured under a policy with limits at least equal to the financial responsibility requirements specified in Section 16056 of the Vehicle Code; and, in such event, the two or more policies shall not be construed as providing concurrent coverage, and only that policy which covers the liability of such person as a named insured, or as an agent or employee of a named insured, shall be primary and the other policy or policies shall be excess.

(c) Where two or more policies are applicable to the same loss arising out of the loading or unloading of a motor vehicle, and one or more of the policies is issued to the owner, tenant, or lessee of the premises on which the loading or unloading occurs, it shall be conclusively presumed that the insurance afforded by the policy covering the motor vehicle shall not be primary, notwithstanding anything to the contrary in any endorsement required by law to be placed on such policy, but shall be excess over all other valid and collectible insurance applicable to the same loss with limits at least

equal to the financial responsibility requirements specified in Section 16056 of the Vehicle Code; and, in such event, the two or more policies shall not be construed as providing concurrent coverage, and only the insurance afforded by the policy or policies covering the premises on which the loading or unloading occurs shall be primary and such policy or policies shall cover as an additional insured with respect to the loading or unloading operations all employees of such owner, tenant, or lessee while acting in the course and scope of their employment.

(d) Except as provided in subdivisions (a), (b), and (c), where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which such motor vehicle is described or rated as an owned automobile shall be primary and the insurance afforded by any other policy or policies shall be excess.

(e) Any insurance policy which, under the terms of subdivisions (a) to (d), inclusive, applies as excess coverage may provide with respect to any loss to which primary insurance is not valid and collectible in whole or in part, such excess policy shall apply only to the extent necessary to provide the insured with coverage limits at least equal to the limits specified in Section 16056 of the Vehicle Code.

(f) The presumptions stated in subdivisions (a) to (d), inclusive, may be modified or amended only by written agreement signed by all insurers who have issued a policy or policies applicable to a loss described in such subdivisions and all named insureds under such policies.

SEC. 6. Section 1808 is added to the Vehicle Code, to read:

1808. Notwithstanding Sections 16005 and 20012, and except as provided in Section 1808.5, all records of the department relating to the registration of vehicles, such other information as is contained on an application for a driver's license, and abstracts of convictions and of accident reports required to be sent to the department in Sacramento shall be open to public inspection during office hours.

SEC. 6.5. Section 14904 of the Vehicle Code, as amended by Chapter 333 of the Statutes of 1974, is amended to read:

14904. (a) Notwithstanding any other provision of this code, before a driver's license may be issued, reissued, or returned to the licensee after a mandatory suspension or a mandatory revocation of a person's driving privilege ordered by the department has been terminated or reinstated there shall, in addition to any other fees required by this code, be paid the department a fee of six dollars ($6).

(b) This section shall not apply to any suspension or revocation that is set aside by the department or a court.

SEC. 7. Chapter 1 (commencing with Section 16000) of Division 7 of the Vehicle Code is repealed.

SEC. 8. Chapter 1 (commencing with Section 16000) is added to Division 7 of the Vehicle Code, to read:

## CHAPTER 1. COMPULSORY FINANCIAL RESPONSIBILITY

### Article 1. Accident Reports

16000. The driver of every motor vehicle which is in any manner involved in an accident originating from the operation of a motor vehicle on any street or highway which accident has resulted in damage to the property of any one person in excess of two hundred fifty dollars ($250) or in bodily injury or in the death of any person shall within 15 days after the accident, report the accident on a form approved by the department to the office of the department at Sacramento, subject to the provisions of this chapter. A report shall not be required in the event that the motor vehicle involved in the accident was owned or leased by or under the direction of the United States, this state, or any political subdivision of this state or municipality thereof.

16001. If the vehicle involved was a driverless runaway vehicle and was parked with the express or implied permission of the registered owner, the registered owner of the vehicle shall be construed to have been the driver of the vehicle for the purposes of this chapter.

16002. If the driver at the time of the accident was driving a motor vehicle owned, operated, or leased by the employer of the driver and with the permission of the employer, then the driver shall within five days after the accident report the accident to his employer on a form approved by the employer. Within 10 days after receipt of the report the employer shall transmit a report on a form approved by the department to the office of the department at Sacramento, except that an employer need not transmit such report when the vehicle involved in the accident is owned or operated as described in Section 16051 or 16052, or is owned or operated by any person or corporation who has filed with the department a certificate of an insurance carrier or surety company that there is in effect a policy or bond meeting the requirements of Section 16056 and when such policy or bond is in force with respect to the vehicle at the time of the accident.

16003. If any driver is physically incapable of making the report, and is not the owner of the motor vehicle involved in the accident, the owner shall, as soon as he learns of the accident, report the matter in writing to the department.

16004. (a) The department shall suspend the driving privilege of any person who willfully fails, refuses, or neglects to make a report of an accident as required in this chapter.

(b) A suspension taken under this section shall remain in effect for one year unless sooner terminated by receipt of the report of the accident or upon receipt of evidence by the department that failure to report was not willful.

16005. (a) All reports and supplemental reports required by this chapter including insurance information forms shall be without

prejudice to the individual so reporting and shall be for the confidential use of the department and any other state department requiring such information, except that the department shall upon request disclose from the reports:

(1) The names and addresses of persons involved in the accident.

(2) The registration numbers and descriptions of vehicles involved in the accident.

(3) The date, time, and location of the accident.

(4) Any suspension action taken by the department.

(5) The names and addresses of insurers.

(b) The information specified in subdivision (a) may be given to any person having a proper interest therein, including:

(1) The driver or drivers involved, or the employer, parent, or legal guardian thereof.

(2) The authorized representative of any person involved in the accident.

(3) Any person injured in the accident.

(4) The owners of vehicles or property damaged in the accident.

(5) Any law enforcement agency.

(6) Any court of competent jurisdiction.

## Article 2. Financial Responsibility

16020. Every driver of, and owner of, a motor vehicle shall, at all times, maintain in force one of the forms of financial responsibility specified in Section 16021.

16021. Financial responsibility is established if such owner or operator, with respect to all motor vehicles owned or operated by him, is:

(a) A self-insurer under the provisions of this division.

(b) An insured or obligee under a form of insurance or bond which complies with the requirements of this division.

(c) The United States of America, this state, any municipality or subdivision thereof, or the lawful agent thereof.

(d) A depositor in compliance with subdivision (a) of Section 16054.2.

(e) In compliance with the requirements authorized by the department by any other manner which effectuates the purposes of this chapter.

16022. Every driver and owner of a motor vehicle involved in an accident described in Section 16000 who fails to prove the existence of financial responsibility as required by Section 16020 at the time of such accident, shall within 60 days after such accident, file with the department, and thereafter maintain for a period of three years, proof of such financial responsibility.

If the operator, at the time of an accident, was driving, with the permission of his employer, a vehicle owned, operated or leased by that employer, the proof of financial responsibility requirements and the suspension provisions of this chapter shall apply to such employer

and shall not apply to such driver.

16023. Any person who drives any motor vehicle on a highway, and any owner of such a vehicle who either drives the motor vehicle or who permits the driving of such vehicle on the highway, without having in full force and effect a form of financial responsibility described in Section 16021, is guilty of an infraction and shall be punished for each such offense by a fine not exceeding one hundred dollars ($100), and provided that the court may, in its discretion, impose a condition of probation by requiring the person to file proof in accordance with the provisions of Article 3 (commencing with Section 16050) of this chapter for the duration of the term of probation.

## Article 3. Proof of Financial Responsibility

16050. In order to establish proof of financial responsibility every driver or employer involved in an accident and required to report such accident by Section 16000 shall establish to the satisfaction of the department that the provisions of this article are applicable to his responsibilities arising out of the accident.

16051. Proof may be established by filing a report indicating that the motor vehicle involved in the accident was owned or leased by or under the direction of the United States, this state, or any political subdivision of this state or municipality thereof.

16052. Proof may be established if the owner of the motor vehicle involved in the accident was a self-insurer. Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in this article.

16053. (a) The department may in its discretion, upon application, issue a certificate of self-insurance when it is satisfied that the applicant in whose name more than 25 vehicles are registered is possessed and will continue to be possessed of ability to pay judgments obtained against him in amounts at least equal to the amounts provided in Section 16056. The certificate may be issued authorizing the applicant to act as a self-insurer for either property damage or bodily injury or both. Any person duly qualified under the laws or ordinances of any city or county to act as self-insurer and then acting as such, may upon filing with the department satisfactory evidence thereof, along with the application as may be required by the department, be entitled to receive a certificate of self-insurance.

(b) Upon not less than five days' notice and a hearing pursuant to the notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within 30 days after the judgment has become final and has not been stayed or satisfied shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

16054. Proof may be established by filing with the department satisfactory evidence:

(a) That the owner had an automobile liability policy or bond in effect at the time of the accident with respect to the driver or the motor vehicle involved in the accident, unless it is established that at the time of the accident the motor vehicle was being operated without the owner's permission, express or implied, or was parked by a driver who had been operating the vehicle without permission.

(b) That the driver of the motor vehicle involved in the accident, if he was not the owner of such motor vehicle, had in effect at the time of the accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him.

(c) That such liability as may arise from the driver's operation of the motor vehicle involved in the accident is, in the judgment of the department covered by some form of liability insurance or bond.

(d) Any automobile liability policy or bond referred to in this section shall comply with the requirements of Section 16056 of this code and Sections 11580, 11580.1 and 11580.2 of the Insurance Code, but need not contain provisions other than those required by such sections, and shall not be governed by Chapter 3 (commencing with Section 16430) of this division.

16054.2. Proof may also be established by either of the following:

(a) By depositing with the department cash in the amount specified in Section 16056.

(b) By any other manner authorized by the department which effectuates the purposes of this chapter.

16055. Evidence of insurance or bond coverage shall be submitted in conformance with the requirements of Section 16057. In the event of notice to the department by the company which issued one of the above stated policies or bonds that coverage was not in effect, then the policy or bond shall not operate to establish proof as provided for by Section 16054.

16056. (a) No policy or bond shall be effective under Section 16054 unless issued by an insurance company or surety company authorized to do business in this state, except as provided in subdivision (b) of this section, nor unless the policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than fifteen thousand dollars ($15,000) because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, to a limit of not less than thirty thousand dollars ($30,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to, or destruction of property, to a limit of not less than five thousand dollars ($5,000) because of injury to or destruction of property of others in any one accident.

(b) No policy or bond shall be effective under Section 16054 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing the

policy or bond is authorized to do business in this state, or if the company is not authorized to do business in this state, unless it executes a power of attorney authorizing the department to accept service on its behalf of notice or process in any action upon the policy or bond arising out of an accident mentioned in subdivision (a).

16057. Upon receipt of notice of an accident from the department, the insurance company or surety company named in the notice shall notify the department within such time and in such manner as the department may require whenever the policy or bond was not in effect at the time of the accident.

## Article 4. Suspensions

16070. (a) Whenever a driver involved in an accident described in Section 16000 has failed to establish proof of financial responsibility pursuant to Section 16022, the department shall, if the accident has resulted in damage to the property of any one person in excess of two hundred fifty dollars ($250) or in bodily injury or in the death of any person, suspend the privilege of the driver or owner to drive a motor vehicle, including the driving privilege of a nonresident in this state. The suspension shall become effective not earlier than the 76th day after receipt of the first accident report described in Section 16000 by the department.

(b) The suspension provisions of this section shall not apply whenever evidence that the accident has resulted in damage to the property of any one person in excess of two hundred fifty dollars ($250) or in bodily injury or in the death of any person is not submitted to the department within sixty (60) days following the date of the accident.

16071. The department shall suspend the driving privilege of any persons upon receiving notice from another state that the person's driving privilege in that state has been suspended for failure to meet the proof of financial responsibility provisions of the law in that state, if the suspension in that state was taken on grounds that would have resulted in a suspension in this state.

16072. The privilege of driving a motor vehicle suspended as provided in Section 16070 shall remain suspended for a period of three years or until such person files and thereafter maintains proof of financial responsibility pursuant to Section 16022.

16073. The privilege of a person employed for the purpose of driving a motor vehicle for compensation whose occupation requires the use of a motor vehicle in the course of his employment to drive a motor vehicle not registered in his name and in the course of his employment shall not be suspended under this chapter even though his privilege to drive is otherwise suspended under this chapter.

16074. Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information, or by reason of having received no information, it shall take appropriate action to carry out the purposes

and effect of this chapter upon receiving correct information.

16075. (a) The suspension provisions of this article shall not apply to a driver or owner until 20 days after the department sends to the driver or owner notice of its intent to suspend his driving privilege and advises the driver or owner of his right to a hearing as hereinafter provided.

(b) The department shall conduct the hearing upon demand of the driver or owner, within 60 days of such demand, to determine the applicability of this chapter to such driver or owner, including a determination of whether:

(1) The accident has resulted in property damage of less than two hundred fifty dollars ($250), or bodily injury, or death.

(2) The driver or owner has established that proof of financial responsibility, as required by Article 3 (commencing with Section 16050) of this chapter, was in effect at the time of the accident.

(c) The hearing provided for by this section shall be held in the county of residence of the person requesting the hearing. Such hearing shall be conducted pursuant to Article 3 (commencing with Section 14100) of Chapter 3 of Division 6.

SEC. 9. Section 16251 of the Vehicle Code is amended to read:

16251. As used in this chapter and Chapter 3 (commencing with Section 16430) of this division, "cause of action" means any cause of action for damage to property in excess of two hundred fifty dollars ($250) or for damage in any amount on account of bodily injury to or death of any person resulting from the operation by the defendant or any other person of any motor vehicle upon a highway, except a cause of action based upon statutory liability by reason of signing the application of a minor for a driver's license.

SEC. 10. Section 16370 of the Vehicle Code is amended to read:

16370. The department shall suspend the privilege of any person to operate a motor vehicle and the registration cards and license plates issued for all motor vehicles registered in the name of such person, upon receiving a copy of a judgment, and a certificate of facts relative to the judgment, on a form provided by the department, indicating that the person has failed for a period of 30 days to satisfy a judgment rendered against him.

SEC. 11. Section 16377 of the Vehicle Code is amended to read:

16377. Every judgment shall for the purposes of this chapter be deemed satisfied:

(a) When fifteen thousand dollars ($15,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, which together total in excess of that amount, for personal injury to or death of one person as a result of any one accident.

(b) When, subject to the limit of fifteen thousand dollars ($15,000) as to one person, the sum of thirty thousand dollars ($30,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, which together total in excess of that amount, for personal injury to or death of more than one person as

a result of any one accident.

(c) When five thousand dollars ($5,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, each of which is in excess of two hundred fifty dollars ($250), and which together total in excess of five thousand dollars ($5,000), for damage to property of others as a result of any one accident.

(d) When the judgment debtor or a person designated by him has deposited with the department a sum equal to the amount of the unsatisfied judgment for which the suspension action was taken and presents proof, satisfactory to the department, of inability to locate the judgment creditor.

SEC. 12. Section 16430 of the Vehicle Code is amended to read:

16430. Proof of ability to respond in damages when required by this code means proof of ability to respond in damages resulting from the ownership or operation of a motor vehicle and arising by reason of personal injury to, or death of, any one person, of at least fifteen thousand dollars ($15,000), and, subject to the limit of fifteen thousand dollars ($15,000) for each person injured or killed, of at least thirty thousand dollars ($30,000) for such injury to, or the death of, two or more persons in any one accident, and for damages to property (in excess of two hundred fifty dollars ($250)), of at least five thousand dollars ($5,000) resulting from any one accident. Proof of ability to respond in damages may be given in any manner authorized in this chapter.

SEC. 13. Section 16434 of the Vehicle Code is amended to read:

16434. Proof of ability to respond in damages may be given by the bond of a surety company duly authorized to do business within the state, or a bond of individual sureties each owning unencumbered real estate, approved by a judge of a court of record. The bond shall be conditioned for the payment of the amount specified in Section 16430, and shall provide for the entry of judgment on motion of the state in favor of any holder of any final judgment on account of damages to property over two hundred fifty dollars ($250) in amount, or injury to any person caused by the operation of such person's motor vehicle, in the same manner as provided in Section 917.1 of the Code of Civil Procedure for the entry of judgment upon appeal bonds.

SEC. 14. If any provision of this act or its application to any person or circumstance is invalid, the invalidity of the provision or application shall not affect any other provision of this act or its application to any person or circumstance which can be given effect without the invalid provision or application.

SEC. 15. Section 6.5 of this act shall become operative on July 1, 1975.

SEC. 16. It is the intent of the Legislature that Section 6.5 of this act incorporate the amendments to Section 14904 of the Vehicle Code made by Chapter 333 of the Statutes of 1974 and that Section 14904 be further amended on the operative date of Section 6.5 of this

act to incorporate the changes in Section 14904 proposed by this act.

SEC. 17. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate, do not result in significant identifiable costs changes.

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## CHAPTER 1410

*An act to amend Sections 315, 3506, 27003, and 27205 of, to add Sections 3755, 4056.5, 5204, 27510.5 and 29256 to, the Elections Code, and to add Section 6253.5 to the Government Code, relating to elections.*

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

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

SECTION 1. Section 315 of the Elections Code is amended to read:

315. The county clerk may cause to be written or printed upon the top margin, or in the body of the affidavit, in addition to any matter provided for in this code, any words necessary or convenient to designate the precinct, district or political subdivision for which the affidavit is taken, or to indicate any removal or transfer of registration. Any other reasonable memoranda may be added which is necessary or convenient to enable the county clerk to perform his duties in assorting or classifying or handling affidavits with correctness and dispatch, however, such memoranda shall not include notations, whether coded or not, which indicate that the registrant has signed a particular initiative, referendum, or recall petition unless such notations are made other than on the body of the affidavit of registration. Any memoranda, notations, devices, computer data, or other means or material employed by the clerk indicating which petition or petitions have been signed by any registrant shall be destroyed as soon as practicable after the certification of the results of the election for which such memoranda, notations, devices, computer data, or other means or material was used, or if no election is held, as soon as practicable after the clerk's final certification showing the results of the examination of the petition; but in no event shall such memorandum, notations, devices, computer data, or other means or material be retained for more than 30 days.

Such memoranda, notations, devices, computer data, or other



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means or material employed by the clerk indicating which petition or petitions have been signed by any registrant shall be available for the use of the clerk and his staff only and then only for the purposes for which they were prepared. Except as previously provided, they shall not be made available to any person or entity, public or private, for any purpose whatsoever.

Memoranda added to the body of the affidavit of registration, which are not applicable to the requirements of Section 310 of this code, shall not be deemed a portion of the affidavit.

SEC. 2. Section 3506 of the Elections Code is amended to read:

3506. An officer receiving or filing in his office any initiative or referendum petition shall preserve the petition until eight months after the certification of the results of the election for which the petition qualified or attempted to qualify for placement on the ballot. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot.

SEC. 3. Section 3755 is added to the Elections Code, to read:

3755. The county clerk shall preserve an initiative or referendum petition received or filed in his office until eight months after the certification of the results of the election for which the petition qualified or attempted to qualify for placement on the ballot. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot.

SEC. 4. Section 4056.5 is added to the Elections Code, to read:

4056.5. The clerk shall preserve an initiative or referendum petition received or filed in his office until eight months after the certification of the results of the election for which the petition qualified or, if no election is held, eight months after the clerk's final certification showing the results of the examination of the petition. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or

ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot.

SEC. 5. Section 5204 is added to the Elections Code, to read:

5204. The clerk shall preserve an initiative, referendum, or recall petition received or filed in his office until eight months after the certification of the results of the election for which the petition qualified or attempted to qualify for placement on the ballot. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot.

SEC. 6. Section 27003 of the Elections Code is amended to read:

27003. The Secretary of State shall preserve in his office all recall petitions legally filed until eight months after the certification of the results of the election for which the petition qualified or, if no election is held, eight months after the clerk's final certification showing the results of the examination of the petition. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot.

SEC. 7. Section 27205 of the Elections Code is amended to read:

27205. Within 30 days from the date on which the petition is filed, the county clerk shall examine and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach to the petition his certificate showing the result of his examination. If the county clerk's certificate shows the petition to be insufficient, a supplemental petition, in form a duplicate of the original petition, bearing additional signatures may be filed within 10 days of the date of the certificate of insufficiency. The county clerk shall, within 10 days after the supplemental petition is filed, examine it, and if his certificate shows that the petition is still insufficient, no action shall be taken thereon. The county clerk shall preserve in his office all recall petitions legally filed until eight months after the certification of the results of the election for which the petition qualified or, if no election is held, eight months after the clerk's final certification showing the results of the examination of the petition. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then

pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot. The failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect.

SEC. 8. Section 27510.5 is added to the Elections Code, to read:

27510.5. The clerk shall preserve in his office all recall petitions legally filed until eight months after the certification of the results of the election for which the petition qualified or, if no election is held, eight months after the clerk's final certification showing the results of the examination of the petition. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot. The failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect.

SEC. 9. Section 29256 is added to the Elections Code, to read:

29256. No circulator of an initiative, referendum, or recall petition shall permit the list of signatures on the petition to be used for any purpose other than qualification of the initiative or referendum measure or recall question for the ballot.

SEC. 10. Section 6253.5 is added to the Government Code, to read:

6253.5. Notwithstanding the provisions of Sections 6252 and 6253, statewide, county, city, and district initiative, referendum, and recall petitions and all memoranda prepared by the county clerks in the examination of such petitions indicating which registered voters have signed particular petitions shall not be deemed to be public records and shall not be open to inspection except by the public officer or public employees who have the duty of receiving, examining or preserving such petitions or who are responsible for the preparation of such memoranda.

SEC. 11. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

# CHAPTER 1411

*An act to add Chapter 11 (commencing with Section 25950) to Division 15 of the Public Resources Code, relating to gas appliances.*

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

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

SECTION 1. Chapter 11 (commencing with Section 25950) is added to Division 15 of the Public Resources Code, to read:

## CHAPTER 11. GAS APPLIANCES

### Article 1. Definitions

25950. "Gas appliance" means any new residential-type furnace, air conditioner, heater, refrigerator, stove, range, dishwasher, dryer, decorative fireplace log, or other similar device, except a water heater, which uses a gaseous fuel for operation and is automatically ignited.

25951. "Pilot light" means any gas operated device that remains continually operated or lighted in order to ignite a gas appliance to begin normal operation.

25952. "Intermittent ignition device" means an ignition device which is actuated only when the gas appliance is in operation.

25953. As used in this chapter, the following terms have the following meanings:

(a) "Person" means any individual, partnership, corporation, association, manufacturer, distributor, retailer, contractor or builder as defined in Section 7026 of the Business and Professions Code, or other groups, however organized, who sell or cause to be distributed or installed, any new gas appliance as defined in Section 25950.

(b) "Manufacturer" means any individual, partnership, corporation, association, or other legal relationship which manufactures, assembles, produces, or gathers consumer goods.

(c) "Distributor" means any individual, partnership, corporation, association or other legal relationship which stands between the manufacturer and the retail seller in purchases, consignments or contracts for sale of consumer goods.

(d) "Retail seller," "retail outlets," "seller," or "retailer" means any individual, partnership, corporation, association, or other legal relationship which engages in the business of selling new goods to retail buyers.

(e) "Contractor" for the purpose of this chapter is synonymous with the term "builder" and, within the meaning of this chapter, a contractor is any person who undertakes to or offers to undertake to or purports to have the capacity to undertake to or submits a bid to,

or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, parking facility, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. The term "contractor" includes subcontractor and specialty contractor.

## Article 2. General Provisions

25960. No new residential-type gas appliance that is equipped with a pilot light shall be sold or installed in the state after an alternate means has been certified by the commission. This prohibition shall become operative 24 months after an intermittent ignition device has been demonstrated and certified by the commission as an alternate means or January 1, 1977, whichever is later. The commission may determine, after demonstration, that there is no feasible alternative means to the use of a pilot light or that the use of a pilot light is necessary for public health and safety.

25961. The commission shall, on or before January 1, 1976, develop in cooperation with affected industry and consumer representatives, who will be designated as such representatives by the commission, the specifications for certification of intermittent ignition devices which shall not significantly affect the price of gas appliances in competition with similar electrical appliances. The specifications shall be developed so as to result in the conservation of primary energy resources, shall include provisions necessary for public health and safety, and shall give due consideration to the initial costs, including installation and maintenance costs imposed upon the consumer.

25962. The commission shall notify all gas appliance manufacturers doing business in the state within 90 days after January 1, 1977 or after an intermittent ignition device has been certified by the commission, whichever is later, as to the prohibition of affected pilot lights and shall inform the manufacturers of the devices available to comply with this article.

25963. The commission shall create a seal of certification and shall distribute the seal to every manufacturer that complies with this article. The seal shall be affixed to every new appliance sold in the state.

25964. No person shall cause to be distributed, sold or installed in the State of California after January 1, 1977 or after an intermittent ignition device has been certified by the commission, whichever is later, any new gas appliances as defined in Section 25950, without obtaining the proper seal of certification from the State Energy Resources Conservation and Development Commission, unless the commission otherwise permits such action.

25965. After January 1, 1977 or after an intermittent ignition device has been certified by the commission, whichever is later, the

commission shall make periodic inspections of manufacturers and distributors of gas appliances and may inspect retail outlets, including gas appliances that have been or are to be installed by contractors or builders at building sites in order to determine their compliance with this article.

25966. Any person who violates or proposes to violate this chapter may be enjoined by any court of competent jurisdiction. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person of any practices which violate this chapter, or which may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any practice which violates any provision of this chapter.

Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney, county counsel, city attorney, or city prosecutor in this state in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person acting for the interests of itself, its members or the general public.

25967. (a) Any person who violates any provision of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction.

(b) If the action is brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county and one-half to the city.

(c) If the action is brought at the request of the commission, the court shall determine the reasonable expenses incurred by the commission in the investigation and prosecution of the action.

Before any penalty collected is paid out pursuant to subdivision (b), the amount of such reasonable expenses incurred by the commission shall be paid to the State Treasurer.

25968. Any inspector appointed or authorized by the commission shall have access to the premises, equipment, materials, partly finished and finished articles, and records of any person subject to the provisions of this chapter.

## CHAPTER 1412

*An act making an appropriation to reimburse local agencies for costs incurred in the preparation of inundation maps.*

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

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

SECTION 1. The sum of not to exceed five hundred seventy-six thousand five hundred eighty-six dollars and forty-two cents ($576,586.42) is hereby appropriated from the General Fund to the State Controller for disbursement to reimburse local agencies for costs incurred in the preparation of inundation maps pursuant to Section 8589.5 of the Government Code, in accordance with the following schedule:

| | | |
|---|---|---|
| (1) | Alameda County Flood Control and Water Conservation District | $21,843.00 |
| (2) | Alameda County Water District | $2,500.00 |
| (3) | Antioch, City | $772.10 |
| (4) | Benicia, City | $3,300.00 |
| (5) | Beverly Hills, City | $2,750.00 |
| (6) | Burbank, City | $1,445.19 |
| (7) | Calleguas Municipal Water District | $5,250.52 |
| (8) | Carlsbad, City | $3,500.00 |
| (9) | Carlsbad Municipal Water District | $1,732.00 |
| (10) | Contra Costa County Flood Control and Water Conservation District | $10,450.00 |
| (11) | East Bay Municipal Utility District | $62,000.00 |
| (12) | Eastern Municipal Water District | $6,500.00 |
| (13) | El Dorado Irrigation District | $3,897.46 |
| (14) | El Toro Water District | $3,977.57 |
| (15) | Fallbrook Public Utility District | $2,200.00 |
| (16) | Fresno Metropolitan Flood Control District | $4,696.80 |
| (17) | Glendale, City | $3,750.00 |
| (18) | Helix Water District | $8,369.67 |
| (19) | Humboldt Bay Municipal Water District | $15,000.00 |
| (20) | Irvine Ranch Water District | $10,880.24 |
| (21) | Jackson Valley Irrigation District | $1,220.00 |
| (22) | Lake County Flood Control and Water Conservation District | $506.43 |
| (23) | Lake Hemet Municipal Water District | $9,086.79 |
| (24) | Las Virgines Municipal Water District | $3,188.91 |
| (25) | Littlerock Creek Irrigation District | $1,351.43 |
| (26) | Los Angeles Department of Water and Power | $50,149.00 |
| (27) | Marin Municipal Water District | $6,221.31 |
| (28) | Merced Irrigation District | $802.31 |
| (29) | Metropolitan Water District of Southern California | $43,185.29 |

| | | |
|---|---|---|
| (30) | Modesto Irrigation District | $3,934.37 |
| (31) | Montecito County Water District | $1,222.19 |
| (32) | Monterey County Flood Control and Water Conservation District | $12,500.00 |
| (33) | Napa, City | $8,221.86 |
| (34) | Nevada Irrigation District | $5,836.13 |
| (35) | Newport Beach, City | $6,768.00 |
| (36) | North Marin County Water District | $3,000.00 |
| (37) | Orange County Flood Control District | $29,274.22 |
| (38) | Oroville-Wyandotte Irrigation District | $9,000.00 |
| (39) | Palmdale Water District | $4,051.00 |
| (40) | Paradise Irrigation District | $1,810.02 |
| (41) | Pasadena, City | $3,500.00 |
| (42) | Poway Municipal Water District | $1,198.43 |
| (43) | Ramona Municipal Water District | $391.90 |
| (44) | Rio San Diego Municipal Water District | $1,562.72 |
| (45) | Riverside, City | $1,778.18 |
| (46) | Riverside County Flood Control and Water Conservation District | $35,350.00 |
| (47) | Sacramento Municipal Utility District | $9,558.82 |
| (48) | San Francisco, City | $33,500.00 |
| (49) | San Jose, City | $2,500.00 |
| (50) | San Marcos County Water District | $2,549.98 |
| (51) | Santa Barbara, City | $1,222.19 |
| (52) | Santa Clara Valley Water District | $29,563.53 |
| (53) | Santa Cruz, City | $5,750.00 |
| (54) | Santa Rosa, City | $3,000.00 |
| (55) | Serrano Irrigation District | $1,507.50 |
| (56) | Sonoma County Water Agency | $2,955.90 |
| (57) | South San Joaquin Irrigation District | $4,250.00 |
| (58) | South Sutter Water District | $3,272.48 |
| (59) | Tehachapi-Cummings Water District | $2,500.00 |
| (60) | Tri-Cities Municipal Water District | $3,000,00 |
| (61) | Thermalito Irrigation District | $271.49 |
| (62) | Turlock Irrigation District | $3,896.16 |
| (63) | United Water Conservation District | $3,112.53 |
| (64) | Vallejo, City | $12,000.00 |
| (65) | Ventura County Flood Control District | $6,292.05 |
| (66) | Vista Irrigation District | $17,308.57 |
| (67) | Whittier, City | $418.18 |
| (68) | Yolo County Flood Control and Conservation District | $6,389.00 |
| (69) | Yuba County Water Agency | $1,843.00 |
| | Total of schedule | $576,586.42 |

SEC. 2. The funds to be reimbursed pursuant to this act shall be paid by the State Controller upon presentation of claims and satisfactory evidence of costs incurred by local agencies in the

preparation of inundation maps pursuant to Section 8589.5 of the Government Code.

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## CHAPTER 1413

*An act to add and repeal Chapter 13 (commencing with Section 8890) of Division 1 of Title 2 of the Government Code, relating to the Seismic Safety Commission, and making an appropriation therefor.*

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

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

SECTION 1. Chapter 13 (commencing with Section 8890) is added to Division 1 of Title 2 of the Government Code, to read:

### CHAPTER 13. SEISMIC SAFETY COMMISSION ACT

8890. The Legislature finds and declares as follows:

The work of the Legislature's Joint Committee on Seismic Safety as well as that of the Governor's Earthquake Council provides impressive and wide-ranging evidence for the following:

First, many different agencies at various levels of government have substantial responsibilities in the fields of earthquake preparedness and seismic safety.

Second, there is a pressing need to provide a consistent policy framework and a means for coordinating on a continuing basis the earthquake-related programs of agencies at all governmental levels and their relationships with elements of the private sector involved in practices important to seismic safety. This need is not being addressed by any continuing state government organization.

Third, through concerted efforts of broad scope, coordinated by a Seismic Safety Commission, long-term progress should be made toward higher levels of seismic safety.

Fourth, it is not the purpose of this chapter to transfer to the commission the authorities and responsibilities now vested by law in state and local agencies.

8891. There is created in the state government a Seismic Safety Commission which shall report annually to the Governor and to the Legislature on its findings, progress, and recommendations relating to earthquake hazard reduction.

8892. The commission shall consist of 15 members appointed by the Governor and confirmed by the Senate, one member appointed by the Senate Rules Committee, and one member appointed by the Speaker of the Assembly. The Seismic Safety Commission shall elect annually from its membership its own chairman and vice chairman

and may replace them with other commissioners by majority vote. Commission members shall be residents of California.

8892.5. The initial Seismic Safety Commission membership shall consist of seven members appointed by the Governor from a list of not more than 16 nominees submitted to the Governor by the Chairman of the Joint Committee on Seismic Safety, seven members appointed by the Governor from a list of nominees submitted to the Governor by the Governor's Earthquake Council, an initial chairman appointed by the Governor from a nominee mutually agreed upon by the Chairman of the Joint Committee on Seismic Safety and the Chairman of the Governor's Earthquake Council, and one Member of the Senate appointed by the Senate Rules Committee and one Member of the Assembly appointed by the Speaker of the Assembly.

8893. After the initial appointments, the membership of the Seismic Safety Commission shall be appointed by the Governor and confirmed by the Senate from lists of nominees submitted by organizations as listed below:

(a) Four members appointed from established organizations in the fields of architecture and planning, fire protection, public utilities, and electrical engineering and mechanical engineering;

(b) Four members appointed from established organizations in the fields of structural engineering, soils engineering, geology, and seismology;

(c) Four members appointed from nominees submitted by the League of California Cities and the County Supervisors Association of California;

(d) Three members appointed from established organizations in the fields of insurance, social service, and emergency services;

(e) One member shall be appointed from the Senate by the Senate Rules Committee, and one member shall be appointed from the Assembly by the Speaker of the Assembly.

8893.5. The term of office for each member of the Seismic Safety Commission shall be four years and each shall hold office until the appointment and qualification of his or her successor, except that of the initial commissioners, the Governor shall appoint seven whose terms will expire two years after appointment and seven members plus the chairman whose terms shall expire four years after appointment. All initial appointments shall be made by July 1, 1975. Any vacancies shall be immediately filled by the appointing power for the unexpired portion of the term in which they occur.

8894. The members of the Seismic Safety Commission shall serve without compensation but shall be paid per diem expenses plus actual necessary travel expenses as determined by the State Board of Control.

8895. The commission, in the discharge of its responsibilities, may:

(a) Accept grants, contributions, and appropriations from public agencies, private foundations, or individuals.

(b) Appoint committees from its membership, appoint advisory

committees from interested public and private groups, and appoint ex officio members who shall not be entitled to vote, to advise the commission.

(c) Contract for or employ with the approval of the Director of Finance any professional services and research required by the commission or required for the performance of necessary work and services which in the commission's opinion cannot satisfactorily be performed by its officers and employees or by other federal, state, or local governmental agencies.

(d) Do any and all other things necessary to carry out the purposes of this chapter.

8896. The commission shall appoint an executive director who shall be responsible for managing the affairs of the commission, subject to the direction and policies of the commission.

The executive director shall appoint such employees as may be necessary to carry out the functions of the commission.

8897. The commission shall be responsible for the following in connection with earthquake hazard reduction:

(a) Setting goals and priorities in the public and private sectors;

(b) Requesting appropriate state agencies to devise criteria to promote seismic safety;

(c) Recommending program changes to state agencies, local agencies, and the private sector where such changes would reduce the earthquake hazards;

(d) Reviewing reconstruction efforts after damaging earthquakes;

(e) Gathering, analyzing, and disseminating information;

(f) Encouraging research;

(g) Sponsoring training to help improve the competence of specialized enforcement and other technical personnel;

(h) Helping to coordinate the seismic safety activities of government at all levels; and

(i) Establishing and maintaining necessary working relationships with any boards, commissions, departments, and agencies, or other public or private organizations necessary to further an effective seismic safety program for the state.

8898. To implement the foregoing responsibilities, the commission may:

(a) Review state budgets and review grant proposals, other than those grant proposals submitted by institutions of postsecondary education to the federal government, in earthquake-related activities and to advise the Governor and Legislature thereon;

(b) Review earthquake-related legislation proposals, to advise the Governor and Legislature concerning such proposals, and to propose needed legislation;

(c) Recommend the addition, deletion, or changing of state agency standards when, in the commission's view, the existing situation creates an undue seismic hazard or when new developments would promote seismic safety, and conduct public

hearings as deemed necessary on the subjects.

8899. This act shall be known and cited as the Seismic Safety Commission Act.

8899.2. The Strong-Motion Instrumentation Board established in Chapter 8 (commencing with Section 2700) of Division 2 of the Public Resources Code and the Building Safety Board established in Section 15021 of the Health and Safety Code shall report annually to the Seismic Safety Commission.

8899.5. The provisions of this chapter shall remain in effect only until the 61st day after the final adjournment of the 1975–76 legislative session and as of such date are repealed, unless a later enacted statute, which is chaptered before the 61st day after the final adjournment of the 1975–76 legislative session, deletes or extends such date.

SEC. 2. There is hereby appropriated from the General Fund the amount of eighty-five thousand dollars ($85,000) to the Seismic Safety Commission for the purposes of this act.

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## CHAPTER 1414

*An act to amend Sections 4301, 4302, 4303, 4305, 4307, and 4321 of, and to repeal Sections 4304, 4306, 4309, 4315, 4316, 4318, 4319, and 4320 of, and to add Sections 4315, 4316, 4318, 4319, and 4323.5 to, the Business and Professions Code, relating to prophylactics.*

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

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

SECTION 1. Section 4301 of the Business and Professions Code is amended to read:

4301. "Prophylactic" includes any nonprescription device, appliance or medicinal agent used in the prevention of venereal disease.

SEC. 2. Section 4302 of the Business and Professions Code is amended to read:

4302. "Wholesaler" includes any person recognized by the board through the granting of a license to sell prophylactics for purpose of resale. Wholesalers, for the purpose of this article, include manufacturers and mail order vendors.

SEC. 3. Section 4303 of the Business and Professions Code is amended to read:

4303. "Retailer" includes any person who sells prophylactics.

SEC. 4. Section 4304 of the Business and Professions Code is repealed.

SEC. 5. Section 4305 of the Business and Professions Code is amended to read:

4305. The board shall issue wholesale licenses to persons qualifying under this article. The fee for a wholesale license shall be fifty dollars ($50). Licenses issued under this article may be transferred with the written consent of the board. A separate license shall be obtained by the licensee for each separate location.

For the purposes of this section "location" means, in the case of mail order vendors, the place where an office address and business records are maintained.

SEC. 6. Section 4306 of the Business and Professions Code is repealed.

SEC. 7. Section 4307 of the Business and Professions Code is amended to read:

4307. Every license issued or renewed under this article shall expire November 1st of each calendar year. The penalty for failure to pay the annual renewal fee may be fixed by the board at an amount not to exceed 100 percent of such renewal fee.

SEC. 8. Section 4309 of the Business and Professions Code is repealed.

SEC. 9. Section 4315 of the Business and Professions Code is repealed.

SEC. 10. Section 4315 is added to the Business and Professions Code, to read:

4315. Licensed wholesalers shall keep a record of each sale of prophylactics which shall include the name and address of all customers, the brand name, type, and quantity of the prophylactic distributed and other information relative to such sale as may be required by the board. Such records shall be maintained for a period of three years from the date of sale and shall be open to the board or any law enforcement officer for inspection.

SEC. 11. Section 4316 of the Business and Professions Code is repealed.

SEC. 12. Section 4316 is added to the Business and Professions Code, to read:

4316. Any licensed wholesaler who distributes, or causes to be distributed, prophylactics in violation of Section 4314 shall, upon order of the board, recall the product from the retail market.

This section shall not be construed to affect a wholesale dealer's responsibility or liability under any other provision of this article.

SEC. 13. Section 4318 of the Business and Professions Code is repealed.

SEC. 14. Section 4318 is added to the Business and Professions Code, to read:

4318. No person shall purchase prophylactics for retail sale except from a licensed wholesaler.

SEC. 15. Section 4319 of the Business and Professions Code is repealed.

SEC. 16. Section 4319 is added to the Business and Professions Code, to read:

4319. A retail seller of prophylactics shall store such product as

provided for by the regulations adopted by the board to assure the sale of only safe and effective products.

SEC. 17. Section 4320 of the Business and Professions Code is repealed.

SEC. 18. Section 4321 of the Business and Professions Code is amended to read:

4321. No retailer shall sell any prophylactic which fails to specifically identify the manufacturer thereof. However, this section shall not apply to any device, appliance or medicinal agent dispensed pursuant to a valid prescription order.

SEC. 19. Section 4323.5 is added to the Business and Professions Code, to read:

4323.5. It is unlawful to sell or otherwise dispose of any prophylactic unless such prophylactic has been hermetically sealed in a manner approved by the board, and unless each prophylactic or package of prophylactic so sold or otherwise disposed of bears or has attached to it a clear readable noncoded date of manufacture, and unless the prophylactic or package is accompanied by instructions for use, and by information relative to the nature, prevention, control, and cure of venereal disease.

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## CHAPTER 1415

*An act to add Section 85 to the Code of Civil Procedure, relating to courts.*

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

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

SECTION 1. Section 85 is added to the Code of Civil Procedure, to read:

85. If the judgment or order in a municipal court or justice court in any action or proceeding in which the defendant has appeared is for the payment of money by the defendant, he shall pay the same immediately or at any time and upon such terms and conditions, including installment payments, which the court may prescribe. In any determination regarding the imposition of terms and conditions upon the payment of the judgment, the court shall consider any factors which would be relevant to the determination of a claim for exemption pursuant to Chapter 1 (commencing with Section 681) of Title 9 of Part 2 or the examination of a debtor pursuant to Chapter 2 (commencing with Section 714) of Title 9 of Part 2.

# CHAPTER 1416

*An act to add Section 4029 to the Penal Code, relating to jails.*

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

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

SECTION 1. Section 4029 is added to the Penal Code, to read:

4029. (a) Whenever within any county adult detention facility or part of any county detention facility used for the confinement of adults, not including any city jail, any facility, including but not limited to any room or cell, vocational training facility, recreation area, rest area, dining room, store, or facility for the exercise of religious freedom, is provided for use by any prisoner for any purpose, a separate facility of equal quality, or separate use of the same facility, or joint use of the same facility where appropriate, shall be provided for prisoners of the opposite sex for such purpose.

(b) Whenever within any county adult detention facility or part of any county detention facility used for the confinement of adults, not including any city jail, any program, service or privilege, including but not limited to any general or vocational education, physical education or recreation, work furlough program, psychological counseling, work within the institution, visiting privileges, or medical treatment, is provided for any prisoner, such a program, service or privilege of equal quality shall be provided for prisoners of the opposite sex, except when the proportion of prisoners of one sex is so small that the cost of providing any program, service or privilege described in this subdivision, other than medical treatment or health maintenance, for such prisoners would not be justified in relation to the reduction in the level of any other program, service or privilege that would result from the diversion of funds for such purpose.

(c) Nothing in this section shall require the establishment of any facility for the use of, or the making available of any program, service or privilege to, any prisoner. Nothing in this section shall require any facility, program, service or privilege established or available prior or subsequent to the effective date of this section to be made available to any particular male or female prisoner or number of such prisoners, except that any type of facility, program, service or privilege which is made accessible or available to all male or female prisoners in any class defined by subdivisions 1, 2, and 3 of Section 4001 shall be made accessible or available to all prisoners of the opposite sex in such class as provided in subdivisions (a) and (b), and any criterion other than the sex of the prisoner which is used for the selection of a particular prisoner or group of prisoners to have, or to have access to, any facility, program, service or privilege shall be equally applied to the selection of all prisoners, regardless of sex.

(d) Every county shall comply with subdivisions (a), (b), and (c)

by January 1, 1979. Such compliance shall not be required unless the Legislature provides funds to assist in the accomplishment of such compliance. Every county shall report to the Legislature by January 1, 1976, as to whether such compliance can be accomplished, and stating the reasons why it cannot be accomplished if that be the case.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because the provisions of this act will not result in any increased expenditures by local agencies.

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## CHAPTER 1417

*An act to amend Sections 29140, 29142, and 29144 of, to add Sections 28767.3 and 29140.6 to, and to add Article 7 (commencing with Section 28840) to Chapter 3 of Part 2 of Division 10 of, the Public Utilities Code, relating to transit districts, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. It is the intent of the Legislature, in enacting this act, to provide the San Francisco Bay Area Rapid Transit District with a short-term source of revenue so that it may continue operation of its rapid transit system until the Legislature has had sufficient time to consider the recommendations submitted to it by the Legislative Analyst, pursuant to Section 28841 of the Public Utilities Code, in determining the solution to the district's long-term financial needs.

SEC. 1.5. Section 28767.3 is added to the Public Utilities Code, to read:

28767.3. Not later than October 12, 1974, the board shall adopt an affirmative action program approved by the Office of Federal Contract Compliance of the Department of Labor. Commencing January 1, 1975, the board shall submit each quarter to the Legislature a report on the steps the district has taken to implement the affirmative action program.

SEC. 2. Article 7 (commencing with Section 28840) is added to Chapter 3 of Part 2 of Division 10 of the Public Utilities Code, to read:

### Article 7. Reports by Legislative Analyst

28840. The Legislative Analyst shall submit, not later than June 1st of 1975, 1976, and 1977, to the Legislature his comments and recommendations on the district's budget for the current fiscal year and the proposed budget for the next fiscal year, and the district shall submit, not later than May 1st of each such year, to the Legislative

Analyst a copy of such current and proposed budgets.

28841. The Legislative Analyst shall submit, not later than November 1, 1975, to the Legislature his recommendations on sources of tax revenues that could be made available to the district, and to other public transit operators in the district, to provide them with the necessary long-term financial stability.

SEC. 3. Section 29140 of the Public Utilities Code is amended to read:

29140. The board shall, by ordinance, impose transactions and use taxes in conformity with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code until December 31, 1977, or until the end of a quarter prior to that date by which time the State Board of Equalization determines the district will have received at least the amounts of revenues specified in subdivisions (a) and (b) of Section 29142, less specified amounts.

Upon such a determination, the board shall adopt an ordinance which shall take effect at the end of such quarter to repeal the transactions and use tax ordinance.

SEC. 4. Section 29140.6 is added to the Public Utilities Code, to read:

29140.6. If the district receives funds for operational purposes from any source made available for the first time to the district after the effective date of this section, the amount specified in subdivision (b) of Section 29142 shall be reduced by the amount of such funds.

SEC. 5. Section 29142 of the Public Utilities Code is amended to read:

29142. (a) Revenues derived from the transactions and use taxes, not to exceed an aggregate principal amount of one hundred fifty million dollars ($150,000,000), plus the costs payable by the district to the State Board of Equalization for preparatory costs and for its services in connection with such taxes and plus the costs of issuance of, and interest payments on, bonds or notes secured by such revenues, shall be used for the planning, acquiring, and constructing of the district's approximately 75-mile system, including the San Francisco-Oakland Rapid Transit Tube and any and all works, structures, property, rolling stock, or other facilities of any kind which the district is authorized to acquire, construct, or complete.

(b) Revenues in excess of the amount specified in subdivision (a), but not to exceed eighty-two million two hundred thousand dollars ($82,200,000), shall be used for operational purposes, the liquidation of operational deficits, and the payment of principal and interest on negotiable bonds issued pursuant to subdivision (c).

(c) To finance the operation of its rapid transit system, the district may issue negotiable bonds in an amount not to exceed sixteen million dollars ($16,000,000) in anticipation of the revenues specified in subdivision (b). However, upon a determination by the board that the issuance of sixteen million dollars ($16,000,000) in negotiable bonds, together with other funds available to the district, provide insufficient funds for the operation of the district during the 1975–76

fiscal year, the district may issue additional negotiable bonds in an amount not exceeding eight million dollars ($8,000,000). The district shall pay the principal and interest on such bonds only from such revenues. Interest on such bonds may be funded, and paid from the proceeds of such bonds, for period of not to exceed two years from the date of such bonds. The board, by resolution, shall determine the form, denomination, maturities, interest rates, and all other terms and conditions relative to the issuance of such negotiable bonds.

SEC. 6. Section 29144 of the Public Utilities Code is amended to read:

29144. If the district has any surplus of funds derived pursuant to this article, such funds shall be applied to reduce the rate of tax provided for in Section 29121.

SEC. 7. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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

In order that the San Francisco Bay Area Rapid Transit District may have sufficient funds to continue operation beyond October 1, 1974, it is necessary that this act take effect immediately.

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## CHAPTER 1418

*An act to amend Section 21101 of, and to repeal Section 21101.1 of, the Government Code, relating to reinstatement of state employees.*

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

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

SECTION 1. Section 21101 of the Government Code is amended to read:

21101. The board may reinstate a person from retirement upon (a) his application to the board for reinstatement; (b) the determination of the board, based upon medical examination, that he is not incapacitated for the duties to be assigned to him; and (c) the determination of the board that his age at the date of application for reinstatement is at least six months less than the age of compulsory retirement for service applicable to members of the class or category in which it is proposed to employ him.

SEC. 2. Section 21101.1 of the Government Code is repealed.

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## CHAPTER 1419

*An act to add Section 2404.2 to the Streets and Highways Code, relating to grade separation projects.*

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

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

SECTION 1. Section 2404.2 is added to the Streets and Highways Code, to read:

2404.2. The planned removal of trackage of the Sacramento Northern Railway, the construction of substitute tracks and track connections, the elimination of 10 existing grade crossings, the acquisition of necessary rights-of-way, and all necessary associated work and appurtenances, to enable Sacramento Northern Railway trains to operate via existing trackage of the Atchison, Topeka & Santa Fe Railway, in and adjacent to the City of Pittsburg, shall be eligible for an allocation under Section 2403. The Public Utilities Commission shall determine to what extent, if any, the railroad shall contribute to the project. Such eligibility shall not be contingent on whether the railroad agrees to contribute, and the California Highway Commission shall not deny an allocation on such grounds.

The Legislature hereby finds and declares that it is necessary to enact this special law regarding the Pittsburg track removal and grade crossing elimination project because of the existence of following special facts and circumstances:

The predominant traffic carried by the Sacramento Northern Railway consists of high explosives, bombs, shells, and ammunition destined for the United States Navy ammunition depot at Port Chicago. Such trains traverse residential areas, cross 10 streets at grade, and constitute a grave hazard to the life and safety of the residents of Pittsburg. Sacramento Northern Railway is willing to remove its tracks and operate its trains via the tracks of the Atchison, Topeka & Santa Fe Railway, which is already partially grade separated and which offers a safer route. However, Sacramento Northern Railway will sacrifice certain of its own facilities, will receive no benefits, and therefore is unwilling to contribute any portion of the cost incidental to the removal of its trackage or for the construction of substitute track connections and appurtenances or for the acquisition of rights-of-way.

Based on the foregoing, the Legislature therefore finds and declares that it is necessary that the Sacramento Northern track removal and relocation project in and adjacent to the City of Pittsburg shall be eligible for a grade separation allocation, and that

subdivision (d) of Section 2404, relating to a contribution by the railroad, shall not apply for purposes of qualifying for an allocation under Section 2403.

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## CHAPTER 1420

*An act to add Section 255.8 to the Revenue and Taxation Code, relating to taxation.*

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

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

SECTION 1. Section 255.8 is added to the Revenue and Taxation Code, to read:

255.6. In counties having 10 percent or more persons who are Spanish surnamed or Spanish speaking according to the most recent federal decennial census, the notices required to be sent to homeowners by subdivision (b) of Section 255.3 and Section 255.4 and the instructions accompanying the claim form required to be sent to homeowners by subdivision (c) of Section 255.3 shall be in English and Spanish. Notices in Spanish may also be sent or made available in any other county, at the discretion of the county assessor.

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

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## CHAPTER 1421

*An act to add Section 6361 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.*

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

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

SECTION 1. Section 6361 is added to the Revenue and Taxation Code, to read:

6361. Any nonprofit organization which does not discriminate on the basis of race, sex, nationality, or religion, and whose primary purpose is to implant in the youth of the community, through a supervised program of competitive sports, the ideals of good

sportsmanship, honesty and courage so that they may be well adjusted, stronger and happier children and grow to be healthy and trustworthy adults is a consumer of, and shall not be considered a retailer within the provisions of this part with respect to food products and nonalcoholic beverages which it sells, provided the profits are used solely and exclusively in furtherance of such purpose.

"Nonprofit organization" as used in this section shall not be construed to include the state or any of its political subdivisions.

SEC. 2. Notwithstanding Section 2230 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because revenue losses to local agencies due to this act are minor in nature and will not cause any financial burden to local government.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act shall become operative on the first day of the first calendar quarter commencing more than 60 days after the effective date of this act or on January 1, 1975, whichever occurs first.

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## CHAPTER 1422

*An act to amend Section 760 of the Probate Code, relating to probate sales.*

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

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

SECTION 1. Section 760 of the Probate Code is amended to read:

760. The executor or administrator may enter into a written contract with any bona fide agent or broker, or multiple group of agents or brokers, to secure a purchaser for any real or personal property of the estate, which contract may provide for the payment of a commission out of the proceeds of the sale.

Such contract may additionally grant an exclusive right to sell property for a period not in excess of 90 days if prior to the execution of the contract granting an exclusive right to sell, the executor or administrator obtains the permission of the court to enter into such an agreement upon a showing of necessity and advantage to the estate, and such permission may be granted when the executor or administrator is appointed or qualified, or at any subsequent time upon an ex parte application.

When said sale is confirmed to such purchaser, such contract shall be binding and valid as against the estate for an amount to be allowed by the court. By the execution of any such contract no personal liability shall attach to the executor or administrator, and no liability

of any kind shall be incurred by the estate unless an actual sale is made and confirmed by the court.

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## CHAPTER 1423

*An act to amend Sections 1026 and 1026a of the Penal Code, and Section 7250 of the Welfare and Institutions Code, relating to mental illness.*

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

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

SECTION 1. Section 1026 of the Penal Code is amended to read:

1026. When a defendant pleads not guilty by reason of insanity, and also joins with it another plea or pleas, he shall first be tried as if he had entered such other plea or pleas only, and in such trial he shall be conclusively presumed to have been sane at the time the offense is alleged to have been committed. If the jury shall find the defendant guilty, or if the defendant pleads only not guilty by reason of insanity, then the question whether the defendant was sane or insane at the time the offense was committed shall be promptly tried, either before the same jury or before a new jury in the discretion of the court. In such trial the jury shall return a verdict either that the defendant was sane at the time the offense was committed or that he was insane at the time the offense was committed. If the verdict or finding be that the defendant was sane at the time the offense was committed, the court shall sentence the defendant as provided by law. If the verdict or finding be that the defendant was insane at the time the offense was committed, the court unless it shall appear to the court that the defendant has fully recovered his sanity shall direct that the defendant be confined in the state hospital for the criminal insane, or if there be no such state hospital, then that he be confined in some other state hospital for the insane. If, however, it shall appear to the court that the defendant has fully recovered his sanity such defendant shall be remanded to the custody of the sheriff until his sanity shall have been finally determined in the manner prescribed by law. A defendant committed to a state hospital shall not be released from confinement unless and until the court which committed him, or the superior court of the county in which he is confined, shall, after notice and hearing, find and determine that his sanity has been restored. In the event such hearing is held in the county in which the defendant is confined, notice as ordered by the court shall be given to the district attorney of said county and also to the district attorney of the county from which said defendant was committed, and all documents requested by the court in the county of confinement shall be forwarded from the county of commitment

to such court. Nothing in this section contained shall prevent the transfer of such person from one state hospital to any other state hospital by proper authority nor the transfer of such patient to a hospital in another state in the manner provided by law, upon order of the superior court in the county from which he was committed, or in which he is detained.

SEC. 2. Section 1026a of the Penal Code is amended to read:

1026a. An application for the release of a person who has been committed to a state hospital, as provided in Section 1026, upon the ground that his sanity has been restored, may be made to the superior court of the county in which he is confined or of the county from which he was committed, either by such person or by the superintendent of the hospital in which the said person is confined. No hearing upon such application shall be allowed until the person committed shall have been confined for a period of not less than 90 days from the date of the order of commitment. If the finding of the court be adverse to releasing such person upon his application for release, on the ground that his sanity has not been restored, he shall not be permitted to file a further application until one year has elapsed from the date of hearing upon his last preceding application. In any hearing authorized by this section the burden of proving that his sanity has been restored shall be upon the applicant. In the event that such hearing is held in the county in which the defendant is confined, all documents requested by the court in the county of confinement shall be forwarded from the county of commitment to such court.

SEC. 3. Section 7250 of the Welfare and Institutions Code is amended to read:

7250. Any person who has been committed is entitled to a writ of habeas corpus, upon a proper application made by the State Department of Health, by such person, or by a relative or friend in his behalf to the judge of the superior court of the county in which the hospital is located. All documents requested by the court in the county of confinement shall be forwarded from the county of commitment to such court. Upon the return of the writ, the truth of the allegations under which he was committed shall be inquired into and determined. The medical history of the person as it appears in the clinical records shall be given in evidence, and the superintendent in charge of the state hospital wherein the person is held in custody and any other person who has knowledge of the facts shall be sworn and shall testify relative to the mental condition of the person.

## CHAPTER 1424

*An act to add Section 19251.5 to the Government Code, relating to state civil service.*

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

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

SECTION 1. Section 19251.5 is added to the Government Code, to read:

19251.5. All state employees and employees of the University of California and the California State University and Colleges shall have the right to communicate with Members and employees of the Legislature.

A state employee, employee of the University of California, or employee of the California State University and Colleges may raise as a defense, at a punitive action hearing, the right to communicate with Members and employees of the Legislature as provided for in this section whenever he believes that the basis for such punitive action is retaliation for such communication.

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## CHAPTER 1425

*An act to add Article 2 (commencing with Section 526) to Chapter 4.5 of Division 2 of the Education Code, relating to California Indian education centers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Article 2 (commencing with Section 526) is added to Chapter 4.5 of Division 2 of the Education Code, to read:

526. The Legislature hereby finds and declares that Indian children have not succeeded well in California public schools as evidenced by low academic achievement at all grade levels, high dropout rates and by the few students continuing their education beyond high school.

It is the intent and purpose of the Legislature to strengthen the instructional program within the public schools by establishing 10 California Indian education centers.

527. The California Indian education centers established pursuant to this article shall serve as educational resource centers in Indian communities to the Indian students, parents, and the public schools. The centers shall be designed to:

(a) Improve the academic achievement of Indian students with particular emphasis on reading and mathematics.

(b) Improve the self-concept of Indian students and adults.

(c) Increase the employment of Indian adults.

(d) Serve as a center for related community activities.

(e) Provide tutorial assistance to students in reading and mathematics.

(f) Provide individual and group counseling to students and adults related to personal adjustment, academic progress, and vocational planning.

(g) Provide coordinated programs with the public schools.

(h) Provide a neutral location for parent-teacher conferences.

(i) Provide a focus for summer recreational sports and academic experience.

(j) Provide adult classes and activities.

(k) Provide college-related training programs for prospective Indian teachers.

(*l*) Provide libraries and other related educational material.

528. The State Board of Education, upon the advice and recommendations of the Superintendent of Public Instruction, shall adopt guidelines for the selection and administration of the California Indian education centers.

529. Application for the establishment of a California Indian education center may be made to the State Board of Education by any tribal group or incorporated Indian association, either separately or jointly, upon forms provided by the Department of Education. The State Board of Education shall select up to 10 applicants for such centers.

530. The Department of Education shall annually evaluate the California Indian education centers and report its findings and recommendations to the Legislature prior to February 1st of each year.

SEC. 2. There is hereby appropriated from the General Fund for the 1974–75 fiscal year the sum of four hundred thousand dollars ($400,000) to the Department of Education for the California Indian education centers established pursuant to Article 2 (commencing with Section 526) of Chapter 4.5 of Division 2 of the Education Code.

Funds appropriated but not expended shall be carried over to the next fiscal year. The sum appropriated shall be reduced by any amounts made available by the federal government for the purposes of this act. Not more than fifty thousand dollars ($50,000) may be used by the Department of Education for the administration of the California Indian education centers.

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

In order to permit the establishment and operation of California Indian education centers in the 1974–75 school year, it is necessary

that this act take effect immediately.

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## CHAPTER 1426

*An act to add and repeal Section 99233.5 of the Public Utilities Code, relating to transit.*

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

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

SECTION 1. Section 99233.5 is added to the Public Utilities Code, to read:

99233.5. (a) The Counties of San Diego, Orange, and Los Angeles may enter into a joint powers agreement pursuant to Article 1 (commencing with Section 6500) of Chapter 5, Division 7, Title 1 of the Government Code, and the joint powers entity created pursuant to such agreement shall, in accordance with Section 403 of the Rail Passenger Service Act of 1970 (45 U.S.C. 563), request the National Railroad Passenger Corporation to institute up to two additional trains a day in each direction between Los Angeles and San Diego to supplement the present level of service. The joint powers entity may request institution of more than two additional trains a day in each direction between Los Angeles and San Diego. The counties may make such contributions to the joint powers entity, not to exceed a total of two hundred sixty thousand dollars ($260,000) annually, as may be required by the National Railroad Passenger Corporation to meet a reasonable portion of any losses associated with such service. The contributions shall be made from the fund of each such county on an equal basis. The joint powers entity may request that the additional trains shall be operated, to the extent practicable, during periods of peak traffic.

(b) Notwithstanding subdivision (e) of Section 99233, the transportation planning agencies shall make the required allocations to the counties for purposes of subdivision (a) of this section after allocations are made pursuant to subdivisions (a), (b), and (c) of Section 99233.

(c) The capital expenditures requirement of Section 99267 shall not apply to the contributions made to the joint powers entity pursuant to subdivision (a).

This section shall remain in effect only until July 1, 1978, and as of that date is repealed.

## CHAPTER 1427

*An act relating to rail passenger transit.*

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

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

SECTION 1. The Los Angeles-San Diego corridor is the most heavily traveled interregional corridor in the state. This corridor has experienced a substantial increase in rail travel and has the capability of providing expanded travel capacity. The need for continued improvements to provide interregional travel between Los Angeles and San Diego by a more fuel-efficient mode of transportation requires that rail travel be encouraged and increased.

SEC. 2. The Department of Transportation is hereby directed to conduct an engineering feasibility study to determine the alternatives and costs for improving and upgrading rail passenger service between Los Angeles and San Diego in preparation of a demonstration project for improved rail passenger travel. The department shall also give consideration in its study to the feasibility of extending rail passenger service to the Mexican border. The study shall also include recommendations for funding any proposed improvements. A report of the department's findings and recommendations shall be included in the department's San Diego-Los Angeles transportation corridor study, which shall be submitted to the Legislature not later than October 1, 1975.

SEC. 3. The Department of Transportation shall conduct the study in cooperation with the National Railroad Passenger Corporation, the Santa Fe Railroad, the Public Utilities Commission, and other interested agencies. The department may employ a consultant to assist in the study if the department determines such consulting services are necessary.

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## CHAPTER 1428

*An act to add Section 2404.5 to the Streets and Highways Code, relating to transportation.*

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

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

SECTION 1. Section 2404.5 is added to the Streets and Highways Code, to read:

2404.5. (a) Whenever the National Railroad Passenger Corporation (AMTRAK) contributes an amount equal to one-third

of the total cost to the state and local agencies of a grade separation project, or any lesser percentage as the National Railroad Passenger Corporation (AMTRAK) and the California Highway Commission may agree upon, the cost to the participating parties under existing law shall be reduced proportionately.

(b) Any such grade separation project may be assigned a priority by the Public Utilities Commission that is higher than the priorities assigned to all other such projects for which the National Railroad Passenger Corporation (AMTRAK) has not made a contribution.

SEC. 2. The Legislature finds and declares as follows:

The interrelation of existing and future modes of transportation is a vital part of the state transportation system. It is critical to provide adequate service between various modes of travel, including rapid transit conventional rail passenger service, bus service, the automobile, and the bicycle. Accordingly, studies and demonstration projects are established by this act to show the feasibility and practicality of providing intermodal transfer facilities between different modes of transportation.

SEC. 3. The Department of Transportation shall undertake a demonstration project for the construction of a cross-platform terminal facility offering direct passenger transfer services between the San Francisco Bay Area Rapid Transit District, the National Railroad Passenger Corporation (AMTRAK), and the Alameda-Contra Costa Transit District facilities. In developing the project, the department shall seek the advice and consider the recommendations made by the San Francisco Bay Area Rapid Transit District, AMTRAK, the Alameda-Contra Costa Transit District, the Metropolitan Transportation Commission, and the counties and cities involved. The department shall construct such project pursuant to the provisions of the State Contract Act (Chapter 3 (commencing with Section 14250), Part 5, Division 3, Title 2 of the Government Code).

SEC. 4. The Department of Transportation shall undertake a demonstration project for the construction and evaluation of bus transit passenger shelters during the 1974–75 and 1975–76 fiscal years. The department shall seek the advice and consider the recommendations of public transit organizations and others as appropriate for the locations considered. Emphasis shall be placed on locations which will encourage increased transit ridership through "park and ride" or "kiss and ride" use. The program shall include, but not be limited to, evaluation of the shelters as to durability, maintenance considerations, vandalism, adequacy of shelter from weather, and aesthetics.

SEC. 5. The Department of Transportation shall undertake a demonstration project, and shall make feasibility studies, of providing services for bicyclists and pedestrians to cross state-owned major bridges which do not presently provide for such users. The program shall cover the 1974–75 and 1975–76 fiscal years. A report shall be submitted to the Legislature, not later than January 1, 1976,

on its findings and recommendations on continuing such services. The demonstration project shall be implemented on either the San Diego-Coronado Bridge or the San Mateo-Hayward Bridge.

SEC. 6. The sum of four hundred eighty-five thousand dollars ($485,000) is hereby appropriated from the Transportation Planning and Research Account in the State Transportation Fund, created pursuant to Section 99305 of the Public Utilities Code, to the Department of Transportation for expenditure as follows:

(a) Two hundred fifty thousand dollars ($250,000) during the 1974–75 to 1976–77 fiscal years, inclusive, for the development and construction of the terminal facility described in Section 3 of this act, if at least two-thirds of the cost of the development and construction are financed from other sources of funds.

(b) Sixty-five thousand dollars ($65,000) during the 1974–75 and 1975–76 fiscal years for the construction and evaluation of bus transit passenger shelters pursuant to Section 4 of this act.

(c) Seventy thousand dollars ($70,000) during the 1974–75 and 1975–76 fiscal years for a demonstration project, feasibility studies, and submittal of a report to the Legislature on providing services to bicyclists and pedestrians across state-owned major bridges pursuant to Section 5 of this act.

(d) One hundred thousand dollars ($100,000) during the 1974–75 fiscal year to seek and administer federal grants received pursuant to the Urban Mass Transportation Act of 1964 (49 U.S.C. Sec. 1601 et. seq.) and to match any such grants received during that fiscal year.

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## CHAPTER 1429

*An act making an appropriation from the General Fund, relating to courts.*

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

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

SECTION 1. The sum of three hundred twenty-five thousand dollars ($325,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to the Judicial Council of California and the courts of appeal to provide for assigned judge assistance and supporting staff, in augmentation of item 17 of the Budget Act of 1974 for the 1974–75 fiscal year.

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

# CHAPTER 1430

*An act to amend Section 994 of the Revenue and Taxation Code, and to amend Section 4003 of the Vehicle Code, relating to vehicles.*

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

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

SECTION 1. Section 994 of the Revenue and Taxation Code is amended to read:

994. Notwithstanding the provisions of Sections 410 to 414, inclusive, and 10758:

(a) Steel-wheeled and track-laying equipment shall not be subject to the license fees imposed pursuant to Part 5 (commencing with Section 10701) of Division 2 of this code, but shall be assessed in the county where it has situs on the lien date.

(b) Rubber-tired equipment, except commercial vehicles and cranes registered under the Vehicle Code and which are licensed under Part 5 (commencing with Section 10701) of Division 2 of this code, which must be moved or operated under permit issued pursuant to Section 35780 of the Vehicle Code, shall be assessed in the county where it has situs on the lien date, but the assessee of such property shall be allowed to deduct from the amount of property tax the amount of any fee paid on such vehicle under Part 5 (commencing with Section 10701) of Division 2 of this code, if such fee is paid prior to the lien date for the calendar year in which the lien date occurs.

(c) Rubber-tired cranes and commercial vehicles which must be moved or operated under permit issued pursuant to Section 35780 of the Vehicle Code, and rubber-tired equipment that does not require a permit, which cranes, vehicles, and equipment are registered under the Vehicle Code and licensed under Part 5 (commencing with Section 10701) of Division 2 of this code, shall not be otherwise assessed for purposes of property taxation.

SEC. 2. Section 4003 of the Vehicle Code is amended to read:

4003. A permit, as described in Section 9258, may be issued by the department for operating any of the following vehicles, except a crane:

(a) A vehicle while being moved or operated unladen for one continuous trip from a place within this state to another place either within or without this state or from a place without this state to a place within this state.

(b) A vehicle while being moved or operated unladen for one round trip to be completed within 60 days from a place of operation or usage, where registration of the vehicle is otherwise not required, to a garage or repair shop for the purpose of alteration or repairs, provided that the total round trip does not exceed 100 miles.

(c) A vehicle while being moved or operated for one round trip

to be completed within 60 days from one place to another for the purpose of participating as a vehicular float or display in a lawful parade or exhibition, provided that the total round trip does not exceed 100 miles.

The department may issue a quantity of permits under this subsection in booklet form upon payment of the proper fee for each permit contained in said booklet. Each permit shall be valid for only one vehicle and for only one continuous trip, and only after a copy describing the vehicle has been forwarded to the department. Such permit shall be posted upon the windshield or other prominent place upon a vehicle and shall identify the vehicle to which it is affixed. When so affixed, such permit shall serve in lieu of California registration.

SEC. 3. The change enacted by Section 1 of this act is not a classification or exemption requiring state reimbursement of local agencies under Section 2229 of the Revenue and Taxation Code because the property affected was not subject to local assessment and taxation as of January 1, 1973.

As of January 1, 1973, only special construction equipment and special mobile equipment were subject to local assessment and taxation under Section 994 of the Revenue and Taxation Code. Cranes are expressly excluded from the definition of special construction equipment in subdivision (b) of Section 570 of the Vehicle Code. Further, cranes are not within the definition of special mobile equipment. Commercial vehicles are neither special construction equipment nor special mobile equipment. Accordingly, the amendments to Section 994 of the Revenue and Taxation Code by Section 1 of this act specifically revert cranes and commercial vehicles to the tax status they were as of January 1, 1973.

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## CHAPTER 1431

*An act to amend Section 972 of the Military and Veterans Code, relating to administration of veteran affairs, and making an appropriation therefor.*

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

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

SECTION 1. Section 972 of the Military and Veterans Code is amended to read:

972. The board of supervisors may provide the county veteran service officer with such assistance and facilities as it deems necessary. If such a position is created and filled, the compensation and expenses of the county veteran service officer shall be a county charge, but the Department of Veterans Affairs, out of state moneys

available therefor, may pay each county a portion of such costs in an amount determined by the department, conditioned upon the observance of standards and regulations prescribed by, and in compliance with the direction of the department and its authorized representatives. State money available for paying counties any portion of the cost of the compensation and expenses of county veteran service officers shall not include any funds of the Veterans' Farm and Home Building Fund of 1943. Contributions by the department to any county toward the payment of the salary of the county veteran service officer who is not employed in such capacity on a full-time basis shall not exceed the sum of seventy-five dollars ($75) per month.

SEC. 2. The sum of four hundred thousand dollars ($400,000) is hereby appropriated from the General Fund for the 1974–75 fiscal year for the purposes of Section 972 of the Military and Veterans Code in addition to any other funds appropriated for this purpose.

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## CHAPTER 1432

*An act to add Chapter 10.3 (commencing with Section 25910) to Division 20 of the Health and Safety Code, relating to spraying of asbestos.*

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

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

SECTION 1. Chapter 10.3 (commencing with Section 25910) is added to Division 20 of the Health and Safety Code, to read:

### CHAPTER 10.3. SPRAYING OF ASBESTOS

25910. No person, on or after July 1, 1975, shall cause or permit the spraying of any substance containing more than one-half of 1 percent asbestos in or upon a building or other structure during its construction, alteration, or repair. No person, on or after July 1, 1976, shall cause or permit the spraying of any substance containing any amount of asbestos in or upon a building or other structure during its construction, alteration, or repair.

Cold process cutback asphalt roof coatings shall be exempted from the provisions of this chapter.

25911. Any violation of this chapter shall be a misdemeanor.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may

cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

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## CHAPTER 1433

*An act to add Section 14186.6 to the Education Code, relating to school certificated employees.*

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

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

SECTION 1. Section 14186.6 is added to the Education Code, to read:

14186.6. Effective July 1, 1973, the benefits of persons eligible for survivor benefits pursuant to Section 14186 as it read on June 30, 1972, shall be increased as follows:

(a) Those eligible for ninety dollars ($90) per month shall be increased to one hundred five dollars ($105) per month.

(b) Those eligible for one hundred eighty dollars ($180) per month shall be increased to two hundred ten dollars ($210) per month.

(c) Those eligible for two hundred fifty dollars ($250) per month shall be increased to two hundred ninety-five dollars ($295) per month.

These benefits shall be subject to the provisions of Section 13838.5 and 14334.8 with the first annual improvement to occur on September 1, 1974, and annually thereafter.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code.

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## CHAPTER 1434

*An act to add Chapter 10 (commencing with Section 4525) to Division 5 of Title 1 of the Government Code, relating to public contracts.*

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

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

SECTION 1. Chapter 10 (commencing with Section 4525) is added to Division 5 of Title 1 of the Government Code, to read:

## CHAPTER 10. CONTRACTS WITH PRIVATE ARCHITECTS AND ENGINEERING FIRMS

4525. For purposes of this chapter, the following terms shall have the following meanings:

(1) The term "firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture or engineering.

(2) The term "agency head" means the secretary, administrator, or head of a department, agency, or bureau of the State of California authorized under the State Contract Act to contract for architectural and engineering services.

(3) The term "architectural and engineering services" includes those professional services of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.

4526. Notwithstanding any other provision of law, it shall be considered to be the public policy of the State of California and any political subdivision thereof that selecting by an agency head for professional services of private architect or engineering firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Agency heads contracting for private architectural and professional engineering services shall adopt by regulation procedures which assure that such services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the public agencies. Furthermore, such procedures shall assure maximum participation of small business firms, as defined by the Director of General Services pursuant to Section 14837 of this code.

4527. In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data.

Statewide announcement of all projects requiring architectural or engineering services shall be made by the agency head through publications of the respective professional societies. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services

required.

4528. (a) The agency head shall negotiate a contract with the best qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the State of California or the political subdivision involved.

(b) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the State of California or the political subdivision involved, negotiations with that firm shall be formally terminated. The agency head shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head shall terminate negotiations. The agency head shall then undertake negotiations with the third most qualified firm.

(c) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this chapter until an agreement is reached.

4529. This chapter shall not apply where the agency head determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section or shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

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## CHAPTER 1435

*An act to amend Section 139.5 of the Labor Code, relating to rehabilitation of injured workmen.*

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

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

SECTION 1. Section 139.5 of the Labor Code is amended to read:

139.5. (a) The Administrative Director shall establish within the Division of Industrial Accidents a rehabilitation unit, which shall include appropriate professional staff, and which shall have all of the following duties:

(1) To foster, review, and approve rehabilitation plans developed by a qualified rehabilitation representative of the employer,

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insurance carrier, state agency, or employee.

(2) To adopt rules and regulations which would expedite and facilitate the identification, notification, and referral of industrially injured employees to rehabilitation services.

(3) To coordinate and enforce the implementation of rehabilitation plans.

(b) The salaries of the personnel of the rehabilitation unit shall be fixed by the State Personnel Board.

(c) When a qualified injured workman chooses to enroll in a rehabilitation program, he shall continue to receive temporary disability indemnity payments, plus additional living expenses necessitated by the rehabilitation program, together with all reasonable and necessary vocational training, at the expense of the employer or the insurance carrier, as the case may be.

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## CHAPTER 1436

*An act to add Section 25429.5 to the Education Code, to amend Section 2054 of, and to add Sections 2054.5 and 2079.5 to, the Penal Code, relating to community colleges.*

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

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

SECTION 1. Section 25429.5 is added to the Education Code, to read:

25429.5. (a) There is hereby created a one-year pilot program designed to provide regular community college educational opportunities for selected inmates confined in California correctional institutions, and for selected wards confined in facilities of the California Youth Authority.

(b) The governing board of any community college district may contract with the warden or superintendent of any state institution or facility under the jurisdiction of the Department of Corrections or the Department of Youth Authority for educational services, courses or programs for inmates conducted pursuant to Section 2079.5 of the Penal Code.

(c) The attendance of inmates or wards in such classes shall not be included in the regular average daily attendance of the community college district, but such attendance shall be separately reported by the district to the Chancellor's Office of the Board of Governors of the California Community Colleges.

(d) On or before November 1, 1975, the governing board of any community college district contracting under subdivision (b) shall report to the Chancellor's Office of the Board of Governors of the California Community Colleges on the nature and scope of all

contracts entered into pursuant to Section 2079.5 of the Penal Code and this section.

SEC. 2. Section 2054 of the Penal Code is amended to read:

2054. The Director of Corrections may establish and maintain classes for inmates by utilizing personnel of the Department of Corrections, or by entering into an agreement with the governing board of a school district or private school or the governing boards of school districts under which the district shall maintain classes for such inmates. The governing board of a school district or private school may enter into such an agreement regardless of whether the institution or facility at which the classes are to be established and maintained is within or without the boundaries of the school district.

Any agreement entered into between the Director of Corrections and a school district or private school pursuant to this section may require the Department of Corrections to reimburse the school district or private school for the cost to the district or private school of maintaining such classes. "Cost" as used herein includes contributions required of any school district to the State Teachers' Retirement System, but such cost shall not include an amount in excess of the amount expended by the district for salaries of the teachers for such classes, increased by one-fifth. Salaries of such teachers for the purposes of this section shall not exceed the salaries as set by the governing board for teachers in other classes for adults maintained by the district, or private schools.

Attendance or average daily attendance in classes established pursuant to this section or in classes in trade and industrial education or vocational training for adult inmates of institutions or facilities under the jurisdiction of the Department of Corrections shall not be reported to the State Department of Education for apportionment and no apportionment from the State School Fund shall be made on account of average daily attendance in such classes.

No school district or private school shall provide for the academic education of adult inmates of state institutions or facilities under the jurisdiction of the Department of Corrections except in accordance with this section and Section 2079.5.

The Legislature hereby declares that for each fiscal year funds for the support of the academic education program for inmates of the institutions or facilities under the jurisdiction of the Department of Corrections shall be provided, upon appropriation by the Legislature, to the Department of Corrections at the rate of forty dollars ($40) multiplied by the total number of inmates which the Department of Corrections estimates will be in such institutions or facilities on December 31st of the fiscal year, except as provided in Section 2054.1.

SEC. 3. Section 2054.5 is added to the Penal Code, to read:

2054.5. In addition to amounts appropriated for purposes of Sections 2054 and 2054.1, for educational services, courses, or programs for inmates of institutions or facilities under the jurisdiction of the Department of Corrections or the Department of

Youth Authority conducted under contract with a community college district pursuant to Section 2079.5, the Department of Corrections or the Department of the Youth Authority shall provide, from appropriations made therefor by the Legislature, the following additional financial support:

(a) The cost of total compensation, including salaries and other welfare benefits, of certificated employees participating in the program. "Cost" as used herein includes contributions required of any community college district to the State Teachers' Retirement System, but such cost shall not include total compensation and contributions in an amount greater than the percentage of the total salaries and contributions for certificated employees of the community college district taking part in such educational services, courses, or programs than is directly attributable to their activities in such educational services, courses, or programs.

(b) The cost of supplies, books, and materials provided by the community college district that are used in such educational services, courses, or programs.

(c) An amount not exceeding 10 percent of the combined costs computed under subdivision (a) and subdivision (b) for reimbursement of administrative costs incurred by any community college district in providing such educational services, courses, or programs.

SEC. 4. Section 2079.5 is added to the Penal Code, to read:

2079.5. (a) The warden or superintendent of any state institution or facility under the jurisdiction of the Department of Corrections or the Department of Youth Authority may, with the approval of the director of his department, contract with a community college district on behalf of the state institution or facility for educational services, courses, or programs for inmates. Any agreement entered into pursuant to this section shall require reimbursement to the community college district pursuant to Section 2054.5.

(b) On or before March 15, 1976, the Department of Corrections, the Department of Youth Authority and the Board of Governors of the California Community Colleges shall report to the Legislature and the Governor on the nature and scope of all contracts entered into pursuant to this section during the current fiscal year, including any suggestions they might have as to improving the quality of education afforded to inmates.

SEC. 5. This act shall be operative commencing July 1, 1975, and shall have no force or effect after June 30, 1976.

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## CHAPTER 1437

*An act to add Section 20930.3 to the Government Code, relating to the Public Employees' Retirement System.*

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

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

SECTION 1. Section 20930.3 is added to the Government Code, to read:

20930.3. "Public service" also means any time during which a local member other than a school member served with the active armed forces or the Merchant Marine of the United States, and during any period of rehabilitation afforded by the United States government other than a period of rehabilitation for purely educational purposes, and for six months thereafter if the member elects to pay the contributions and interest prescribed by subdivisions (a) and (c) of Section 20932 and the contributions that his employer would have made. Service may be credited only if it is continuous, and credit granted under this section may not exceed four years.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts or in the case of contracts made after this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

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## CHAPTER 1438

*An act to amend Section 17216.2 of, and to add Section 17215.1 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.*

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

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

SECTION 1. Section 17215.1 is added to the Revenue and Taxation Code, to read:

17215.1. (a) In the case of an individual, if the amount of charitable contributions described in subdivision (b) payment of which is made within a taxable year (hereinafter in this paragraph referred to as the "contribution year") exceeds 20 percent of the taxpayer's adjusted gross income for such year, such excess shall be

treated as a charitable contribution described in subdivision (b) paid in each of the five succeeding taxable years in order of time, but, with respect to any such succeeding taxable year, only to the extent of the lesser of the two following amounts:

(1) The amount by which 20 percent of the taxpayer's adjusted gross income for such succeeding taxable year exceeds the sum of the charitable contributions described in subdivision (b) payment of which is made by the taxpayer within such succeeding taxable year (determined without regard to this section) and the charitable contributions described in subdivision (b) payment of which was made in taxable years before the contribution year which are treated under this section as having been paid in such succeeding taxable year; or

(2) In the case of the first succeeding taxable year, the amount of such excess, and in the case of the second, third, fourth, or fifth succeeding taxable year, the portion of such excess not treated under this section as a charitable contribution described in subdivision (b) paid in any taxable year intervening between the contribution year and such succeeding taxable year.

(b) Any charitable contribution to—

(1) A church or a convention or association of churches,

(2) An educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on,

(3) An organization the principal purpose or functions of which are the providing of medical or hospital care or medical education or medical research, if the organization is a hospital, or if the organization is a medical research organization directly engaged in the continuous active conduct of medical research in conjunction with a hospital, and during the calendar year in which the contribution is made such organization is committed to spend such contributions for such research before January 1 of the fifth calendar year which begins after the date such contribution is made,

(4) An organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under Section 501 (a) of the Internal Revenue Code or Section 23701 of this code) from the United States or any state or political subdivision thereof or from direct or indirect contributions from the general public, and which is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a college or university which is an organization referred to in paragraph (2) of this subdivision and which is an agency or instrumentality of a state or political subdivision thereof, or which is owned or operated by a state or political subdivision thereof or by an agency or instrumentality of one or more states or political subdivisions,

(5) A governmental unit referred to in subdivision (a) of Section 17214,

(6) An organization referred to in subdivision (b) of Section 17214 which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under Section 501 (a) of the Internal Revenue Code or Section 23701 of this code) from a governmental unit referred to in subdivision (a) of Section 17214 or from direct or indirect contributions from the general public,

(7) A private foundation described in Section 170 (b) (1) (E) of the Internal Revenue Code, or

(8) An organization described in Section 509 (a) (2) or (3) of the Internal Revenue Code.

SEC. 2. Section 17216.2 of the Revenue and Taxation Code is amended to read:

17216.2. (a) The amount of any charitable contribution of property otherwise taken into account under Section 17214 shall be reduced by the sum of—

(1) The amount of gain which would have been included in taxable income, if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution), except that this paragraph shall not apply if the amount of gain includable in taxable income is determined by applying paragraph (2) or (3) of subdivision (a) of Section 18162.5, and

(2) In the case of a charitable contribution—

(A) Of tangible personal property, if the use by the donee is unrelated to the purpose or function constituting the basis for its exemption under Section 23701 (or, in the case of a governmental unit, to any purpose or function described in Section 17214), or

(B) To or for the use of a private foundation (as defined in Section 509 (a) of the Internal Revenue Code), other than a private foundation described in Section 170 (b) (1) (E) of that code, the amount of gain which would have been included in taxable income under paragraph (2) or (3) of subdivision (a) of Section 18162.5 if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution).

For purposes of applying this subdivision (other than in the case of gain to which Section 18211 applies), property which is property used in the trade or business (as defined in Section 18182) shall be treated as a capital asset.

(b) For purposes of subdivision (a), in the case of a charitable contribution of less than the taxpayer's entire interest in the property contributed, the taxpayer's adjusted basis in such property shall be allocated between the interest contributed and any interest not contributed in accordance with regulations prescribed by the Franchise Tax Board.

SEC. 3. The amendments to Section 17216.2 made by this act are

intended to clarify the meaning and application of Section 17216.2 and not to impose new or different requirements.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions in the law effecting changes in the Personal Income Tax Law shall be applied in the computation of taxes for taxable years beginning on and after January 1, 1974.

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## CHAPTER 1439

*An act to amend Sections 20013, 20016, 21022, 21293, and 21363 of, and to add Sections 18861, 20038.6, 20750.42, 21290.1, and 21292.9 to, the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.*

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

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

SECTION 1. Section 18861 is added to the Government Code, to read:

18861. The board shall develop objective criteria for determining the application of the state safety category of membership in the Public Employees' Retirement System to positions in the state civil service and shall then determine which classes of positions meet all or part of the elements of the criteria and shall list the positions in order based upon the degree in which their duties meet the criteria. The Public Employees' Retirement System and employing agencies shall assist and cooperate with the board in preparation of the report.

The board shall transmit a report thereon to the Legislature at the commencement of each session of the Legislature. The board shall initially give immediate priority to a study of the employees of the Departments of Corrections and Youth Authority and transmit a report thereon to the Legislature on or before January 1, 1975.

SEC. 1.5. Section 20013 of the Government Code is amended to read:

20013. (a) "Member" means any person included in the membership of this system, and includes state members and local members.

(b) "State member" includes:

(1) State miscellaneous members.

(2) University members.

(3) Prison members.

(4) Patrol members.

(5) State safety members.

(6) State industrial members.

(c) "Local member" includes:

(1) Local miscellaneous members.
(2) Local safety members.
(3) School members.

SEC. 2. Section 20016 of the Government Code is amended to read:

20016. "State industrial member" includes the Director of Corrections and all state employees appointed by the Governor or by the Director of Corrections or the Adult Authority or the Department of Youth Authority and employed in the state prisons or facilities of the Department of Corrections or the Department of Youth Authority, or employed in the Division of Adult Paroles as chief, deputy chief, agents, or officers, and all parole agents or officers appointed by the Adult Authority under the State Civil Service Act, any parole agents or officers appointed by the Board of Trustees of the California Institution for Women, the members of the Adult Authority, and the members of the Board of Trustees of the California Institution for Women except such employees who are state safety members.

Except as expressly otherwise provided, the provisions of this part applicable to state miscellaneous members apply to state industrial members.

The provisions of this part providing industrial death and disability benefits to state industrial members shall also apply to any other state employee whose death or disability results from an injury which is a direct consequence of a violent act perpetrated on his person by an inmate of a state prison, correctional school or facility of the Department of Corrections or to the Youth Authority or a parolee therefrom subject to the same conditions prescribed by Section 20038.6.

SEC. 3. Section 20038.6 is added to the Government Code, to read:

20038.6. "Industrial" with respect to state industrial members means death or disability resulting from an injury which is a direct consequence of a violent act perpetrated on his person by an inmate of a state prison, correctional school or facility of the Department of Corrections or the Youth Authority, or a parolee therefrom, if:

(a) The member was performing his duties within the prison, correctional school or facility of the Department of Corrections or the Youth Authority, or

(b) The member was not within the prison, correctional school or facility of the Department of Corrections or the Youth Authority, but was acting within the scope of his employment and is regularly and substantially as part of his duties in contact with such inmates or parolees.

SEC. 4. Section 20750.42 is added to the Government Code, to read:

20750.42. The contribution of an employer to the retirement fund with respect to state industrial members is a sum equal to 15.25 percent of the compensation paid state industrial members

employed by such employer.

SEC. 5. Section 21022 of the Government Code is amended to read:

21022. Any patrol, state safety member, state industrial, or local safety member incapacitated for the performance of duty as the result of an industrial disability shall be retired for disability, pursuant to this chapter, regardless of age or amount of service.

SEC. 6. Section 21290.1 is added to the Government Code, to read:

21290.1. Upon retirement for nonindustrial disability, a state industrial member who has attained age 60 shall receive his service retirement allowance.

SEC. 7. Section 21292.9 is added to the Government Code, to read:

21292.9. Upon retirement of a state industrial member for industrial disability he shall receive a disability retirement allowance of 50 percent of his final compensation plus an annuity purchased with his accumulated additional contributions, if any, or, if qualified for service retirement, he shall receive his service retirement allowance if such allowance, after deducting such annuity, is greater.

SEC. 8. Section 21293 of the Government Code is amended to read:

21293. The disability retirement allowance for a patrol, state safety, state industrial, or local safety member retired because of industrial disability shall be derived from his accumulated normal contributions and the contributions of his employer.

SEC. 9. Section 21363 of the Government Code is amended to read:

21363. The special death benefit is payable if the deceased was a patrol, prison, state safety, state industrial or local safety member, if his death was industrial, as determined by the appeals board, using the same procedure as in workmen's compensation hearings, and if there is a wife or child who qualifies under subdivision (b) of Section 21364.

SEC. 10. There is hereby appropriated from the General Fund to the State Personnel Board the sum of twenty thousand dollars ($20,000) for the purposes of the study and report described in Section 1 of this act.

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## CHAPTER 1440

*An act to amend Section 20331 of, and to add Section 20023.3 to, the Government Code, relating to the Public Employees' Retirement System.*

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

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

SECTION 1. Section 20023.3 is added to the Government Code, to read:

20023.3. The average monthly salary during any period of service as a member of any retirement system maintained by the university shall be considered compensation earnable by a member of this system for purposes of computing final compensation for such member providing he retires concurrently under both systems.

SEC. 2. Section 20331 of the Government Code is amended to read:

20331. Except as otherwise provided in this section, any person who on October 1, 1973, is employed by the university, and is a member of any retirement system maintained by the university, or who after that date enters university employment, shall be excluded from membership in this system.

A university member who is separated from university employment due to layoff and who is reemployed by the university shall have the right to elect, in accordance with regulations of the board of regents, membership in this system in lieu of membership in any retirement system maintained by the university, provided written notice of such election is filed with this system within 30 days after his reemployment.

Any member who is employed as a member of the police department or fire department of the university and who elects, in accordance with regulations of the board of regents, to become a sworn officer member of a retirement system of the university in such employment shall be excluded from membership in this system in such employment after the date upon which he becomes a member of the university system. Such election shall not constitute a permanent separation from state service for purposes of a right to refund of accumulated contributions but shall constitute a discontinuance of employment as a member of this system and entry into employment as a member of the university system within the meaning of Section 20015.5.

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## CHAPTER 1441

*An act to amend Section 219 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.*

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

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

SECTION 1. Section 219 of the Revenue and Taxation Code is amended to read:

219. Business inventories shall be assessed for taxation at the same ratio of assessed to full cash value as the ratio specified in Section 401. After such property has been so assessed, 30 percent of the assessed value of such property shall be exempt from taxation through the 1972–1973 fiscal year, and such exemption shall be indicated on the assessment roll. For the 1973–1974 fiscal year, 45 percent of the assessed value of such property shall be exempt from taxation, and such exemption shall be indicated on the assessment roll. For 1974–1975 fiscal year and fiscal years thereafter, 50 percent of the assessed value of such property shall be exempt from taxation, and such exemption shall be indicated on the assessment roll. The county assessor shall notify the auditor of the total assessed value of the exempt property within each city, district and revenue district wholly or partially within the county. The exemption provided for in this section shall not apply to business inventories assessed as escaped property under the provisions of Sections 531.3, 531.4 or 531.5 where (1) the omission is willful or fraudulent, (2) the failure to report the property accurately is willful or fraudulent, or (3) the exemption was incorrectly allowed because of erroneous or incorrect information submitted by the taxpayer or his agent with knowledge that such information was erroneous. The board shall prescribe all procedures and forms required to carry this exemption into effect and to insure accurate data for reimbursement calculations.

In carrying out the duties imposed by this section, the board shall certify to the auditor of each county in which is located a chartered city which assesses property for city tax purposes, the ratio which the auditor shall use to factor the county roll in order to compute the amount of such city's reimbursement. The ratio certified shall be the same ratio used by the board in connection with public utility property on the board roll.

Where a city transfers the assessing and tax-collecting functions to the county but continues to assess and collect unsecured taxes for one additional year, the county auditor, in computing the city's reimbursement for the business inventory exemption, shall factor the exempt inventory value on the county unsecured roll with tax situs in the city by the ratio used by the board in the prior year in preparing the board roll for the city.

SEC. 2. The provisions of this act shall apply to the 1975–76 fiscal year and fiscal years thereafter.

## CHAPTER 1442

*An act to add Section 14133.5 to the Welfare and Institutions Code, relating to Medi-Cal.*

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

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

SECTION 1. Section 14133.5 is added to the Welfare and Institutions Code, to read:

14133.5. The Department of Health shall secure a toll free phone number for the use of pharmacists and other providers of Medi-Cal services listed in Section 14133 in requesting prior authorization for services under the supplemental schedule of benefits.

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## CHAPTER 1443

*An act to add Section 55 to the Civil Code, relating to disabled persons.*

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

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

SECTION 1. Section 55 is added to the Civil Code, to read:

55. Any person who is aggrieved or potentially aggrieved by a violation of Section 54 or 54.1 of this code, Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code, or Part 5.5 (commencing with Section 19955) of Division 13 of the Health and Safety Code may bring an action to enjoin the violation. The prevailing party in the action shall be entitled to recover reasonable attorney's fees.

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## CHAPTER 1444

*An act to amend Sections 1250 and 1254 of the Health and Safety Code, relating to health planning.*

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

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

SECTION 1. Section 1250 of the Health and Safety Code is amended to read:

1250. As used in this chapter "health facility" means any facility, place or building which is organized, maintained and operated for the diagnosis, care and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which such persons are admitted for a 24-hour stay or longer, and includes the following types:

(a) "General acute care hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care, including the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services.

(b) "Acute psychiatric hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care for mentally disordered, incompetent, or other patients referred to in Division 5 (commencing with Section 5000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code, including the following basic services: medical, nursing, rehabilitative, pharmacy, and dietary services.

(c) "Skilled nursing facility" means a health facility which provides the following basic services: skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis.

(d) "Intermediate care facility" means a health facility which provides the following basic services: inpatient care to ambulatory or semi-ambulatory patients who have recurring need for skilled nursing supervision and need supportive care, but who do not require availability of continuous skilled nursing care.

(e) "Special hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical or dental staff which provides inpatient or outpatient care in rehabilitation, dentistry, or maternity.

SEC. 2. Section 1254 of the Health and Safety Code is amended to read:

1254. The state department shall inspect and license health facilities. The state department shall license general acute care hospitals, acute psychiatric hospitals, skilled nursing facilities, intermediate care facilities, and special hospitals to provide their respective basic services specified in Section 1250. Except as provided in Section 1253, the state department shall inspect and approve a general acute care hospital to provide special services as specified in Section 1255. The state department shall develop and

adopt regulations to implement the provisions contained in this section prior to July 1, 1974.

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## CHAPTER 1445

*An act to amend Sections 315, 3506, 27003, and 27205 of, to add Sections 3755, 4056.5, 5204, 27510.5 and 29256 to, the Elections Code, and to add Section 6253.5 to the Government Code, relating to elections.*

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

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

SECTION 1. Section 315 of the Elections Code is amended to read:

315. The county clerk may cause to be written or printed upon the top margin, or in the body of the affidavit, in addition to any matter provided for in this code, any words necessary or convenient to designate the precinct, district or political subdivision for which the affidavit is taken, or to indicate any removal or transfer of registration. Any other reasonable memoranda may be added which is necessary or convenient to enable the county clerk to perform his duties in assorting or classifying or handling affidavits with correctness and dispatch, however, such memoranda shall not include notations, whether coded or not, which indicate that the registrant has signed a particular initiative, referendum, or recall petition unless such notations are made other than on the body of the affidavit of registration. Any memoranda, notations, devices, computer data, or other means or material employed by the clerk indicating which petition or petitions have been signed by any registrant shall be destroyed as soon as practicable after the certification of the results of the election for which such memoranda, notations, devices, computer data, or other means or material was used, or if no election is held, as soon as practicable after the clerk's final certification showing the results of the examination of the petition; but in no event shall such memorandum, notations, devices, computer data, or other means or material be retained for more than 30 days.

Such memoranda, notations, devices, computer data, or other means or material employed by the clerk indicating which petition or petitions have been signed by any registrant shall be available for the use of the clerk and his staff only and then only for the purposes for which they were prepared. Except as previously provided, they shall not be made available to any person or entity, public or private, for any purpose whatsoever.

Memoranda added to the body of the affidavit of registration,

which are not applicable to the requirements of Section 310 of this code, shall not be deemed a portion of the affidavit.

SEC. 2. Section 3506 of the Elections Code is amended to read:

3506. An officer receiving or filing in his office any initiative or referendum petition shall preserve the petition until eight months after the certification of the results of the election for which the petition qualified or attempted to qualify for placement on the ballot. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot.

SEC. 3. Section 3755 is added to the Elections Code, to read:

3755. The county clerk shall preserve an initiative or referendum petition received or filed in his office until eight months after the certification of the results of the election for which the petition qualified or attempted to qualify for placement on the ballot. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot.

SEC. 4. Section 4056.5 is added to the Elections Code, to read:

4056.5. The clerk shall preserve an initiative or referendum petition received or filed in his office until eight months after the certification of the results of the election for which the petition qualified or, if no election is held, eight months after the clerk's final certification showing the results of the examination of the petition. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot.

SEC. 5. Section 5204 is added to the Elections Code, to read:

5204. The clerk shall preserve an initiative, referendum, or recall petition received or filed in his office until eight months after the certification of the results of the election for which the petition

qualified or attempted to qualify for placement on the ballot. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot.

SEC. 6. Section 27003 of the Elections Code is amended to read:

27003. The Secretary of State shall preserve in his office all recall petitions legally filed until eight months after the certification of the results of the election for which the petition qualified or, if no election is held, eight months after the clerk's final certification showing the results of the examination of the petition. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot.

SEC. 7. Section 27205 of the Elections Code is amended to read:

27205. Within 30 days from the date on which the petition is filed, the county clerk shall examine and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach to the petition his certificate showing the result of his examination. If the county clerk's certificate shows the petition to be insufficient, a supplemental petition, in form a duplicate of the original petition, bearing additional signatures may be filed within 10 days of the date of the certificate of insufficiency. The county clerk shall, within 10 days after the supplemental petition is filed, examine it, and if his certificate shows that the petition is still insufficient, no action shall be taken thereon. The county clerk shall preserve in his office all recall petitions legally filed until eight months after the certification of the results of the election for which the petition qualified or, if no election is held, eight months after the clerk's final certification showing the results of the examination of the petition. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot. The failure to secure

sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect.

SEC. 8. Section 27510.5 is added to the Elections Code, to read:

27510.5. The clerk shall preserve in his office all recall petitions legally filed until eight months after the certification of the results of the election for which the petition qualified or, if no election is held, eight months after the clerk's final certification showing the results of the examination of the petition. Thereafter, he shall destroy the petition as soon as practicable unless it is in evidence in some action or proceeding then pending or unless he has received a written request from the Attorney General, the Secretary of State, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot. The failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect.

SEC. 9. Section 29256 is added to the Elections Code, to read:

29256. No circulator of an initiative, referendum, or recall petition shall permit the list of signatures on the petition to be used for any purpose other than qualification of the initiative or referendum measure or recall question for the ballot.

SEC. 10. Section 6253.5 is added to the Government Code, to read:

6253.5. Notwithstanding the provisions of Sections 6252 and 6253, statewide, county, city, and district initiative referendum, and recall petitions and all memoranda prepared by the county clerks in the examination of such petitions indicating which registered voters have signed particular petitions shall not be deemed to be public records and shall not be open to inspection except by the public officer or public employees who have the duty of receiving, examining or preserving such petitions or who are responsible for the preparation of such memoranda.

SEC. 11. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

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## CHAPTER 1446

*An act to add Section 1632 to the Civil Code, relating to contracts.*

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

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

SECTION 1. Section 1632 is added to the Civil Code, to read:

1632. (a) Any person engaged in a trade or business who negotiates primarily in the Spanish language orally or in writing in the course of entering into:

(1) A contract or agreement subject to the provisions of Title 2 (commencing with Section 1801) of, and Chapter 2b (commencing with Section 2981) and Chapter 2d (commencing with Section 2985.7) of Title 14 of, Part 4 of Division 3;

(2) A loan or extension of credit secured other than by real property, or unsecured, for use primarily for personal, family or household purposes;

(3) A lease, sublease, rental contract or agreement, or other form of tenancy contract or agreement, for a period of longer than one month, covering a dwelling, an apartment, or mobilehome, or other dwelling unit normally occupied as a residence; or

(4) Notwithstanding paragraph (2), a loan or extension of credit for use primarily for personal, family or household purposes where such loan or extension of credit is subject to the provisions of Article 7 (commencing with Section 10240), Chapter 3, Part 1, Division 4 of the Business and Professions Code, or Division 7 (commencing with Section 18000) or Division 9 (commencing with Section 22000) of the Financial Code;

shall, upon the request of any party to such contract or agreement and prior to the execution thereof, make available an unexecuted Spanish-language translation of the contract or agreement, except that for a loan subject to this part and to the provisions of Article 7 (commencing with Section 12040), Chapter 3, Part 1 of Division 4 of the Business and Professions Code, the making available upon request of a party to such loan or extension of credit, a Spanish-language translation of the statement to borrower required by Section 10240 of the Business and Professions Code, shall be deemed compliance with this subdivision. A form for such translation may be approved by the Department of Consumer Affairs. At the time and place where a contract or agreement described in this paragraph is entered into, a Spanish-language notice shall be provided to the lessee or tenant.

(b) At the time and place where a contract or agreement described in paragraph (1) or (2) of subdivision (a) is entered into, a Spanish-language notice shall be provided and conspicuously displayed to the effect that the person described in subdivision (a) is required to make available upon request an unexecuted Spanish-language contract or agreement. The form for the Spanish-language notice and the Spanish-language contract or agreement may be approved by the Department of Consumer Affairs. If a person described in subdivision (a) does business at more than one location or branch, the requirements of this section shall apply only with respect to the location or branch at which the

Spanish language is used.

(c) The term "contract" or "agreement," as used in this section, means the document creating the rights and obligations of the parties and includes any subsequent document making substantial changes in the rights and obligations of the parties. The term "contract" or "agreement" does not include any subsequent documents authorized or contemplated by the original document such as periodic statements, sales slips or invoices representing purchases made pursuant to a credit card agreement, a retail installment contract or account or other revolving sales or loan account, memoranda of purchases in an add-on sale, or refinancing of a purchase as provided by, or pursuant to, the original document.

The term "contract" or "agreement" does not include a home improvement contract as defined in Sections 7151.2 and 7159 of the Business and Professions Code, nor does it include plans, specifications, description of work to be done and materials to be used, or collateral security taken or to be taken for the retail buyer's obligation contained in a contract for the installation of goods by a contractor licensed pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, if such home improvement contract or installation contract is otherwise a part of a contract described in subdivision (a).

Matters ordinarily incorporated by reference in contracts or agreements as described in paragraph (3) of subdivision (a), including but not limited to rules and regulations governing a tenancy and inventories of furnishings to be provided by the person described in subsection (a) are not included in the term "contract" or "agreement."

(d) This section shall not apply to any person engaged in a trade or business who negotiates primarily in the Spanish language as described by subdivision (a) if the party with whom he is negotiating is a buyer of goods or services, or receives a loan or extension of credit, or enters an agreement obligating himself as a tenant, lessee, or sublessee, or similarly obligates himself by contract or lease, and such party negotiates the terms of the contract, lease, or other obligation through his own interpreter.

As used in this subdivision, "his own interpreter" means a person able to speak fluently and read with full understanding the English and Spanish languages, and who is not employed by, or whose service is made available through, the person engaged in the trade or business.

The terms of the contract or agreement which is executed in English shall determine the rights and obligations of the parties. However, the Spanish-language translation of the contract shall be admissible in evidence only to show that no contract was entered into because of a substantial difference in the material terms and conditions of the contract and the translation.

(f) Upon a failure to comply with the provisions of this section, the person aggrieved may rescind the contract or agreement in the

manner provided by this chapter. When the contract for a consumer credit sale or consumer lease which has been sold and assigned to a financial institution is rescinded pursuant to this subdivision, the consumer shall make restitution to and have restitution made by the person with whom he made the contract, and shall give notice of rescission to the assignee. Notwithstanding that the contract was assigned without recourse, the assignment shall be deemed rescinded and the assignor shall promptly repurchase the contract from the assignee.

(g) This section shall apply to contracts or agreements entered into on or after July 1, 1976.

(h) The Department of Consumer Affairs shall approve acceptable language for printed forms of Spanish-language translations of contracts, agreements, and notices by January 1, 1976.

(i) Any error or omission in the translation of a contract or agreement from English to Spanish by the Department of Consumer Affairs is deemed to be a "misrepresentation" as that term is used in Section 822.2 of the Government Code.

Notwithstanding any other provision of law, the liability of the Department of Consumer Affairs and its employees in translation of contracts from English to Spanish is limited to misrepresentations in such translations and the liability of the Department of Consumer Affairs and employees is controlled by Sections 815.2 and 822.2 of the Government Code.

(j) No advertisement, announcement, publication or other representation either oral or written that a contract or agreement translation from English to Spanish has been prepared or approved by the Department of Consumer Affairs may be made by any person, business or employee utilizing such translated contracts or agreements except as provided herein.

A notice printed on the bottom of the first page of such a contract or agreement in a typeface no larger than that predominantly used in the body of the contract may be used to indicate that the contract translation has been prepared or approved by the Department of Consumer Affairs. The notice shall state in both Spanish and English: "Translation only verified by the California Department of Consumer Affairs". The statement will have the word "only" underlined in both Spanish and English notices. No seal or other recognized symbol of the Department of Consumer Affairs may be used thereon. The notice of verification by the Department of Consumer Affairs shall appear on the Spanish translation only.

(k) Immediately upon the enactment of this provision the Department of Consumer Affairs shall prepare a schedule of fees for translation-form approvals as set forth herein.

(*l*) This section shall not apply to any person engaged in a trade or business who negotiates primarily in the Spanish language as described by subdivision (a) if the party with whom he is negotiating is a buyer of goods or services, or receives a loan or extension of credit, or enters an agreement obligating himself as a tenant, lessee,

or sublessee, or similarly obligates himself by contract or lease, and that such party negotiates the terms of the contract, lease, or other obligation through his own interpreter.

As used in this subdivision, "his own interpreter" means a person able to speak fluently and read with full understanding the English and Spanish languages, and who is not employed by, or whose service is made available through, the person engaged in the trade or business.

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## CHAPTER 1447

*An act to amend Section 1690 of, and to add Section 1684.5 to, the Labor Code, and amend Sections 12519 and 31401 of, and to add Sections 12520, 12520.5, 31402, and 31403 to, the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 1684.5 is added to the Labor Code, to read:

1684.5. The Labor Commissioner shall annually submit to the Department of the California Highway Patrol a list of all licensees.

SEC. 2. Section 1690 of the Labor Code is amended to read:

1690. The Labor Commissioner may revoke, suspend or refuse to renew any license when it is shown that:

(1) The licensee or any agent of the licensee has violated or failed to comply with any of the provisions of this chapter;

(2) The licensee has made any misrepresentations or false statements in his application for a license;

(3) The conditions under which the license was issued have changed or no longer exist;

(4) The licensee, or any agent of the licensee, has violated or has willfully aided or abetted any person in the violation of, or failed to comply with, any law of the State of California regulating the employment of employees in agriculture, the payment of wages to farm employees, or the conditions, terms, or places of employment affecting the health and safety of farm employees, which is applicable to the business, activities, or operations of the licensee in his capacity as a farm labor contractor; or

(5) The licensee, or any agent of the licensee, has failed to comply with any provisions of the Vehicle Code pertaining to a farm labor vehicle, as described in Sections 322 and 323 of the Vehicle Code, under the licensee's control, or has allowed a farm labor vehicle under his control to be operated by a driver without a valid driver's license and certificate required pursuant to Section 12519 of the

Vehicle Code.

SEC. 3. Section 12519 of the Vehicle Code is amended to read:

12519. (a) Prior to July 1, 1975, no person shall operate a farm labor truck or a farm labor bus unless he has in his possession a driver's license for the appropriate class of vehicle to be driven, such license to be endorsed or have attached to it a certificate issued by the department to permit the operation of farm labor vehicles unless such operation is expressly exempted under this code.

(b) On and after July 1, 1975, no person, other than a person who possesses a valid schoolbus driver's certificate, shall operate a farm labor truck or a farm labor bus unless he has in his possession a driver's license for the appropriate class of vehicle to be driven, and a certificate issued by the department to permit the operation of farm labor vehicles.

Applicants shall present evidence that they have successfully completed a driver training course approved by the Department of Motor Vehicles, the Department of Education, and the Department of the California Highway Patrol before a permanent certificate will be issued. The certificate shall be issued only to applicants qualified by examinations prescribed by the Department of Motor Vehicles. Such examinations shall be conducted by the Department of the California Highway Patrol. Such certificate shall be valid for not to exceed two years, but may be renewed under such conditions as the Department of Motor Vehicles may prescribe.

SEC. 4. Section 12520 is added to the Vehicle Code, to read:

12520. (a) The department shall deny any application for the issuance of a farm labor vehicle driver's certificate made by any applicant who:

(1) Has been convicted, within the three years next preceding the applicant's application for such certificate, of any violation involving felony hit-and-run driving, driving while under the influence of intoxicating liquor, or reckless driving, or whose driving privilege is or has been under suspension, revocation, or probation, by the department for a cause involving safe operation of a motor vehicle.

(2) Because of excessive and continuous use of alcoholic beverages, is incapable of safely operating a motor vehicle.

(3) Habitually or excessively uses or is addicted to the use of any drug.

(4) Does not meet minimum medical standards established or approved by the department.

(b) The department may deny a farm labor vehicle driver's certificate to any applicant who:

(1) Has been involved, within the two years next preceding his application, as a driver in any accident causing death or personal injury or damage to the property of any one person in excess of two hundred dollars ($200).

(2) Has been involved as a driver in three or more accidents within the 12-month period preceding his application.

(3) Has been determined to be a reckless or incompetent driver.

SEC. 5. Section 12520.5 is added to the Vehicle Code, to read:

12520.5. (a) The department shall revoke the farm labor vehicle driver's certificate of any holder who after issuance of the certificate:

(1) Is convicted of any violation involving felony hit-and-run driving, driving under the influence of intoxicating liquor, reckless driving or has had his driving privilege suspended or revoked by the department for a cause involving the safe operation of a motor vehicle, or is found by the department to be a negligent operator.

(2) Because of excessive and continuous use of alcoholic beverages is incapable of safely operating a motor vehicle.

(3) Habitually or excessively uses or is addicted to the use of any drug.

(b) The department may revoke the farm labor vehicle driver's certificate of any holder for any cause, whether existing before or after the issuance of the certificate, which would either authorize or require the department to refuse to issue a certificate.

SEC. 6. Section 31401 of the Vehicle Code is amended to read:

31401. (a) The department shall adopt regulations designed to promote the safe operation of farm labor vehicles described in Sections 322 and 323, including, but not limited to, vehicular design, equipment, passenger safety, and seating.

(b) The department shall inspect every farm labor vehicle described in Sections 322 and 323 at least once annually to ascertain whether its construction, design, and equipment comply with all provisions of law. No person shall drive any farm labor vehicle described in Sections 322 and 323 unless there is displayed therein a certificate issued by the department stating that on a stated day, which shall be within 13 months of the date of operation, an authorized employee of the department inspected the vehicle and found on the date of inspection the vehicle complied with applicable regulations relating to construction, design, and equipment. The commissioner shall provide by rule or regulation for the issuance and display of distinctive inspection certificates.

(c) The department may inspect any vehicle subject to these regulations in maintenance facilities, terminals, labor camps, or other private property to insure compliance with the provisions of this code and regulations adopted pursuant to this section.

(d) It is unlawful to violate any provision of these regulations.

SEC. 7. Section 31402 is added to the Vehicle Code, to read:

31402. No person shall operate any farm labor vehicle, described in Sections 322 and 323, except to take the vehicle unladen to a repair shop, after notice by the department to the owner that the vehicle is in an unsafe condition or is not equipped as required by this code, or any regulations adopted thereunder, until the vehicle and its equipment have been made to conform with the requirements of this code, or any regulations adopted thereunder, and approved by the department.

SEC. 8. Section 31403 is added to the Vehicle Code, to read:

31403. A farm labor vehicle known to an owner, farm labor

contractor, or driver, to be unsafe, or not equipped as required by this code, or any regulations adopted thereunder, shall not be used for transporting any passengers until it is examined and repaired or equipped as required by this code, or any regulations adopted thereunder, and certified by a competent mechanic to be safe and lawfully equipped.

SEC. 9. The sum of one hundred thousand dollars ($100,000) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the Department of the California Highway Patrol to carry out the duties imposed upon the Department of the California Highway Patrol by this act.

SEC. 10. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

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

This act relates to the safe operation of farm labor vehicles. It is intended to reduce the number and severity of accidents involving farm labor vehicles, thus preventing further loss of life and serious bodily injuries.

In order to achieve its intended results at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 1448

*An act to amend Section 14133 of the Welfare and Institutions Code, relating to Medi-Cal.*

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

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

SECTION 1. Section 14133 of the Welfare and Institutions Code as amended by Chapter 855 of the Statutes of 1973 is amended to read:

14133. The following is the supplemental schedule of benefits under this chapter:

(a) Outpatient physician services, except for elective services are covered, subject to utilization controls.

(b) Outpatient podiatric services as determined by the director, except for elective services are covered, subject to utilization controls.

(c) Inpatient hospital care, including physician and podiatric

services and except for elective services, is covered to the extent of three hundred (300) days during a period of twelve (12) consecutive months, subject to utilization controls.

(d) Prescription drugs, except for elective services, are covered, as prescribed, subject to utilization controls.

(e) Physical therapy and related services, subject to utilization controls.

SEC. 2. Section 14133 of the Welfare and Institutions Code is amended to read:

14133. The following is the supplemental schedule of benefits under this chapter:

(a) Outpatient physician services, except for elective services are covered, subject to utilization controls.

(b) Outpatient podiatric services as determined by the director, except for elective services are covered, subject to utilization controls.

(c) Outpatient services of a chiropractor as determined by the director, subject to utilization controls.

(d) Inpatient hospital care, including physician and podiatric services and except for elective services, is covered to the extent of three hundred (300) days during a period of twelve (12) consecutive months, subject to utilization controls.

(e) Prescription drugs, except for elective services, are covered, as prescribed, subject to utilization controls.

(f) Physical therapy and related services, subject to utilization controls.

SEC. 3. Section 14133 of the Welfare and Institutions Code is amended to read:

14133. The following is the supplemental schedule of benefits under this chapter:

(a) Outpatient physician services, except for elective services are covered, subject to utilization controls.

(b) Outpatient podiatric services as determined by the director, except for elective services are covered, subject to utilization controls.

(c) Outpatient services of a psychologist as determined by the director, subject to utilization controls.

(d) Inpatient hospital care, including physician, podiatric and psychological services and except for elective services, is covered to the extent of three hundred (300) days during a period of twelve (12) consecutive months, subject to utilization controls.

(e) Prescription drugs, except for elective services, are covered, as prescribed, subject to utilization controls.

(f) Physical therapy and related services, subject to utilization controls.

SEC. 4. Section 14133 of the Welfare and Institutions Code is amended to read:

14133. The following is the supplemental schedule of benefits under this chapter:

(a) Outpatient physician services, except for elective services are covered, subject to utilization controls.

(b) Outpatient podiatric services as determined by the director, except for elective services are covered, subject to utilization controls.

(c) Outpatient services of a chiropractor as determined by the director, subject to utilization controls.

(d) Outpatient services of a psychologist as determined by director, subject to utilization controls.

(e) Inpatient hospital care, including physician and podiatric services and except for elective services, is covered to the extent of three hundred (300) days during a period of twelve (12) consecutive months, subject to utilization controls.

(f) Prescription drugs, except for elective services, are covered, as prescribed, subject to utilization controls.

(g) Physical therapy and related services, subject to utilization controls.

SEC. 5. It is the intent of the Legislature that if this bill and Senate Bill No. 1970 or Senate Bill No. 1504, or both, are chaptered and become effective January 1, 1975, each of the bills amend Section 14133 of the Welfare and Institutions Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(1) If this bill and Senate Bill No. 1970 are both chaptered and become effective January 1, 1975, both bills amend Section 14133 of the Welfare and Institutions Code, but Senate Bill No. 1504 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 1970, the amendments proposed by both bills shall be given effect and incorporated in Section 14133 in the form set forth in Section 2 of this act. Therefore, if this bill and Senate Bill No. 1970 are both chaptered and become effective January 1, 1975, both bills amend Section 14133, this bill is chaptered after Senate Bill No. 1970, and Senate Bill No. 1504 is not chaptered or as chaptered does not amend that section, Section 2 of this act shall be operative and Sections 1, 3 and 4 of this act shall not become operative.

(2) If this bill and Senate Bill No. 1504 are both chaptered and become effective January 1, 1975, both bills amend Section 14133 of the Welfare and Institutions Code, but Senate Bill No. 1970 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 1504, the amendments proposed by both bills shall be given effect and incorporated in Section 14133 in the form set forth in Section 3 of this act. Therefore, if this bill and Senate Bill No. 1504 are both chaptered and become effective January 1, 1975, both bills amend Section 14133, this bill is chaptered after Senate Bill No. 1504, and Senate Bill No. 1970 is not chaptered or as chaptered does not amend that section, Section 3 shall be operative and Sections 1, 2 and 4 of this act shall not become operative.

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(3) If this bill and Senate Bill No. 1970 and Senate Bill No. 1504 are all chaptered and become effective January 1, 1975, all three bills amend Section 14133 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 1970 and Senate Bill No. 1504, the amendments proposed by all three bills shall be given effect and incorporated in Section 14133 in the form set forth in Section 4 of this act. Therefore, if this bill and Senate Bill No. 1970 and Senate Bill No. 1504 are all chaptered and become effective January 1, 1975, all three bills amend Section 14133 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 1970 and Senate Bill No. 1504, Section 4 of this act shall be operative and Section 1, 2 and 3 of this act shall not become operative.

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## CHAPTER 1449

*An act to amend Section 9250.5 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 9250.5 of the Vehicle Code is amended to read:

9250.5. (a) In addition to those fees specified in this code and the Revenue and Taxation Code, there shall be paid the following fee for the original registration of a gasoline-powered vehicle, other than a motorcycle, of a 1975 or later model year, first sold and registered in California, having a compression ratio of more than 8.5 to 1:

| For a vehicle having a compression ratio of: | |
|---|---|
| More than 8.5 to 1 but under 9.0 to 1 | $50 |
| 9.0 to 1 or more but under 9.5 to 1 | 100 |
| 9.5 to 1 or more but under 10.0 to 1 | 150 |
| 10.0 to 1 or more but under 10.5 to 1 | 200 |
| 10.5 to 1 or more but under 11.0 to 1 | 250 |
| 11 to 1 or more | 300 |

(b) Subdivision (a) shall not apply to such a motor vehicle whose emission of pollutants is within the allowable limits established by law or regulation.

(c) All fees received by the department pursuant to this section shall be deposited in the Air Pollution Control Fund in the State Treasury. All money deposited in the fund pursuant to this section shall augment the money appropriated by Section 39068 of the Health and Safety Code to finance studies and projects designed to

reduce or eliminate motor-vehicle-caused air pollution.

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

The provisions of this act affect 1975 year model gasoline-powered motor vehicles other than motorcycles. Since 1975 year models will be on the market commencing September 1974, it is necessary that this act go into immediate effect.

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## CHAPTER 1450

*An act to amend Section 53112 of the Government Code, relating to telephones.*

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

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

SECTION 1. Section 53112 of the Government Code is amended to read:

53112. All systems shall be designed to meet the specific requirements of each community and public agency served by the system. Every system, whether basic or sophisticated, shall be designed to have the capability of utilizing at least three of the methods specified in Sections 53103 to 53106, inclusive, in response to emergency calls. The Legislature finds and declares that the most critical aspect of the design of any system is the procedure established for handling a telephone request for emergency services.

In addition, to maximize efficiency and utilization of the system, all pay telephones within each system shall, by December 31, 1982, enable a caller to dial "911" for emergency services, and to reach an operator by dialing "0", without the necessity of inserting a coin.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local government by this act.

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## CHAPTER 1451

*An act to amend Sections 1709, 1714, and 1715 of the Health and Safety Code, relating to cancer.*

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

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

SECTION 1. Section 1709 of the Health and Safety Code is amended to read:

1709. The failure of any individual, person, firm, association, or other entity representing himself, or itself, as engaged in the diagnosis, treatment, alleviation, or cure of cancer to comply with any of the regulations promulgated under this chapter is a misdemeanor. A third, and subsequent violations, of this section is a felony.

The provisions of this chapter shall not apply to any person who depends exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization, nor practitioner thereof.

SEC. 2. Section 1714 of the Health and Safety Code is amended to read:

1714. It is unlawful for any person, with the intent to defraud, to falsely represent and provide for compensation a device, substance, method or treatment as effective to diagnose, arrest, prevent, or cure cancer. Nothing in this section shall abridge the existent rights of the press.

SEC. 3. Section 1715 of the Health and Safety Code is amended to read:

1715. Except as provided in Section 1709, a violation of this chapter is punishable by imprisonment in the county jail for a period not exceeding one year, or in the state prison for not less than one year nor more than five years, or by a fine not exceeding ten thousand dollars ($10,000), or by both such imprisonment and fine.

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## CHAPTER 1452

*An act to amend Sections 31663.25 and 31664 of the Government Code, relating to the County Employees Retirement Law of 1937.*

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

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

SECTION 1. Section 31663.25 of the Government Code is amended to read:

31663.25. Any safety member who has reached the compulsory age of retirement or any safety member who has completed 10 years of continuous service and who has reached the age of 50, or any member who has completed 20 years of service regardless of age, may be retired upon filing with the board a written application setting forth the date upon which he desires his retirement to become effective which shall be not more than 60 days after the date



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of filing the application.

The provisions of this section shall supersede the provisions of Section 31663.2.

SEC. 2. Section 31664 of the Government Code is amended to read:

31664. Notwithstanding any other provisions of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for safety members purchased by the contributions of the county or district sufficient when added to the service retirement annuity to equal the fraction of one-fiftieth of his final compensation set forth opposite his age at retirement taken to the preceding completed quarter year in the following table, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the limitation of the safety member's final compensation as set forth in Section 31676.1 as it now reads or may hereafter be amended to read:

| Age at retirement | Fraction |
|---|---|
| 41 | .6258 |
| 41¼ | .6350 |
| 41½ | .6442 |
| 41¾ | .6533 |
| 42 | .6625 |
| 42¼ | .6720 |
| 42½ | .6814 |
| 42¾ | .6909 |
| 43 | .7004 |
| 43¼ | .7102 |
| 43½ | .7200 |
| 43¾ | .7299 |
| 44 | .7397 |
| 44¼ | .7499 |
| 44½ | .7601 |
| 44¾ | .7703 |
| 45 | .7805 |
| 45¼ | .7910 |
| 45½ | .8016 |
| 45¾ | .8021 |
| 46 | .8226 |
| 46¼ | .8339 |
| 46½ | .8452 |
| 46¾ | .8565 |
| 47 | .8678 |
| 47¼ | .8780 |
| 47½ | .8882 |
| 47¾ | .8983 |
| 48 | .9085 |

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| | |
|---|---|
| 48¼ | .9194 |
| 48½ | .9304 |
| 48¾ | .9413 |
| 49 | .9522 |
| 49¼ | .9641 |
| 49½ | .9761 |
| 49¾ | .9880 |
| 50 | 1.0000 |
| 50¼ | 1.0130 |
| 50½ | 1.0259 |
| 50¾ | 1.0387 |
| 51 | 1.0516 |
| 51¼ | 1.0656 |
| 51½ | 1.0796 |
| 51¾ | 1.0937 |
| 52 | 1.1078 |
| 52¼ | 1.1231 |
| 52½ | 1.1384 |
| 52¾ | 1.1538 |
| 53 | 1.1692 |
| 53¼ | 1.1859 |
| 53½ | 1.2028 |
| 53¾ | 1.2195 |
| 54 | 1.2336 |
| 54¼ | 1.2547 |
| 54½ | 1.2730 |
| 54¾ | 1.2915 |
| 55 | 1.3099 |
| 55¼ | |
| 55½ | |
| 55¾ | |
| 56 | 1.3099 |
| 56¼ | |
| 56½ | |
| 56¾ | |
| 57 | 1.3099 |
| 57¼ | |
| 57½ | |
| 57¾ | |
| 58 | 1.3099 |
| 58¼ | |
| 58½ | |
| 58¾ | |
| 59 | 1.3099 |
| 59¼ | |
| 59½ | |
| 59¾ | |
| 60 and over | 1.3099 |

The fraction herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board.

Contributions shall not be made by safety members having credit for 30 years of continuous service.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the benefit structure contained in this act represents actuarial equivalents and does not mandate additional costs on local agencies.

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## CHAPTER 1453

*An act to add Section 1750.5 to, and to add Article 3.2 (commencing with Section 12033) to Chapter 1 of Part 2 of Division 3 of Title 2 of, the Government Code, relating to central registration of appointive officers.*

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

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

SECTION 1. Section 1750.5 is added to the Government Code, to read:

1750.5. The Speaker of the Assembly and the Chairman of the Senate Rules Committee shall immediately inform the Governor in writing whenever a resignation has been made to them, pursuant to subparagraph (f) of Section 1750 of this chapter, from any board or commission having members appointed by the Speaker of the Assembly, the President pro Tempore of the Senate, or the Senate Rules Committee and whenever an appointment has been made by them to any board or commission having members appointed by the Speaker of the Assembly, the President pro Tempore of the Senate, or the Senate Rules Committee.

SEC. 2. Article 3.2 (commencing with Section 12033) is added to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

### Article 3.2. Open Central Registry of Appointive Offices

12033. (a) The Legislature finds and declares that a vast and largely untapped reservoir of talent exists among the citizenry of the State of California, and that rich and varied segments of this great human resource are, all too frequently, not aware of the many opportunities which exist to participate in and serve on state regulatory and advisory boards and commissions to which the Governor, the Legislature and others make more than 2,000

appointments.

(b) The Legislature further finds and declares that the general public of this state has traditionally been denied access to information regarding vacancies which occur on such boards and commissions, thereby denying most citizens and interest groups the opportunity to nominate for consideration by the Governor, the Legislature and other appointive powers persons whose particular strengths, backgrounds, experience, perspective, and talents might contribute significantly to efficient and representative policy development and administration in state government.

(c) The Legislature further finds and declares that the Governors, the Legislature, and other appointive powers of this state, have been denied access to a talent resource hitherto untapped.

(d) It is, therefore, the intent of the Legislature, by the enactment of this chapter, to provide maximum public awareness of and access to specific and current information about the many boards and commissions, both regulatory and advisory, to which the Governor, the Legislature and others make appointments.

12033.1. The Governor shall prepare and maintain an Open Central Registry of Appointive Offices, which shall be available to the general public in the offices of the Secretary of State in the Cities of Sacramento and Los Angeles, the State Library, and in each county clerk's office. The Governor shall, in cooperation with the Speaker of the Assembly and the Senate Rules Committee, pursuant to Section 1750.5 of this code, maintain the currency of the registry, provide for updating it at least once per month, but more frequently if practicable or necessary, and shall ensure that appropriate documents pertaining to such updating are disseminated to each office of the Secretary of State, the State Library, and each county clerk's office, within five days thereafter. Except for appointment of Members of the Legislature, no appointment to any office listed in the registry shall be made until at least 15 working days after the day on which a vacancy for that office has been posted in both registries located in the offices of the Secretary of State.

12033.2. The Governor shall make copies of all registry information and updated materials available to any organization or person for a reasonable fee not to exceed actual cost.

12033.3. The Open Central Registry of Appointive Offices located throughout the state shall contain the following:

(a) A list of all boards and commissions to which the Governor, any member of the executive branch, or, the Governor, the Speaker of the Assembly, the President pro Tempore of the Senate, and the Senate Rules Committee make appointments.

(b) The names and addresses of all appointees, and the appointing power for each such office, the dates of their appointments, the nearest statutory or scheduled expiration date, or both, of all appointments except those which exist at the pleasure of the appointing power, and necessary qualifications, if any exist, for such offices.

12033.4. All new appointments shall be posted in the open central registry within 20 working days after they are made. All unscheduled vacancies shall be posted in the open central registry within 20 working days after they occur. Whenever the appointing power receives notification that an appointee other than a Member of the Legislature will be unable to complete the appointment term, such information shall be posted as soon as practicable, but in no case longer than 20 working days after receipt of notification, in the open central registry. All such pertinent information shall be disseminated to the open central registries located throughout the state, pursuant to Section 12033.1 of this article.

SEC. 3. This act shall be known and may be cited as the Maddy Appointive Registry Act of 1974.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

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## CHAPTER 1454

*An act to amend Sections 570.3, 857, 5991.5, 5992, 13010, and 13651.2 of the Education Code, to amend Section 1011 of the Fish and Game Code, to amend Section 3103 of the Food and Agricultural Code, to amend Sections 24351, 30471, 40129, 70129, 90300, 100381, 101365, and 102409 of the Public Utilities Code, to amend Sections 2253 and 16454 of the Vehicle Code, to amend Section 4.42 of Chapter 1932 of the Statutes of 1961, and to add Section 24 to the Government Code, to add Section 46 to the Insurance Code, to add Section 3200 to the Labor Code, and to add Section 21 to the Unemployment Insurance Code, relating to workmen's compensation.*

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

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

SECTION 1. Section 570.3 of the Education Code is amended to read:

570.3. Successful completion of a summer program and submission by the environmental intern of a suitable project report to the school district may result in academic credit towards graduation from high school. Such students may be deemed to be temporarily employees of the agency involved for purposes of social security, unemployment insurance, and workers' compensation or may be deemed for these purposes to be employees of the school

district or the county superintendent of schools.

SEC. 2. Section 857 of the Education Code is amended to read:

857. For the purpose of insurance under the workers' compensation laws of this state, any person employed by a county superintendent of schools to supervise instruction or to give instruction in the school districts under the jurisdiction of the county superintendent of schools shall be deemed an employee of the county. The cost of insuring any person employed to supervise instruction shall be paid by the county superintendent of schools from the county school service fund. The cost of insuring any person employed by the county superintendent of schools to give instruction shall be paid by the county superintendent of schools from the county school service fund.

SEC. 3. Section 5991.5 of the Education Code is amended to read:

5991.5. The governing board of any school district providing work experience and work study education may provide for employment under such program of pupils in part-time jobs located in areas outside the district and such employment may be by any public or private employer. Such districts may pay wages to persons receiving such training whether assigned within or without the district, except that no payments may be to or for private employers, and may provide workers' compensation insurance as may be necessary.

SEC. 4. Section 5992 of the Education Code is amended to read:

5992. Notwithstanding any provisions of this code or the Labor Code to the contrary, the school district under whose supervision work-experience education, or occupational training classes held in the community, are provided shall be considered the employer under Division 4 (commencing with Section 3201) of the Labor Code of persons receiving such training unless such persons during such training are being paid a cash wage or salary by a private employer, or unless the person or firm under whom such persons are receiving work-experience or occupational training elects to provide workers' compensation insurance.

SEC. 4.5. Section 5992 of the Education Code is amended to read:

5992. Notwithstanding any provisions of this code or the Labor Code to the contrary, the school district or county superintendent of schools under whose supervision work-experience education, or occupational training classes held in the community, as defined by regulations adopted by the State Board of Education, are provided shall be considered the employer under Division 4 (commencing with Section 3201) of the Labor Code of persons receiving such training unless such persons during such training are being paid a cash wage or salary by a private employer, or unless the person or firm under whom such persons are receiving work-experience or occupational training elects to provide workers' compensation insurance. Whenever such work-experience education, or occupational training classes held in the community, are under the supervision of a regional occupational center or program operated

by two or more school districts pursuant to Section 7451 of the Education Code, the district of residence of the persons receiving such training shall be deemed the employer for the purposes of this section.

SEC. 5. Section 13010 of the Education Code is amended to read:

13010. Any school employee of a school district who is absent because of injury or illness which arose out of and in the course of the person's employment, and for which the person is receiving temporary disability benefits under the workers' compensation laws of this state, shall not be entitled to receive wages or salary from the district which, when added to the temporary disability benefits, will exceed a full day's wages or salary.

During such periods of temporary disability so long as the employee has available for the employee's use sick leave, vacation, compensating time off or other paid leave of absence, the district shall require that temporary disability checks be endorsed payable to the district. The district shall then cause the employee to receive the person's normal wage or salary less appropriate deductions including but not limited to employee retirement contributions.

When sick leave, vacation, compensating time off or other available paid leave is used in conjunction with temporary disability benefits derived from workers' compensation, as provided in this section, it shall be reduced only in that amount necessary to provide a full day's wage or salary when added to the temporary disability benefits.

SEC. 6. Section 13651.2 of the Education Code is amended to read:

13651.2. Governing boards of school districts shall provide by rules and regulations for industrial accident or illness leaves of absence for employees who are a part of the classified service. The governing board of any district which is created or whose boundaries or status is changed by an action to organize or reorganize districts completed after the effective date of this section shall provide by rules and regulations for such leaves of absence on or before the date on which the organization or reorganization of the district becomes effective for all purposes as provided in Section 1704.

Such rules and regulations shall include the following provisions:

(a) Allowable leave shall not be for less than 60 working days in any one fiscal year for the same accident.

(b) Allowable leave shall not be accumulative from year to year.

(c) Industrial accident or illness leave will commence on the first day of absence.

(d) Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.

(e) Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workers' compensation.

(f) When an industrial accident or illness occurs at a time when

the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Section 13651.1. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation the person shall be entitled to use only so much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

The governing board may, by rule or regulation, provide for such additional leave of absence, paid or unpaid, as it deems appropriate and during such leave the employee may return to the person's position without suffering any loss of status or benefits.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During all paid leaves of absence, whether industrial accident leave as provided in this section, sick leave, vacation, compensated time off or other available leave provided by law or the action of a governing board, the employee shall endorse to the district wage loss benefit checks received under the workers' compensation laws of this state. The district, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this section.

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of the person's position, the person shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. When available, during the 39-month period, the person shall be employed in a vacant position in the class of the person's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.

The governing board may require that an employee serve or have served continuously a specified period of time with the district before the benefits provided by this section are made available to the person provided that such period shall not exceed three years and that all service of an employee prior to the effective date of this section shall be credited in determining compliance with the requirement.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the governing board authorizes travel outside the

state.

In the absence of rules and regulations adopted by the governing board, pursuant to this section, an employee shall be entitled to industrial and accident or illness leave as provided in this section but without limitation as to the number of days of such leave and without any requirement of a specified period of service.

An employee who has been placed on a reemployment list, as provided herein, who has been medically released for return to duty and who fails to accept an appropriate assignment shall be dismissed.

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

SEC. 7. Section 1011 of the Fish and Game Code is amended to read:

1011. The department may:

(a) Procure insurance for its employees against special hazards in connection with their duties occasioned by the existence of a state of war, in addition to workers' compensation insurance.

(b) Procure insurance for its employees against injury or death in the course of performance of their duties arising from airplane accidents.

(c) Procure insurance on vessels owned or operated by the department against special hazards occasioned by the existence of a state of war, in addition to usual hazards.

(d) Procure insurance for itself and landowners who agree to permit the department to use their land as cooperative hunting, fishing, conservation or recreational areas, against any liability resulting from the operation of such hunting, fishing, conservation or recreational areas.

(e) Procure insurance for itself against any liability resulting from departmental activities or operations.

(f) Procure insurance for its employees or other persons authorized by the department to conduct hunter safety training courses against any public liability or property damage resulting from such training.

The cost of such insurance shall be a proper charge against and shall be paid out of the Fish and Game Preservation Fund.

SEC. 8. Section 3103 of the Food and Agricultural Code is amended to read:

3103. The accident and disability insurance shall be in addition to the workers' compensation insurance which is required to be carried by licensed horse owners.

SEC. 9. Section 24 is added to the Government Code, to read:

24. The Legislature hereby declares its intent that the term "workmen's compensation" shall hereafter also be known as "workers' compensation." In furtherance of this policy it is the desire of the Legislature that references to the term "workmen's compensation" in this code be changed to "workers' compensation" when such code sections are being amended for any purpose. This

act is declaratory and not amendatory of existing law.

SEC. 10. Section 46 is added to the Insurance Code, to read:

46. The Legislature hereby declares its intent that the term "workmen's compensation" shall hereafter also be known as "workers' compensation." In furtherance of this policy it is the desire of the Legislature that references to the term "workmen's compensation" in this code be changed to "workers' compensation" when such code sections are being amended for any purpose. This act is declaratory and not amendatory of existing law.

SEC. 11. Section 3200 is added to the Labor Code, to read:

3200. The Legislature hereby declares its intent that the term "workmen's compensation" shall hereafter also be known as "workers' compensation." In furtherance of this policy it is the desire of the Legislature that references to the term "workmen's compensation" in this code be changed to "workers' compensation" when such code sections are being amended for any purpose. This act is declaratory and not amendatory of existing law.

SEC. 12. Section 24351 of the Public Utilities Code is amended to read:

24351. The policy or bond need not cover:

(a) Any liability on account of bodily injury to or death of any employee of the owner or operator while the employee is engaged in the duties of the person's employment.

(b) Any obligation for which the owner or operator or the insurer of the owner or operator may be held liable under any workers' compensation law.

(c) A guest, or any other person, riding in or upon any aircraft without giving compensation.

SEC. 13. Section 30471 of the Public Utilities Code is amended to read:

30471. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the state laws relating to workers' compensation and insurance, unemployment compensation, and disability compensation.

SEC. 14. Section 40129 of the Public Utilities Code is amended to read:

40129. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the workers' compensation, unemployment compensation disability and unemployment insurance laws of the State of California.

SEC. 15. Section 70129 of the Public Utilities Code is amended to read:

70129. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the workers' compensation, unemployment compensation disability and unemployment insurance laws of the State of California.

SEC. 16. Section 90300 of the Public Utilities Code is amended to read:

90300. (a) Employees shall have the right to self-organization, to

form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. It is declared to be in the public interest that the district shall not express any preference for one union over another. Notwithstanding any other provision of this act, whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the district, upon determining as provided in subdivision (b) of this section that such labor organization represents the employees in the appropriate unit, shall enter into a written contract with the accredited representative of such employees governing wages, salaries, hours and working conditions. In case of a dispute over wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the district and the labor organization, upon the request of either, the district and the labor organization may submit said dispute to the decision of the majority of an arbitration board, and the decision of the majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the district, and two representatives of the labor organization, and they shall endeavor to agree upon the selection of the fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district shall determine by lot who shall first strike from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear the party's own costs.

In the event the board and the representatives of the employees do not agree to submit such dispute to an arbitration board as herein provided, the State Conciliation Service may be notified by either party that a dispute exists and that there is no agreement to arbitrate. Said service shall determine whether or not the dispute may be resolved by the parties and, if not, the issues concerning which the dispute exists; upon such determination the service shall certify its findings to the Governor of the State of California who shall, within 10 days of receipt of certification appoint a factfinding commission consisting of three persons which shall immediately convene and inquire into and investigate the issues involved in the dispute. Such commission shall report to the Governor within 30 days of the date of its creation.

After the creation of such commission and for 30 days after such commission has made its report to the Governor, no change, except

by mutual agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose and service to the public shall be provided.

No contract or agreement shall be made with any labor organization, association, group, or individual, or be assumed under the provisions of this section, where such organization, association, group, or individual denies membership to or in any manner discriminates against any employee on the grounds of race, creed, color or sex; provided, that such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence. The district shall not discriminate in regard to employment against any person because of the person's race, creed, or color.

(b) If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing after due notice to all interested parties and shall thereupon determine the unit appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions, the conduct of hearings and elections, the State Conciliation Service shall be guided by relevant federal law and administrative practice, developed under the Labor-Management Relations Act, 1947, as presently amended.

The State Conciliation Service shall provide for an election to determine the question of representation and shall certify the results to the parties. Any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later; provided, that no collective bargaining agreement shall be construed to be a bar to representation proceedings for a period of more than two years.

(c) Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, the district shall assume and observe all existing labor contracts. To the extent necessary for operation of facilities, all of the employees of such acquired public utility whose duties pertain to the facilities acquired shall be appointed to comparable positions in the district without examination, subject to all the rights and benefits of this act, and these employees shall be given sick leave, seniority, vacation and pension credits in accordance with the records and labor agreements of the acquired public utility. Members and beneficiaries of any pension or retirement system or other benefits established by that public utility shall continue to have the rights, privileges, benefits, obligations and

status with respect to such established system. No employee, of any acquired public utility shall suffer any worsening of the person's wages, seniority, pension, vacation or other benefits by reason of the acquisition.

The district may extend the benefits of this section to officers or supervisory employees of the acquired utility.

(d) The district shall not acquire any existing system or part thereof whether by purchase, lease, condemnation, or otherwise, nor shall the district dispose of or lease any transit system or part thereof, nor merge, consolidate or coordinate any transit system or part thereof, or reduce or limit the lines or service of any existing system or of its system unless it shall first have made adequate provision for any employees who are or may be displaced. The terms and conditions of such provision shall be a proper subject of collective bargaining.

(e) Notwithstanding the provisions of the Government Code, employees of this district may authorize and, upon such authorization, the district may make deductions from wages and salaries of such employees:

(1) Pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(2) For the payment of contributions pursuant to any health and welfare plan or pension or retirement plan.

(3) For any purpose for which deductions may be authorized by employees of any private employer.

(f) The obligation of the district to bargain in good faith with a duly designated or certified labor organization and to execute a written collective bargaining agreement with such labor organization covering the wages, hours and working conditions of the employees represented by such labor organization in an appropriate unit, and to comply with the terms thereof shall not be limited or restricted by the provisions of the Government Code or other laws or statutes and the obligation of the district to bargain collectively shall extend to all subjects of collective bargaining which are or may be proper subjects of collective bargaining with a private employer, including retroactive provisions. Notwithstanding the provisions of the Government Code or other laws or statutes, the district shall make deductions from wages and salaries of its employees upon receipt of authorization therefor for the payment of union dues, fees or assessments, for the payment of contributions pursuant to any health and welfare plan or pension plan or for any other purpose for which deductions may be authorized by employees of any private employer, where such deductions are pursuant to a collective bargaining agreement with a duly designated or certified labor organization.

(g) The district may provide for a retirement system; provided, that the adoption, terms and conditions of any retirement system covering employees of the district represented by a labor

organization in accordance with this section shall be pursuant to a collective bargaining agreement between such labor organization and the district.

(h) The district shall take such steps as may be necessary to obtain coverage for the district and its employees under Title II of the Federal Social Security Act, as amended, and the related provisions of the Federal Insurance Contributions Act, as amended.

(i) The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the workers' compensation, unemployment compensation disability and unemployment insurance laws of the State of California.

SEC. 17. Section 100381 of the Public Utilities Code is amended to read:

100381. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the workers' compensation, unemployment compensation disability and unemployment insurance laws of the State of California.

SEC. 18. Section 101365 of the Public Utilities Code is amended to read:

101365. The board shall provide for the coverage of the officers and employees of the district under the workers' compensation, unemployment compensation disability, and unemployment insurance laws of the State of California.

SEC. 19. Section 102409 of the Public Utilities Code is amended to read:

102409. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the workers' compensation, unemployment compensation disability, and unemployment insurance laws of the State of California.

SEC. 20. Section 2253 of the Vehicle Code is amended to read:

2253. For the purpose of determining the scope of employment of any member of the California Highway Patrol under the workers' compensation laws, any such member shall be deemed to be on duty and acting within the scope of the person's employment when actually exercising any of the powers or performing any of the duties imposed or authorized by law at any time during the 24 hours of the day.

SEC. 21. Section 16454 of the Vehicle Code is amended to read:

16454. Any motor vehicle liability policy need not cover any liability for injury to the assured or any liability of the assured assumed by or imposed upon the assured under any workers' compensation law nor any liability for damage to property in charge of the assured or the assured's employees or agents.

SEC. 22. Section 4.42 of Chapter 1932 of the Statutes of 1961 is amended to read:

Sec. 4.42. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the workers' compensation, unemployment compensation disability and unemployment insurance laws of the State of California.

SEC. 23. Section 21 is added to the Unemployment Insurance Code, to read:

21. The Legislature hereby declares its intent that the term "workmen's compensation" shall hereafter also be known as "workers' compensation." In furtherance of this policy it is the desire of the Legislature that references to the term "workmen's compensation" in this code be changed to "workers' compensation" when such code sections are being amended for any purpose. This act is declaratory and not amendatory of existing law.

SEC. 24. In furtherance of the declared legislative intent of this act, forms and printed materials used by any public agency, insurer, or person which incorporate the term "workmen's compensation" shall be modified to substitute the term "workers' compensation" only after the present supply of such forms and materials is exhausted.

SEC. 25. It is the intent of the Legislature, if this bill and Assembly Bill No. 2937 are both chaptered and become effective January 1, 1975, both bills amend Section 5992 of the Education Code, and this bill is chaptered after Assembly Bill No. 2937, that the amendments to Section 5992 proposed by both bills be given effect and incorporated in Section 5992 in the form set forth in Section 4.5 of this act. Therefore, Section 4.5 of this act shall become operative only if this bill and Assembly Bill No. 2937 are both chaptered and become effective January 1, 1975, both amend Section 5992, and this bill is chaptered after Assembly Bill No. 2937, in which case Section 4 of this act shall not become operative.

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## CHAPTER 1455

*An act to amend Section 13273.5 of the Education Code, relating to sojourn certificated employees.*

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

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

SECTION 1. Section 13273.5 of the Education Code is amended to read:

13273.5. The governing board of a school district may, for the purposes of providing bilingual instruction, foreign language instruction, or cultural enrichment, in the schools of the district, subject to the rules and regulations of the State Board of Education and notwithstanding anything to the contrary in Article 2 (commencing with Section 1940) of Chapter 2 of Part 7 of Division 2 of the Labor Code, conclude arrangements with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, for the hiring of bilingual teachers

employed in public or private schools of any foreign country, state, territory, or possession. To be eligible for employment the teacher must speak English fluently. Any persons so employed pursuant to this section shall be known as a "sojourn certificated employee."

No person may be hired as a sojourn certificated employee by a school district unless he holds the necessary valid credential or credentials issued by the Commission for Teacher Preparation and Licensing authorizing him to serve in a position requiring certification qualifications in the school district proposing to employ him. Such person may be employed only for a period not to exceed two years, except that thereafter such period of employment may be extended from year to year for a total period of not more than five years upon verification by the employing district that termination of such employment would adversely affect an existing bilingual or foreign language program or program of cultural enrichment and that attempts to secure the employment of a certificated California teacher qualified to fill such position have been unsuccessful. The commission shall establish minimum standards for the credentials for sojourn certificated employees.

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## CHAPTER 1456

*An act to amend Section 1070 of the Evidence Code, relating to newsmen's privilege.*

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

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

SECTION 1. Section 1070 of the Evidence Code is amended to read:

1070. A publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed, cannot be adjudged in contempt by a judicial, legislative, administrative body, or any other body having the power to issue subpoenas, for refusing to disclose, in any proceeding as defined in Section 901, the source of any information procured while so connected or employed for publication in a newspaper, magazine or other periodical publication.

Nor can a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television.

SEC. 2. Section 1070 of the Evidence Code is amended to read:

1070. (a) A publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed, cannot be adjudged in contempt by a judicial, legislative, administrative body, or any other body having the power to issue subpoenas, for refusing to disclose, in any proceeding as defined in Section 901, the source of any information procured while so connected or employed for publication in a newspaper, magazine or other periodical publication, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

(b) Nor can a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

(c) As used in this section, "unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1858 are both chaptered and amend Section 1070 of the Evidence Code, and this bill is chaptered after Senate Bill No. 1858, that the amendments to Section 1070 proposed by both bills be given effect and incorporated in Section 1070 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 1858 are both chaptered, both amend Section 1070, and Senate Bill No. 1858 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

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## CHAPTER 1457

*An act to add Section 6267.5 to the Education Code, relating to vocational and technical education, and making an appropriation therefor.*

03375 63 12 155 2059

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

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

SECTION 1. Section 6267.5 is added to the Education Code, to read:

6267.5. There is hereby appropriated from the General Fund a sum equal to the annual federal appropriation to California for state vocational advisory councils not to exceed one hundred fifty thousand dollars ($150,000) for the 1974–75 fiscal year to the California Advisory Council on Vocational Education and Technical Training for purposes of carrying out the council's duties and responsibilities as provided for by this article.

SEC. 2. The Legislative Analyst shall conduct an evaluative study concerning the effectiveness of the California Advisory Council on Vocational Education and Technical Training, and shall present his findings, including whether or not the state should continue to fund the California Advisory Council on Vocational Education and Technical Training, to the Legislature on July 1, 1975.

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## CHAPTER 1458

*An act to add Section 1590 to the Unemployment Insurance Code, relating to unemployment insurance.*

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

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

SECTION 1. Section 1590 is added to the Unemployment Insurance Code, to read:

1590. Except as provided by Section 1585.5, the director shall from time to time determine, and the State Controller shall from time to time transfer, the unencumbered balance of the Contingent Fund which at any time during any calendar year exceeds one million dollars ($1,000,000) to the Unemployment Fund and the Disability Fund in the proportion that the year's estimated revenues for penalties and interest relating to employer contributions attributable to the Unemployment Fund bear to the year's estimated revenues for penalties and interest relating to worker contributions attributable to the Disability Fund.

## CHAPTER 1459

*An act to amend Section 13717 of the Education Code, relating to personnel commissions.*

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

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

SECTION 1. Section 13717 of the Education Code is amended to read:

13717. The commission shall appoint a personnel director within 90 days after the adoption of a merit system from an eligibility list established from a competitive examination given under the auspices of the commission. The commission shall also appoint all other employees paid from funds budgeted for the support of the commission from eligibility lists established pursuant to the provisions of this article. Such employees shall be classified employees of the school district and shall be accorded all the rights, benefits, and burdens of any other classified employee serving in the regular service of the district.

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## CHAPTER 1460

*An act to amend Sections 885.5, 3255, 20450, 20456, 20458, and 20906 of, and to add Section 20905.6 to, the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 885.5 of the Education Code is amended to read:

885.5. In addition to all other amounts payable to the county school service fund on account of special education schools, programs, and classes maintained by the county superintendent of schools for the education of physically handicapped pupils, mentally retarded pupils, severely mentally retarded pupils, and educationally handicapped pupils, there shall be paid by the school districts in which such pupils reside, an amount, per unit of average daily attendance of any such pupils being educated by the county superintendent of schools in the current fiscal year, equal to the amount produced in the district in the current fiscal year by the applicable tax rates specified in Section 17702 per unit of the total average daily attendance of the district, but not to exceed the

amount per average daily attendance computed pursuant to subdivision (b) (2) of Section 17655.5 or Section 17665. Whenever a county superintendent of schools provides education to pupils who reside in a licensed children's institution or a family home located either within or without the boundaries of the county, the county superintendent of schools shall be reimbursed by the county of residence pursuant to Section 6952.

In lieu of the payments to the county school service fund for mentally retarded pupils and severely mentally retarded pupils and physically handicapped pupils provided for in this section, the county superintendent of schools, with the approval of the county board of education, may add an amount equal to the amount of such payments to the amount, if any, he certifies in accordance with the provisions of Sections 895.6, 895.7, 895.8, and 6955.

SEC. 2. Section 3255 of the Education Code is amended to read:

3255. In any proposal for reorganization of school districts, except a community college district, recommended by a county committee, the committee shall include a provision for the authorization of a revenue limit per unit of average daily attendance for the proposed new district, and such provision shall be an inherent part of the proposal, and shall not be construed as a separate proposition. If the reorganization is approved by the registered voters of the area, such revenue limit per unit of average daily attendance shall be the maximum revenue limit per unit of average daily attendance for the type of new district formed until changed by Section 20905 or by the registered voters of the district in the manner prescribed in Section 20803.2. Such revenue limit per unit of average daily attendance shall not be less than the revenue limit which would be produced if (1) for the year prior to the fiscal year in which the reorganization becomes effective for all purposes, the sum of the revenue limit of each of the districts proposed to be wholly included and the proportional share of revenue limit of each district to be partially included in the proposed reorganized district is divided by the total number of units of average daily attendance that would have been in the proposed reorganized district had it been reorganized the year prior to the fiscal year in which the reorganization becomes effective for all purposes plus, (2) the revenue limit per unit of average daily attendance required to equal the amount of the difference between the average certificated and the average classified salary of all the component districts during the school year prior to that in which the district becomes effective for all purposes and the average certificated and average classified salary of high school district or districts included in the proposal multiplied by the number of employees in each category at the elementary level plus (3) the estimated adjustment to the revenue limit per average daily attendance pursuant to Section 20905 that the proposed reorganized district would be allowed had it been reorganized the year prior to the fiscal year in which the reorganization becomes effective for all purposes. In the event the salary schedule of an included elementary

district or unified district is higher than that of a high school district, the county committee may for the purpose of determining a revenue limit under this section substitute that elementary or unified district salary schedule for the high school district schedule.

This section shall be subject to Section 20907.

SEC. 3. Section 20450 of the Education Code is amended to read:

20450. (a) The property tax rates that the county superintendent of schools is authorized to levy for special schools and classes shall be determined pursuant to this chapter.

(b) The maximum allowable tax rate for educable mentally retarded and the maximum allowable tax rate for trainable mentally retarded shall be determined for each in the following manner:

(1) The county superintendent shall determine the average expenditure per class, exclusive of capital outlay, for the 1972–73 fiscal year;

(2) He shall increase this amount by 5 percent;

(3) He shall multiply the amount determined in paragraph (2) by the number of classes estimated to be established for the 1973–74 fiscal year;

(4) He shall decrease the amount determined in paragraph (3) by the federal aid, all state aid, the local foundation program contribution of the districts, pursuant to Section 885.5, and any other local income other than secured roll property tax revenue;

(5) The remainder determined in paragraph (4), if any, may be raised by a tax rate levied on the assessed valuation on the secured roll of the school districts for which the program is available.

(c) The maximum allowable tax rate for special classes of physically handicapped shall be determined as follows:

(1) The county superintendent shall determine the average expenditure per type of class, exclusive of capital outlay, for the 1972–73 fiscal year;

(2) He shall increase this amount by 5 percent;

(3) He shall multiply the amount determined in paragraph (2) by the number of classes estimated to be established for the 1973–74 fiscal year;

(4) He shall decrease the amount determined in paragraph (3) by the federal aid, all state aid, the local foundation program contribution of the districts pursuant to Section 885.5, and any other local income other than secured roll property tax revenue;

(5) The remainder determined in paragraph (4), if any, may be raised by a tax rate levied on the assessed valuation on the secured roll of the districts for which the program is available.

(d) The maximum allowable tax rate for each of the physically handicapped programs of remedial instruction including special blind instruction, remedial physical education, and individual instruction shall be determined in the following manner:

(1) The county superintendent of schools shall determine the expenditure per average daily attendance, excluding capital outlay, for the 1972–73 fiscal year;

(2) He shall increase the amount per average daily attendance by 5 percent;

(3) He shall multiply the amount determined in paragraph (2) by the estimated number of average daily attendance for the 1973–74 fiscal year;

(4) He shall decrease the amount determined in paragraph (3) by the federal aid, all state aid, local foundation program contribution of districts pursuant to Section 885.5, and any other local income other than secured roll property tax revenue;

(5) The remainder from paragraph (4) may be raised by a tax rate over the assessed valuation on the secured roll of the districts for which each program is available.

(e) The maximum tax rate for the juvenile hall program shall be determined in the following manner:

(1) The county superintendent of schools shall determine an expenditure per unit of average daily attendance, excluding capital outlay, for the 1972–73 fiscal year;

(2) He shall increase the amount per average daily attendance by 5 percent;

(3) He shall multiply the amount determined in paragraph (2) by the estimated number of average daily attendance for the 1973–74 fiscal year;

(4) He shall decrease the amount determined in paragraph (3) by the federal aid, all state aid, and local income other than secured roll property tax revenue;

(5) The remainder from paragraph (4) may be raised by a tax rate over the assessed valuation on the secured roll of the county.

(f) The maximum tax rate for any program in subdivisions (b) to (e), inclusive, for each fiscal year subsequent to the 1973–74 fiscal year shall be determined by:

(1) Increasing the allowed average expenditure per class or average daily attendance for the prior year by the inflation adjustment determined by the Superintendent of Public Instruction and the Director of Finance;

(2) Multiplying the amount determined in paragraph (1) by the estimated number of classes or units of average daily attendance projected for the budget year;

(3) Adjusting the amount determined in paragraph (2) by the appropriate methods prescribed in subdivision (b) to (e), inclusive, but exclusive of the increases made pursuant to paragraph (2) of each of such subdivisions, and by any amount which resulted from over or underestimating the average expenditure per class or average daily attendance for the 1972–73 fiscal year; the number of classes pursuant to subdivisions (b) and (c); the number of average daily attendance pursuant to subdivisions (d) and (e); the revenue determined in subdivision (b) (4), (c) (4), (d) (4), and (e) (4), and determining the tax rate pursuant to the appropriate subdivision.

(g) The maximum allowable average expenditure per class or average daily attendance may be increased by a majority vote of the

qualified electors of the county at an election which may be ordered by the county board of education. Such a proposition may be voted on only in conjunction with a general countywide election.

SEC. 4. Section 20456 of the Education Code is amended to read:

20456. (a) The county superintendent shall have a maximum tax rate available for the operation, maintenance and housing of the county office and for any ongoing program, except children's center programs maintained by the county superintendent of schools, not included in any previous section of this article.

(b) For fiscally independent county superintendent offices, the maximum allowable tax rate shall be the rate levied for these purposes in 1971–72 or 1972–73, whichever is higher, minus that portion of the rate levied for capital outlay and juvenile hall purposes. This maximum rate may be exceeded in the amount and under the terms specified in Section 2266 of the Revenue and Taxation Code.

(c) For county superintendent offices which become independent on and after July 1, 1974, the maximum allowable tax rate shall be that rate which was levied or could have been levied in the preceding fiscal year pursuant to subdivision (d) of this section. This maximum rate may be exceeded in the amount and under the terms specified in Section 2266 of the Revenue and Taxation Code.

(d) For fiscally nonindependent county superintendent offices, the maximum allowable tax rate shall be computed by determining the amount of expenditures for the county superintendent of schools' office, exclusive of capital outlay expenditures and expenditures for juvenile hall purposes, in 1971–72 and 1972–73 which were funded from property tax revenues attributable to the county general fund. The amount for each year shall be converted to a tax rate equivalent for that year by dividing each amount by the assessed value of the county in that year and multiplying the quotient by 100; the higher of the two resulting tax rate equivalents shall be the maximum allowable tax rate. This maximum tax rate may be exceeded in the manner and under the terms specified in Section 2266 of the Revenue and Taxation Code.

(e) The maximum allowable tax rate described in this section is not intended to prohibit a county from augmenting the budget of the county superintendent of schools offices from general county funds. If the budget of the county superintendent of schools, as set by the county, does not require the full amount of the maximum allowable rate, the difference between the maximum rate and the actual rate required shall not be levied and shall not be available for any other county purpose.

(f) The maximum allowable tax rates described in this section may be increased by a majority vote of the qualified electors of the county at an election which may be ordered by the county board of education in fiscally independent county superintendent of schools offices or by the county board of supervisors in fiscally nonindependent county superintendent of schools offices. Such a

proposition may be voted only in conjunction with a general countywide election.

SEC. 5. Section 20458 of the Education Code is amended to read:

20458. None of the rates authorized pursuant to this article shall be included in computing the maximum allowable tax rates for counties pursuant to Section 2261 of the Revenue and Taxation Code.

SEC. 6. Section 20905.6 is added to the Education Code, to read:

20905.6. (a) The revenue limit of a school district is increased or decreased by the amount computed pursuant to this section.

(b) The county superintendent of schools shall ascertain the amount of district contributions which was paid from local taxes pursuant to Section 6871 in the 1972–73 fiscal year.

(c) He shall ascertain the amount of district contributions which is to be paid from local taxes pursuant to Section 6871 in the then current fiscal year.

(d) If the amount determined pursuant to subdivision (c) is greater than that determined pursuant to subdivision (b), the revenue limit for the following fiscal year shall be increased by an amount equal to the difference.

(e) If the amount determined pursuant to subdivision (c) is less than that determined pursuant to subdivision (b), the revenue limit for the following fiscal year shall be decreased by an amount equal to the difference.

(f) If the amount determined in both subdivisions (b) and (c) is the same, there is no change in the revenue limit computed pursuant to this section.

SEC. 7. Section 20906 of the Education Code is amended to read:

20906. Commencing September 4, 1973, the revenue limit prescribed by Section 20905 may be exceeded upon approval of a majority of the electors of the district voting on a proposition to that effect pursuant to Section 20803.2. Such approval may be granted for any period of time, and shall be added to the budget year revenue limit per foundation program unit of average daily attendance of the district as determined in subdivision (g) of Section 20905 in computing the maximum general purpose tax rate for each year in which the voted revenue limit increase is effective.

For the fiscal year following the last year in which the voted revenue limit increase is authorized, the amount of the voted revenue limit increase as it actually affected the revenue limit shall be subtracted from the revenue limit per foundation program unit of average daily attendance of the district as determined in subdivision (g) of Section 20905. This section shall be subject to Section 20907.

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

In order that unique and unanticipated financial problems arising in certain school districts and county superintendents of schools as a

result of the enactment of Chapter 1406 of the Statutes of 1972 may be remedied during the 1973–74 fiscal year, that the remedial and technical changes made by this act may be applicable as early as possible in the 1973–74 fiscal year, and that the administration of finance in such school districts and county superintendents of schools may be orderly and effective, it is necessary that this act take effect immediately.

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## CHAPTER 1461

*An act to repeal and add Article 6 (commencing with Section 5070) of Chapter 1 of Division 5 of the Public Resources Code, and to amend Section 157.2 of the Streets and Highways Code, relating to recreation.*

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

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

SECTION 1. Article 6 (commencing with Section 5070) of Chapter 1 of Division 5 of the Public Resources Code is repealed.

SEC. 2. Article 6 (commencing with Section 5070) is added to Chapter 1 of Division 5 of the Public Resources Code, to read:

### Article 6. California Recreational Trails

5070. This article shall be known and may be cited as the California Recreational Trails Act.

5070.3. Unless the context otherwise requires, the following definitions shall govern construction of this article:

(a) "Committee" means the California Recreational Trails Committee.

(b) "Plan" means the California Recreational Trails System Plan.

(c) "System" means the California Recreational Trails System.

5070.5. The Legislature hereby declares that it is the policy of the state to:

(a) Increase accessibility and enhance the use and enjoyment of California's scenic, natural, historic, and cultural resources.

(b) Encourage hiking, horseback riding, and bicycling as important contributions to the health and welfare of the state's population.

(c) Increase opportunities for recreational boating on designated waterways.

(d) Increase opportunities for use of recreational vehicles in designated areas.

(e) Provide for the development and maintenance of a statewide system of recreational trails.

(f) Encourage the development by cities, counties, and districts of recreational trails.

5070.7. The director shall cause to be prepared, and continuously maintained, a comprehensive plan for the development and operation of a statewide system of recreation trails. The plan, which shall be titled the California Recreational Trails System Plan, shall:

(a) Assess the present and future demand for trail-oriented recreation uses.

(b) Recommend an integrated and interconnecting system of trail routes designed to provide a wide range of recreational opportunities and to assure access and linkage to scenic, natural, historic, and recreational areas of statewide significance.

5071. The plan shall contain, but shall not be limited to, the following elements:

(a) Pedestrian trails.

(b) Bikeways.

(c) Equestrian trails.

(d) Boating trails.

(e) Trails and areas for off-highway recreational vehicles.

5071.3. For each of the elements specified in Section 5071, the plan shall:

(a) Set forth the role of state government in providing increased opportunities associated with that particular recreational use.

(b) Describe specific policies, standards, and criteria to be followed by the department and other participating public agencies in acquiring, developing, operating, and maintaining land and water trails and areas as part of the system.

(c) Specify standards and criteria to be followed by the department and other participating public agencies in providing facilities such as overnight camps, hostels, rest areas, access points, corrals, launching ramps, staging areas, and parking areas to complement trail routes and areas.

(d) Identify, on a statewide basis, the general location and extent of trail routes, areas, and complementary facilities to be included within the system.

(e) Describe new and revised state policies, programs, and other actions of the executive and legislative branches required to assure orderly development of the system.

(f) Recommend to federal, regional, and local agencies and to the private sector actions which will assist and complement state efforts to implement the system.

5071.5. In the preparation of the plan, the director shall actively seek participation of other units of state government and of appropriate federal, regional, and local agencies.

5071.7. (a) In planning the system, the director shall consult with and seek the assistance of the Department of Transportation so that trail routes designated as part of the system and intended for nonmotorized transportation become part of the nonmotorized element of the California Transportation Plan being prepared

pursuant to Section 14040 of the Government Code. The Department of Transportation shall plan and design those trail routes in the system that are contiguous to state highways and serve both a transportation and a recreational need.

(b) In planning boating trails and other segments of the system which are oriented to waterways, the director shall consult and seek the assistance of the Department of Navigation and Ocean Development. Such segments shall be integrated with the California Protected Waterways Plan developed pursuant to Chapter 1273 of the Statutes of 1968, and the California Wild and Scenic Rivers System established pursuant to Chapter 1.4 (commencing with Section 5093.50) of this division.

5072. Upon preparation of a proposed plan, the director shall hold at least four public hearings in different geographical regions of the state to solicit views of the public and interested private groups and governmental agencies on the goals, policies, and proposals of the plan.

5072.3. After review and consideration of information secured at the plan hearings and no later than January 1, 1977, the director shall transmit the proposed plan to the Legislature through the Speaker of the Assembly and the Senate Rules Committee. The Legislature may hold hearings, solicit testimony, and take other appropriate action to review and evaluate the proposed plan. Following such review and evaluation, the Legislature may act by resolution to comment upon the proposed plan as an indication of legislative intent, state findings and conclusions, or request changes, deletions, or modifications to the proposed plan.

5072.5. The director shall consider any advice offered by the Legislature, and, after considering such advice and making such modifications in the proposed plan as the director deems appropriate, shall complete and formally transmit the plan to appropriate federal and state agencies, and to concerned cities, counties, and districts throughout the state.

5072.7. Following completion of the plan as provided in Section 5072.5, all state agencies and departments whose operations are affected by, or related to, the goals, policies, and proposals of the plan shall utilize the plan as a guide in their operations.

5073. The plan shall be continuously reviewed, revised, and updated by the director. Every two years following completion of the plan pursuant to Section 5072.5, the director shall submit a report to the Legislature describing progress in carrying out the plan and recommending additional routes or other modifications in the system as he determines are necessary or desirable.

5073.5. The Governor shall establish a California Recreational Trails Committee to advise the director in the development and coordination of the system. The committee shall consist of seven members appointed by the Governor. Two members shall be selected from the northern, two members from the southern, and two members from the central portions of the state, and one member

shall be selected at large. Members shall be selected from lists submitted by private organizations which have a demonstrated interest in the establishment of recreation trails. The chairman of the committee shall be elected by the members from their membership.

5073.7. The terms of the members of the committee shall be four years, except that such members first appointed to the committee shall classify themselves by lot so that the term of three members shall expire January 15, 1976, the term of two members shall expire January 15, 1977, and the term of two members shall expire January 15, 1978.

Members of the committee shall serve without compensation, but shall be reimbursed for actual and necessary expenses, including traveling expenses, incurred in the performance of their duties.

5074. The committee shall have the following powers and duties:

(a) Coordinate trail planning and development among cities, counties, and districts. In carrying out this responsibility, the committee shall review records of easements and other interests in lands which are available for recreational trail usage, including public lands, utility easements, other rights-of-way, gifts, or surplus public lands which may be adaptable for such use, and shall advise the director in the development of standards for trail construction so that uniform construction standards may be available to cities, counties, and districts.

(b) Advise the director in the preparation and maintenance of the plan.

(c) Study the problems and opportunities presented by the use of private property for recreational trail use and advise the director on measures to mitigate undesirable aspects of such usage.

5074.1. The director shall be responsible for planning and for the orderly development and operation of the system. The director shall encourage other public agencies to acquire, develop, and manage segments of the system which are outside of the exterior boundaries of state park system units, and other areas under state jurisdiction. The director may enter into contractual agreements under which responsibility for state trail development and operation may be carried out by other public agencies.

5074.3. (a) The right of eminent domain may not be exercised to acquire property, any interest in property, or use of any property for the trails contemplated pursuant to this article.

(b) Notwithstanding the provisions of subdivision (a) of this section, the director may, pursuant to Section 5006, replace property or interests in property through the exercise of eminent domain whenever a trail, or a portion thereof, has been acquired through the exercise of eminent domain by another public entity; provided, that the property to be acquired is in the immediate vicinity of the property being replaced, and the director may, pursuant to Section 5006, acquire property or interests in property through the exercise of eminent domain for trails established pursuant to this article in hardship cases as determined by the department. Acquisitions

pursuant to this section shall be funded by moneys appropriated as provided in Section 5075.

5074.5. The location of a route or complementary facility of the system across lands under the jurisdiction of a federal agency shall be by contractual agreement between the director and the appropriate federal agency. The director may enter into such agreements, and, subject to the provisions of Section 5075, may expend funds in order to participate with federal agencies in the development and operation of state trail routes across federal lands. The director may exercise similar authority with respect to segments of the system which cross other public lands.

5074.7. If lands included in the system are outside the boundaries of areas administered by public agencies, the director may enter into agreements with private landowners in order to develop and manage such lands as part of the system. The director may accept fee title, easements, or an appropriate lesser interest in private lands for purposes of the development and maintenance of trails designated as part of the system.

5075. Following review of the plan by the Legislature as provided in Section 5072.3, the director shall prepare a list of recommended priority system projects for the system. Projects recommended for funding during each fiscal year shall be submitted to the Governor for consideration for inclusion in the Budget Bill. When acquisition of private lands for state trail purposes is proposed, the director shall provide information supporting the necessity for such acquisition, including verification that there is no feasible alternative to the proposed acquisition, and that the proposed acquisition would be an essential part of the system, to the Governor and to any standing committee of the Legislature that requests such information. No funds, whether derived from gift, donation, grant-in-aid, or other source, shall be utilized by the director for state acquisition of private property in connection with the system unless appropriated by the Budget Bill.

5075.3. In specifying criteria and standards for the design and construction of trail routes and complementary facilities as provided in subdivisions (b) and (c) of Section 5071.3, the director shall include the following:

(a) The following routes shall be given priority in the allocation of funds:

(1) Routes which are in proximity or accessible to major urban areas of the state.

(2) Routes which are located on lands in public ownership.

(3) Routes which provide linkage or access to natural, scenic, historic, or recreational areas of clear statewide significance.

(4) Routes which are, or may be, the subject of agreements providing for participation of other public agencies in state trail acquisition, development, or maintenance.

(b) Where feasible, trail uses may be combined on routes within the system; however, where trail use by motor vehicles is

incompatible with other trail uses, separate areas and facilities should be provided.

(c) Trails should be located and managed so as to restrict trail users to established routes and to aid in effective law enforcement.

(d) Trails should be located so as to avoid severance of private property and to minimize impact on adjacent landowners and operations. The location of any trail authorized by this article shall, if the property owner so requests, be placed as nearly as physically practicable to the boundary lines of the property traversed by the trail, as such boundary lines existed as of January 1, 1975.

(e) Insofar as possible, trails should be designed and maintained to harmonize with, and complement, established forest, agricultural, and resource management plans. No trail, or property acquisition therefor, shall interfere with a landowner's water rights or his right to access to the place of exercise of such water rights.

(f) Trails should be planned as a system and each trail segment should be part of the overall system plan.

(g) Trails should be appropriately signed to provide identification, direction, and information.

(h) Rest areas, shelters, sanitary facilities, or other conveniences should be designed and located to meet the needs of trail users and to prevent intrusion into surrounding areas.

(i) The department shall erect fences along any trail when requested to do so by the owner of adjacent land, or with the consent of the owner of such land when the department determines it will be in the best interests of the users of the trail and adjoining property owners, and shall place gates in such fences when necessary to afford proper access and at each point of intersection with existing roads, trails, or at used points of access to or across such trail. The department shall maintain such fences and gates in good condition.

5075.4. No adjoining property owner is liable for any actions of any type resulting from, or caused by, trail users trespassing on adjoining property, and no adjoining property owner is liable for any actions of any type started on, or taking place within, the boundaries of the trail arising out of the activities of other parties.

5075.5. The director shall prepare a guidebook, including trail maps, describing the system. The guidebook shall include information regarding the responsibility of trail users and shall specify rules and regulations for trail use, including measures designed to prevent trespass and damage to public and private property.

5075.7. In conducting studies of potential trail routes for inclusion in the system, the director shall give priority to the following:

(a) A trail route linking state parks, federal recreation areas, and other areas of statewide or national significance located in coastal areas.

(b) A trail route through the Sacramento-San Joaquin Delta linking scenic and recreation areas of the San Francisco Bay area with state and federal recreation areas in the Lake Tahoe Basin.

(c) East-west trail routes for nonmotorized use linking the state coastal trail route with the existing Pacific Crest Trail.

(d) Trail routes designed principally for boaters along the following waterways:

(1) Eel River in Humboldt, Mendocino, and Trinity Counties.

(2) Smith River in Del Norte County.

(3) Russian River in Sonoma and Mendocino Counties.

(4) Feather River from Thermolito Afterbay to mouth.

(5) Sacramento River from Keswick Dam to mouth.

(6) American River from Folsom Dam to mouth.

(7) South Fork of the American River from Coloma to Folsom Lake.

(8) Tuolumne River from O'Shaughnessy Dam to New Don Pedro Reservoir.

(9) Stanislaus River from the Stanislaus Power House to Melones Reservoir.

(10) Colorado River from Needles to the international boundary.

5076. In developing the open-space element of a general plan as specified in subdivision (e) of Section 65302 of the Government Code, every city and county shall consider demands for trail-oriented recreational use and shall consider such demands in developing specific open-space programs. Further, every city, county, and district shall consider the feasibility of integrating its trail routes with appropriate segments of the state system.

SEC. 3. Section 157.2 of the Streets and Highways Code is amended to read:

157.2. The department shall also incorporate nonmotorized transportation facilities in the design of freeways on the state highway system along corridors where such facilities do not exist, upon a finding that such facilities would conform to the California Recreational Trails System Plan specified in Section 5070.7 of the Public Resources Code or upon a finding, following a public hearing, that such facilities would conform to the master plans of local agencies for the development of such facilities and would not duplicate existing or proposed routes, and that community interests would be enhanced by the construction of such facilities.

If the department finds further as a result of a public hearing that there is no highway purpose, as specified in subdivision (a) of Section 156.10, served by the incorporation of such facilities in the design of a freeway which would justify the use of highway funds and the exercise of the power of eminent domain for their construction, the cost for construction of such facilities, other than design costs, shall be contributed by local agencies or by others.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

03594 63 12 455 2119

# CHAPTER 1462

*An act to add Section 2625 to the Penal Code, relating to civil rights of prisoners.*

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

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

SECTION 1. Section 2625 is added to the Penal Code, to read:

2625. In any action brought under Section 232 of the Civil Code, where such action seeks to terminate the parental rights of a prisoner in state prison, the superior court of the county in which such action is pending, or a judge thereof, upon receipt of an affidavit of the prisoner or his attorney indicating the prisoner's desire to be present during the court's proceedings, shall issue an order for the temporary removal of the prisoner from such prison, and for his production before the court. In any other action in which a prisoner's parental or marital rights are subject to adjudication, an order for his temporary removal from the state prison, and for his production before the court, may be made by the superior court of the county in which said action is pending, or by a judge thereof. A copy of the order shall be transmitted to the warden of such prison not less than 48 hours before the order is to be executed. The order shall be executed by the sheriff of the county in which it shall be made, whose duty it shall be to bring the prisoner before the proper court, to safely keep him, and when his presence is no longer required to return him to the prison from whence he was taken; the expense of executing such order shall be a proper charge against and shall be paid by, the county in which the order shall be made.

Such order shall be to the following effect:

County of _____ (as the case may be).

The people of the State of California to the warden of _____:

An order having been made this day by me, that A.B. be produced in this court as a party in the case of _____, you are commanded to deliver him into the custody of _____ for the purpose of (recite purposes).

Dated this _____ day of _____, 19____.

When a prisoner is removed from the state prison pursuant to this section, he shall remain in the constructive custody of the warden of such prison.



03668 63 12 485 2125

## CHAPTER 1463

*An act to add and repeal Section 22451.5 of the Financial Code, relating to personal property brokers.*

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

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

SECTION 1. Section 22451.5 is added to the Financial Code, to read:

22451.5. Notwithstanding the provisions of Section 22451, every licensee who lends any sum of money may contract for and receive charges at a rate not exceeding the sum of the following:

(a) Two and one-half percent (2½%) per month on that part of the unpaid principal balance of any loan up to, including, but not in excess of two hundred twenty-five dollars ($225).

(b) Two percent (2%) per month on that portion of the unpaid principal balance in excess of two hundred twenty-five dollars ($225) up to, including, but not in excess of six hundred twenty-five dollars ($625).

(c) One and one-half percent (1½%) per month on that part of the unpaid principal balance in excess of six hundred twenty-five dollars ($625) up to, and including, but not in excess of one thousand six hundred fifty dollars ($1,650).

(d) One percent (1%) per month on any remainder of such unpaid balance in excess of one thousand six hundred fifty dollars ($1,650).

This section shall remain in effect only until January 1, 1977, and as of said date is repealed.

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## CHAPTER 1464

*An act to amend Sections 307, 308.3, 308.5, 308.6, and 308.7 of, and to add Section 307.1 to, the Health and Safety Code, relating to child health disability prevention, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 307 of the Health and Safety Code is amended to read:

307. The governing body of each county or counties shall establish a community child health and disability prevention program for the purpose of providing early and periodic assessments

of the health status of children in the county or counties by July 1, 1974. However, this shall be the responsibility of the department for all counties which contract with the state for health services. Each such plan shall include, but is not limited to, the following requirements:

(a) Outreach and educational services.

(b) Agreements with public and private facilities and practitioners to carry out the programs.

(c) Health screening and evaluation services.

(d) Referral for diagnosis or treatment when needed and methods for assuring referral is carried out.

(e) Recordkeeping and program evaluations.

The health screening and evaluation part of each community child health and disability prevention program plan shall include, but is not limited to, the following for each child:

(a) A health and development history.

(b) An assessment of physical growth.

(c) A developmental assessment.

(d) An examination for obvious physical defects.

(e) Ear, nose, mouth, and throat inspection, including inspection of teeth and gums.

(f) Screening tests for vision, hearing, anemia, tuberculosis, diabetes, and urinary tract conditions.

(g) An assessment of nutritional status.

(h) An assessment of immunization status.

(i) Where appropriate, testing for sickle cell trait, lead poisoning, and other tests which may be necessary to the identification of children with potential disabilities requiring diagnosis and possibly treatment.

Standards for procedures to carry out health screening and evaluation services and to establish the age at which particular tests should be carried out shall be established by the director, with review and recommendation by the board. However, a governing body may include additional health screening and evaluation procedures in its program if approved by the director and the board.

Each community child health and disability prevention program shall, pursuant to standards set by the director, establish a record system which contains a health case history for each child so that costly and unnecessary repetition of screening, immunization and referral will not occur and appropriate health treatment will be facilitated as specified in Section 308.5.

SEC. 2. Section 307.1 is added to the Health and Safety Code, to read:

307.1. A city which operates an independent health agency may elect to provide the services described in this article with the approval of the state department. In such instance, the powers granted a governing body of a county shall be vested in the governing body of that city.

SEC. 3. Section 308.3 of the Health and Safety Code is amended

to read:

308.3. Counties shall be reimbursed for the amount required by the county to carry out its community child health and disability prevention program in accordance with the approved community child health and disability prevention plan. Claims for state reimbursement shall be made in such manner as the director shall provide. Each claim for state reimbursement shall be payable from the appropriation made for the fiscal year in which the expenses upon which the claim is based are incurred.

There shall be no reimbursement for expenditures for the treatment of disabilities identified as a result of the program, except for the costs of immunizations necessary to bring the child current in his or her immunization status as provided for by regulations of the department, or for capital improvements or the purchase or construction of buildings, except for such equipment items and remodeling expenses as may be allowed by regulations adopted by the director.

SEC. 4. Section 308.5 of the Health and Safety Code is amended to read:

308.5. On and after July 1, 1975, each child eligible for services under this article shall, upon enrollment in the first grade, give evidence satisfactory to the governing body of the school district or the governing authority of the private school in which the child is to enroll that he has received within the prior year the appropriate health screening and evaluation services specified in Section 307, unless the child's parents or guardian has given written notice to the governing body of the school district or private school in which the child is to enroll that they do not want their child to receive such health screening and evaluation services.

SEC. 5. Section 308.6 of the Health and Safety Code is amended to read:

308.6. Any child between birth and enrollment in the first grade and all persons under 21 years of age who are eligible for the California Medical Assistance Program shall be eligible for services from the child health and disabilities prevention program in the county of which they are a resident. The department, with review and recommendation by the board, shall adopt rules and regulations specifying which age groups shall be given certain types of screening tests and recommendations for referral.

The first source of referral shall be the child's usual source of health care. If referral is required and no regular source of health care can be identified, the facility or provider providing health screening and evaluation services shall provide a list of three qualified sources of care, without prejudice for or against any specific source.

SEC. 6. Section 308.7 of the Health and Safety Code is amended to read:

308.7. Each community child health and disability prevention program shall provide the child or his parent or guardian with a copy of the results of the health screening and evaluation, as well as an

explanation of the meaning of the results, and shall, where the need indicates, refer the child for further diagnosis and treatment.

SEC. 7. The sum of two million five hundred thousand dollars ($2,500,000) is hereby appropriated from the General Fund to the Department of Health in augmentation of and upon the same terms as the appropriation made by Item 300(e) of the Budget Act of 1974.

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

The money to be appropriated is necessary to fully implement the child screening program for the 1974–1975 fiscal year in such a manner that children who enter school in the fall of 1975 will have received a health screening examination.

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## CHAPTER 1465

*An act to amend Section 65854 of the Government Code, relating to local planning.*

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

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

SECTION 1. Section 65854 of the Government Code is amended to read:

65854. The planning commission shall hold a public hearing on any such ordinance or amendment. Notice of the time and place of said hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least 10 calendar days before the hearing in the following manner:

(a) If the matter is before a county planning commission, the notice shall be published at least once in a newspaper of general circulation, published and circulated in the county, or if there is none, it shall be posted in at least three public places in the county.

(b) If the matter is before a city planning commission the notice shall be published at least once in a newspaper of general circulation, published and circulated in the city, or if there is none, it shall be posted in at least three public places in the city.

(c) In prezoning, if the matter is before a city planning commission the notice shall be published at least once in a newspaper of general circulation, published and circulated in the area to be prezoned, or if there is none, it shall be posted in at least three public places in the area to be prezoned.

In addition to notice by publication, a county or city shall give notice of the hearing by mail or delivery to all persons, including

businesses, corporations or other public or private entities, owning real property within 300 feet of the property which is the subject of the proposed zoning change. A county or city may give additional notice of the hearing in such other manner as it may deem necessary or desirable.

Any hearing may be continued from time to time.

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

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## CHAPTER 1466

*An act making an appropriation for transportation, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. There is hereby appropriated to the Department of Transportation, from the Transportation Planning and Research Account in the State Transportation Fund, as created by Section 13995 of the Government Code, the sum of two million dollars ($2,000,000) for payment to local transportation planning agencies for transportation planning and research pursuant to Section 65080 of the Government Code in accordance with allocations made by the State Transportation Board pursuant to subdivision (i) of Section 13990.6 of the Government Code.

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

In order that sufficient funds may be allocated to local transportation planning agencies to prepare regional transportation plans for submission to the Department of Transportation by April 1, 1975, it is necessary that this act take effect immediately.

# CHAPTER 1467

*An act to amend Section 16113 of, and to add Section 16114.1 to, the Government Code, and to amend Section 130 of, to add and repeal Section 227 of, the Revenue and Taxation Code, relating to property taxation, and making an appropriation therefor.*

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

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

SECTION 1. Section 16113 of the Government Code is amended to read:

16113. (a) Each county auditor shall file a claim with the Controller on or before the last day of August of each year for reimbursement to local governmental agencies for the tax loss attributable to property on the unsecured roll by reason of a partial exemption for business inventories provided for in Section 219 of the Revenue and Taxation Code and the reduced assessment ratio for commercial passenger fishing boats provided for in subdivision (c) of Section 227 of such code.

(b) Each county auditor shall file a claim with the Controller on or before October 31st of each fiscal year for reimbursement to local governmental agencies for the tax loss attributable to property on the secured roll by reason of the partial exemption for business inventories provided for in Section 219 of the Revenue and Taxation Code and the reduced assessment ratio for commercial passenger fishing boats provided for in subdivision (c) of Section 227 of such code.

(c) Each county auditor shall file a claim with the Controller on or before September 30th for tax losses attributable to Sections 219 and 5523 of the Revenue and Taxation Code and to subdivision (c) of Section 227 of such code.

SEC. 2. Section 16114.1 is added to the Government Code, to read:

16114.1. For the 1975–76 fiscal year and each fiscal year thereafter, the Controller shall make, or may request the State Board of Equalization to make, such audits of claims relating to commercial passenger fishing boats submitted pursuant to Section 16113 as he deems appropriate. There shall be deducted from the payment to the county provided by Section 16115 for the following fiscal year:

(a) The amount claimed which is attributable to the overassessment of commercial passenger fishing boats; and

(b) The fund allocated pursuant to Section 16115 for commercial passenger fishing boats which are subsequently found to be misclassified as commercial passenger fishing boats by the assessor, the Controller, or by the State Board of Equalization.

SEC. 3. Section 130 of the Revenue and Taxation Code is amended to read:

130. (a) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, but does not include aircraft.

(b) "Documented vessel" means any vessel which is required to have and does have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto, except documented yachts of the United States, or is registered with, or licensed by, the Department of Motor Vehicles. "Documented vessel" does not include any vessel exempt from taxation under Section 4 of Article XIII of the Constitution of the State of California.

(c) "Vessel of the United States" means a documented vessel, that is, a vessel registered, enrolled and licensed, or licensed under the laws of the United States, except documented yachts of the United States.

(d) "Port of documentation" means the home port of a vessel as shown in the marine document in force and issued to the owner of such vessel by the Bureau of Customs of the United States or any federal agency successor thereto.

(e) "Marine document" includes registry, enrollment and license, and license.

(f) "In this state" means within the exterior limits of the State of California, and includes all territory within these limits owned by, or ceded to, the United States of America.

(g) "Natural resources" consist of both the living resources of the sea and the mineral and other nonliving resources of the seabed and subsoil together with living organisms belonging to sedentary species, which are organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

(h) "Oceanographic research vessel" means a vessel which the secretary of the department in which the United States Coast Guard is operating, or his successor, finds is an oceanographic research vessel under the laws of the United States.

SEC. 4. Section 227 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 227 is added to the Revenue and Taxation Code, to read:

227. A documented vessel, as defined in Section 130, shall be assessed at 1 percent of its full cash value only if the vessel is engaged or employed exclusively:

(a) In the taking and possession of fish or other living resource of the sea for commercial purposes;

(b) In instruction or research studies as an oceanographic research vessel; or

(c) In carrying or transporting seven or more people for hire for commercial passenger fishing purposes.

This section shall become operative on the lien date in 1975 and shall remain in effect only until March 2, 1979, and as of such date

is repealed, unless a later enacted statute which is chaptered before March 2, 1979, deletes or extends such date.

SEC. 6. Section 227 is added to the Revenue and Taxation Code, to read:

227. A documented vessel, as defined in Section 130, shall be assessed at one percent (1%) of its full cash value only if the vessel is engaged or employed exclusively:

(a) In the taking and possession of fish or other living resource of the sea for commercial purposes; or

(b) In instruction or research studies as an oceanographic research vessel.

This section shall become operative on March 3, 1979.

SEC. 7. The Legislative Analyst shall report to the Legislature on or before November 15, 1978, on the effect of Section 5 of this act on the change in the number of vessels, the change in the size of vessels, changes in the port of documentation of vessels, and the identification of any other changes in the commercial fishing and sportfishing industries attributable to the changes made by Section 5 of this act.

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## CHAPTER 1468

*An act to amend Section 9602 of the Unemployment Insurance Code, relating to employment development.*

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

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

SECTION 1. Section 9602 of the Unemployment Insurance Code is amended to read:

9602. (a) The director shall designate economically disadvantaged areas. These areas shall be priority areas for services provided under this part. To the fullest extent possible, offices shall be established within the boundaries of the disadvantaged areas designated by the director.

(b) To the extent permitted by law, the department shall serve eligible persons in such a way as to prevent discrimination by serving persons whose minority group characteristics coincide to the fullest extent possible with the minority group characteristics of the unemployed and underemployed in the economically disadvantaged areas of their community.

A minority shall be interpreted to include women to assure equality of opportunity in employment in accordance with Executive Order 11478 under the Federal Affirmative Action Program.

(c) The department shall to the extent permitted by law provide

services under this part in accordance with the following priorities:

(1) Unemployed heads of households.

(2) Underemployed heads of households.

(3) Other unemployed and underemployed persons.

(4) Veterans shall be accorded priority pursuant to federal law.

(d) For purposes of this division, women as a class shall be deemed to constitute a minority group.

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## CHAPTER 1469

*An act to add Section 1249.3 to the Code of Civil Procedure, relating to eminent domain.*

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

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

SECTION 1. Section 1249.3 is added to the Code of Civil Procedure, to read:

1249.3. At least 30 days prior to the date of trial, plaintiff shall file with the court and serve a copy thereof on defendant its final offer to the property sought to be condemned and defendant shall in like manner, file and serve a copy thereof on plaintiff his final demand for the property sought to be condemned. Service shall be accomplished in the manner prescribed by Chapter 5 (commencing with Section 1010) of Title 14 of Part 2.

If the court, on motion of the defendant made within 30 days after entry of judgment, finds that the offer of the condemnor was unreasonable and that the demand of condemnee was reasonable, all viewed in the light of the determination as to the value of the subject property, the costs allowed pursuant to Section 1255 shall include all expenses reasonably and necessarily incurred in preparing for and in conducting the condemnation trial including, and not limited to, reasonable attorney's fees, appraisal fees, surveyor's fees, and the fees for other experts, where such fees are reasonably and necessarily incurred to protect defendant's interest prior to trial, during trial and in any subsequent judicial proceedings in the condemnation action.

In determining the amount of attorneys fees and expenses to be awarded under this section, the court shall consider written, revised or superseded offers and demands served and filed prior to or during the trial.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities by this act are such that related costs are incurred as a part of their normal operating procedures.

# CHAPTER 1470

*An act to add Section 14033 to the Government Code, and to amend Sections 2351, 2358, and 2359 of, to add Section 194.5 to, to add Chapter 5.5 (commencing with Section 2230) and Chapter 6.5 (commencing with Section 2330) to Division 3 of, and to repeal Section 2357 of, the Streets and Highways Code, relating to transportation, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 14033 is added to the Government Code, to read:

14033. The department may coordinate applications, or may act as an applicant, for grants of funds to provide mass transit services to meet the special needs of elderly and handicapped persons pursuant to paragraph (2) of subsection (b) of Section 1612 of Title 49 of the United States Code.

SEC. 1.5. Section 194.5 is added to the Streets and Highways Code, to read:

194.5. In each annual budget report prepared by the commission and the department pursuant to Section 143.1, the commission shall include an allocation to the Transportation Planning and Research Account created in the State Transportation Fund pursuant to Section 13995 of the Government Code equal to the estimated federal apportionment to be received during the fiscal year by the state for metropolitan transportation planning pursuant to subsection (f) of Section 104 of Title 23 of the United States Code.

SEC. 2. Chapter 5.5 (commencing with Section 2230) is added to Division 3 of the Streets and Highways Code, to read:

## CHAPTER 5.5. FEDERAL AID FOR METROPOLITAN TRANSPORTATION PLANNING

2230. This chapter may be cited as the Federal Aid for Metropolitan Transportation Planning Act.

2231. The Federal Aid Highway Act of 1973 has authorized appropriations for expenditure within urbanized areas for comprehensive transportation planning purposes. The purpose of this chapter is to implement such program in this state. The State Transportation Board, the commission, the department, appropriate regional and local planning agencies, boards of supervisors, and city councils are authorized to do all things necessary in their respective jurisdictions to secure such federal funds in accordance with the intent of the federal act and of this chapter.

2232. As used in this chapter, "Transportation Planning and

Research Account" means the Transportation Planning and Research Account created in the State Transportation Fund pursuant to Section 13995 of the Government Code.

2233. Amounts apportioned to the state pursuant to subsection (f) of Section 104 of Title 23 of the United States Code and allocated pursuant to Section 194.5 shall be identified in the budget of the Transportation Planning and Research Account as a scheduled reimbursement. Amounts reimbursed to the state pursuant to subsection (f) of Section 104 of Title 23 of the United States Code shall be deposited in the State Highway Account in the State Transportation Fund and credited to the Transportation Planning and Research Account as an expense and reimbursement. Notwithstanding the provisions of Section 13996 of the Government Code, all such funds apportioned to the state are available, when appropriated by the Legislature, for allocation by the State Transportation Board from the Transportation Planning and Research Account to metropolitan transportation planning organizations, as defined by federal law and regulations, to perform the metropolitan transportation planning authorized by subsection (f) of Section 104 of Title 23, but shall be subject to the provisions of Sections 13320 to 13324, inclusive, of the Government Code.

2234. The department shall establish operating procedures and take such other action as is appropriate to comply with the provisions of this chapter and with all applicable laws, rules, and regulations.

2235. The director shall include in the annual report prepared pursuant to Section 13998 of the Government Code a detailed analysis of allocations made pursuant to this chapter, including the amounts allocated to each metropolitan transportation planning organization and a description of the purposes for which such funds are to be expended. Such report shall also include an analysis of the impact of these federal funds on the other amounts required to be appropriated from the Transportation Planning and Research Account in accordance with Section 13996 of the Government Code.

SEC. 2.5. Chapter 6.5 (commencing with Section 2330) is added to Division 3 of the Streets and Highways Code, to read:

## CHAPTER 6.5. FEDERAL AID FOR HIGHWAY SAFETY IMPROVEMENTS

2330. This chapter may be cited as the Federal Aid for Highway Safety Improvements Act.

2331. The Highway Safety Act of 1973 (Title II of P.L. 93-87, 87 Stat. 250) has authorized appropriations for a number of programs relating to projects for the improvement of highway safety and the reduction of traffic congestion. Such programs consist of the rail-highway crossings program (Section 203 of the Highway Safety Act of 1973), the pavement marking demonstration program (Sec. 151, Title 23, U.S.C.); projects for high-hazard locations (Sec. 152, Title 23, U.S.C.); program for the elimination of roadside obstacles

(Sec. 153, Title 23, U.S.C.); and the federal-aid safer roads demonstration program (Sec. 405, Title 23, U.S.C.). The purpose of this chapter is to implement these programs in this state. The commission, the department, boards of supervisors, and city councils are authorized to do all things necessary in their respective jurisdictions to secure and expend such federal funds in accordance with the intent of the federal act and of this chapter.

2332. All funds received pursuant to these federal programs shall be deposited in the State Highway Account in the State Transportation Fund. All funds apportioned to the state for such programs for the 1974–75 fiscal year are appropriated for allocation by the commission in accordance with the provisions of this chapter. All funds apportioned to the state for such programs following the 1974–75 fiscal year are available, when appropriated by the Legislature, for allocation by the commission in accordance with the provisions of this chapter, but shall be subject to the provisions of Sections 13320 to 13324, inclusive, of the Government Code.

2333. In each annual budget prepared pursuant to Section 143.1, the commission shall include an amount equal to the estimated apportionment available from the federal government for the programs described in Section 2331. The commission may allocate a portion of such funds each year for use on city streets and county roads. It is the intent of the Legislature that the Legislature will appropriate to the commission for allocation the total amount received from the federal government for all of the programs described in Section 2331 in such a manner that, over a period of five years, such funds are made available for use in approximately equal amounts on state highways and on local roads. In addition, it is the intent of the Legislature that the commission shall apportion for use in financing the railroad grade separation program described in Section 190, a substantial portion of the funds received pursuant to the federal rail-highway crossings program. Notwithstanding any other provision of law, the share of any railroad of the cost of maintaining railroad crossing protection facilities funded, in whole or in part by funds described in Section 2331 shall be the same share it would be if no federal funds were involved and the crossing protection facilities were funded pursuant to an order of the Public Utilities Commission pursuant to Section 1202 of the Public Utilities Code; and in case of dispute, the Public Utilities Commission shall determine such share pursuant to this section.

2334. Expenditure of such funds on local streets and roads shall be exempt from the provisions of Sections 188, 188.8, and 188.9.

SEC. 3. Section 2351 of the Streets and Highways Code is amended to read:

2351. The Federal-Aid Highway Acts of 1970 and 1973 have authorized appropriations for expenditure on the federal-aid urban system within the designated boundaries of urban and urbanized areas for street and highway projects and for public mass transit projects, including the purchase of equipment. The purpose of this

chapter is to implement such program in this state. The boards of supervisors, city councils, the department, the commission, and the State Transportation Board are authorized to do all things possible in their respective jurisdictions to secure the federal funds for use on construction of county highways, city streets, and state highways, and for public mass transit projects, in accordance with the intent of the federal act and of this chapter.

SEC. 4. Section 2357 of the Streets and Highways Code is repealed.

SEC. 5. Section 2358 of the Streets and Highways Code is amended to read:

2358. Funds apportioned to this state pursuant to subsection (b) (6) of Section 104 of Title 23, United States Code, for federal urban system projects for the 1974–75 fiscal year shall be allocated by the commission. Projects eligible for allocation include fringe parking, state highway projects, local street and highway projects, and public mass transit projects. The State Transportation Board shall review the long-range planning programs for the urban system, and shall review each annual program for conformance with the long-range programs. The funds for federal urban system projects following the 1974–75 fiscal year shall be available, when appropriated by the Legislature, for allocation by the commission to the following categories of projects, which may include fringe parking, highway projects, local street and highway projects, and mass transit projects. Such funds shall be subject to the provisions of Sections 13320 to 13324, inclusive, of the Government Code.

SEC. 6. Section 2359 of the Streets and Highways Code is amended to read:

2359. (a) The department may advance the federal share of each urban system project on a county road or a city street from the money appropriated by the Legislature and allocated by the commission in conformance with the requirements of this chapter.

(b) Expenditures of federal urban system funds, or federal general funds substituted therefor, shall be exempt from the provisions of Sections 188, 188.8, 188.9.

(c) Cities and counties may use any funds available to them to match funds made available to them, if the use of funds for such matching purposes is not prohibited by federal law or regulations.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present energy problems dictate that all possible effort be made to expedite the prompt development of plans to solve the transportation problems of the urban areas of this state. In addition, highway safety is a matter of paramount concern in the state, and it is imperative that this act take effect immediately for the protection of life and property.

# CHAPTER 1471

*An act to add Chapter 4.9 (commencing with Section 31298) to Division 22 of the Education Code, relating to college and university students, and making an appropriation therefor.*

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

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

SECTION 1. Chapter 4.9 (commencing with Section 31298) is added to Division 22 of the Education Code, to read:

## CHAPTER 4.9. CALIFORNIA COMMUNITY SERVICE FELLOWSHIP PROGRAM

31298. In enacting the California Community Service Fellowship Program, the Legislature makes the following findings and determinations relative to the factors contributing to the need for such a program:

(a) The society provides substantial incentives which urge young individuals to enter a formal institution of higher education.

(b) Active involvement in the community between an individual's experience in high school and entrance into higher education and during periods which the young person interrupts his college or university experience should be viewed as equally legitimate learning options by both the young person and the society.

(c) Many college and university students drop out or attend reluctantly because they see the traditional college experience as not fulfilling and not appropriate to their individual learning needs. These individuals suffer a substantial personal loss and impose unnecessary costs upon the state.

(d) Student learning is viewed by many as an active process involving the factor of individual motivation. Traditional higher education continues to emphasize the passive involvement of students.

(e) Veterans who continue to attend college and universities under the Servicemen's Readjustment Act have proven to possess an increased commitment to learning and greater motivation than those students who entered higher education directly upon graduation from high school.

(f) The young person's academic program and career choices are very often based upon inadequate information and minimal nonschool experiences.

31298.1. For purposes of this chapter, the term "community service" includes, but is not limited to, work performed for a community service agency in such fields as environmental quality, health care, education, local, state, and federally funded public assistance programs, public safety, crime prevention and control,

transportation, recreation, housing and neighborhood improvement, rural development, conservation, child care, outdoor beautification, and other fields of human betterment and community improvement.

31298.2. Any individual shall be eligible to participate in the program if employed in community service work for an average of 20 hours or more per week, and is paid not more than the federal minimum wage.

31298.3. An individual meeting the eligibility requirements prescribed by Section 31298.2 and participating in the program shall accrue fellowship benefits at the rate of one hundred dollars ($100) per month while performing community service work, and shall receive benefits only if such service is for a period of not less than six months. Participants shall not accrue additional benefits after participating in the program for 24 months. Service of less than one month shall be credited proportionately.

31298.4. A fellowship, entitling the participant to receive the accrued benefits, shall be awarded to the participant at the time he or she enrolls at a public or private postsecondary educational institution. The accrued benefits shall be paid to the participant at monthly intervals during the academic year and in amounts selected by the participant, but not to exceed two hundred dollars ($200) per month, until the accrued benefits are exhausted.

31298.5. A fellowship may be awarded at any time within eight years following the rendition of qualifying community service.

31298.6. Fellowships awarded pursuant to this chapter shall be funded from moneys appropriated for such purpose by the Legislature.

SEC. 2. The California Postsecondary Education Commission, in cooperation with the State Scholarship and Loan Commission, shall conduct a study, or shall contract with a public or private agency for purposes of conducting a study, to determine the most appropriate means of implementing and administering the California Community Service Fellowship Program, and shall submit its study, with appropriate findings and recommendations, to the Legislature on or before December 1, 1975. The study shall, at a minimum:

(a) Recommend appropriate forms of community service through which an individual could qualify to participate in the program;

(b) Develop specific criteria for eligibility of participants and community service agencies;

(c) Provide estimates of state funding requirements;

(d) Explore possible methods by which the manpower needs of community service could best be met;

(e) Recommend alternative methods of administering the program;

(f) Recommend methods by which participants may be given academic credit for community service involvement upon enrollment in a college or university; and

(g) Recommend desirable modifications in the design or

procedures of the program.

SEC. 3. There is hereby appropriated from the General Fund to the California Postsecondary Education Commission, the sum of ten thousand dollars ($10,000) for purposes of conducting or contracting for the study described in Section 2 of this act.

SEC. 4. Chapter 4.9 (commencing with Section 31298) of Division 22 of the Education Code, as added by Section 1 of this act, shall not be implemented until the study undertaken pursuant to Section 2 of this act is completed and the Legislature further acts to implement the California Community Service Fellowship Program prescribed by Chapter 4.9.

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## CHAPTER 1472

*An act to amend Section 6932 of the Education Code, relating to special education, and making an appropriation therefor.*

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

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

SECTION 1. Section 6932 of the Education Code is amended to read:

6932. School districts and county superintendents of schools may contract with sheltered workshops and other work establishments approved for supervised occupational training of physically handicapped and mentally retarded pupils under the age of 21 years, and reimburse such sheltered workshops and work establishments for the expenses incurred in the training of such pupils.

The Superintendent of Public Instruction shall reimburse school districts and county superintendents of schools for the cost per pupil per year, or fraction thereof, for the services provided by sheltered workshops and work establishments.

Such reimbursement shall be the cost of such service not to exceed six hundred fifty dollars ($650) per year, less the share of the school district or county superintendent of schools, as determined pursuant to rules and regulations adopted by the State Board of Education.

SEC. 2. There is hereby appropriated from the General Fund to the Department of Education the sum of one hundred seventy thousand dollars ($170,000) for the purposes of this act.

## CHAPTER 1473

*An act to amend Section 39602 of, to add Sections 39617, 39617.5, 39618, 39618.2, 39618.5, and 39619 to, and to repeal and add Sections 39615 and 39616 of, the Health and Safety Code, relating to pollution control, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 39602 of the Health and Safety Code is amended to read:

39602. It is the purpose of this division to carry out and make effective the findings of the Legislature and to that end to provide industry within the state with an alternative method of financing in providing, enlarging, and establishing pollution control facilities which are needed to accomplish the purposes of this division, all to the mutual benefit of the people of the state and to protect their health and welfare.

SEC. 2. Section 39615 of the Health and Safety Code is repealed.

SEC. 3. Section 39615 is added to the Health and Safety Code, to read:

39615. No project, or portion thereof, shall be eligible for financing under this division for which, at the time an application is submitted to the authority, financing has been otherwise obtained.

No project shall be eligible for financing under this division unless the appropriate state control agency certifies that there is reasonable assurance that:

(a) The project is necessary to further compliance with applicable federal, state and local standards and requirements.

(b) The project is consistent with an approved regional, basin, or state plan for environmental protection.

(c) The project, in the event that such project is concerned with water pollution control, cannot reasonably be financed by being included, or otherwise participating, in a water pollution control project directly funded by a public agency.

For purposes of this section the "appropriate state control agency" shall be the State Water Resources Control Board for projects affecting water quality, the State Air Resources Board for projects affecting air quality, or the Resources Agency for a project affecting other than water quality or air quality. The authority shall reimburse the control agencies for their reasonable and necessary expenses in making the certification.

SEC. 4. Section 39616 of the Health and Safety Code is repealed.

SEC. 5. Section 39616 is added to the Health and Safety Code, to read:

39616. Throughout each calendar quarter the authority shall

accept applications for financing proposed projects. Eligible applicants shall be limited to participating parties who own or operate facilities requiring pollution control equipment which may be provided pursuant to this chapter. After the close of each such quarter, the authority shall determine by resolution those projects which it will finance. The financing of projects shall be determined on the basis of the following priorities:

(a) First priority shall be given to projects which are necessary to meet an established federal, state, or local deadline for correction of existing pollution problems caused by existing facilities.

(b) Second priority shall be given to projects which are necessary to enable existing facilities to comply with federal, state, or local plans for environmental protection but for which no specific compliance date has been established.

(c) Third priority shall be given to other eligible projects.

SEC. 6. Section 39617 is added to the Health and Safety Code, to read:

39617. Projects approved for financing pursuant to Section 39616 shall not exceed fifty million dollars ($50,000,000) in aggregate for each calendar quarter; provided that the authority may at the beginning of any calendar quarter, determine by resolution to finance a lesser aggregate amount of projects during such calendar quarter. In the event that eligible applications exceed, in any quarter, an aggregate of fifty million dollars ($50,000,000), or such lesser amount as may be available for financing during such quarter, projects shall be financed in the following order:

(a) Projects estimated to cost less than one million dollars ($1,000,000).

(b) Projects estimated to cost more than one million dollars ($1,000,000) which provide for pretreatment of wastes discharged into a publicly operated sewerage system.

(c) Projects estimated to cost more than one million dollars ($1,000,000) which provide for conservation and reuse of natural resources.

(d) All other eligible projects estimated to cost more than one million dollars ($1,000,000).

The order of financing specified in this section shall be applied, as appropriate, to applications within the respective priority classifications established pursuant to Section 39616.

SEC. 7. Section 39617.5 is added to the Health and Safety Code, to read:

39617.5. Eligible applications not approved for financing by the authority in any calendar quarter shall, unless withdrawn by the applicant, be automatically considered for financing in the next succeeding calendar quarter along with any new applications which may be submitted in such quarter and shall be subject to the same priorities for financing as such new applications.

SEC. 8. Section 39618 is added to the Health and Safety Code, to read:

39618. Prior to the beginning of each calendar quarter, the authority shall obtain from the appropriate state control agencies, designated in Section 39615, a list of the names and addresses of those business associations, corporations, or individuals which have been required, by a specified deadline, to correct pollution problems caused by existing facilities. The authority shall notify such business associations, corporations, or individuals of its programs for financing pollution control facilities.

In addition, the authority shall take all reasonable steps to publicize its programs so that eligible applicants may be aware of them.

SEC. 9. Section 39618.2 is added to the Health and Safety Code, to read:

39618.2. The authority shall provide maximum opportunity for use of its financing by individuals and small businesses or corporations by providing information, assistance, and coordination to facilitate financing for small projects.

SEC. 10. Section 39618.5 is added to the Health and Safety Code, to read:

39618.5. The authority, no later than March 1 of each year, shall submit to the Legislature a report of its activities for the preceding calendar year ended December 31. Such report shall include (1) a listing of applications received, (2) a listing of applications accepted for financing, (3) specification of bonds sold, interest rates thereon, and whether bond sales were pursuant to public bid or were negotiated, (4) specification of the amount of bonds authorized but currently unsold, (5) a projection of the authority's needs and requirements for the coming year, and (6) a report of revenues and expenditures for the preceding fiscal year.

SEC. 11. Section 39619 is added to the Health and Safety Code, to read:

39619. An applicant for financing for a project involving a waste water treatment plant shall provide evidence satisfactory to the State Water Resources Control Board that the waste water treatment facilities will be operated and maintained by competent personnel. Such evidence shall include, but not be limited to, a description of operating procedures, organizational structure, minimum personnel requirements and training program.

SEC. 12. Nothing in this act is intended to prevent the California Pollution Control Financing Authority from completing financing of those projects approved by resolution of such authority prior to the enactment of this act.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that proposals of the California Pollution Control Financing Authority for additional bonding authority may receive favorable consideration by the Legislature prior to 1975, it is

necessary that this act, which contains appropriate statutory provisions for the efficient use of the proceeds of such bonds, go into immediate effect.

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## CHAPTER 1474

*An act to amend Sections 5002.3 and 5003 of the Public Resources Code, relating to the state park system.*

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

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

SECTION 1. Section 5002.3 of the Public Resources Code is amended to read:

5002.3. A public hearing shall be scheduled by the State Park and Recreation Commission to consider each matter of classification or reclassification of a unit and of approval of the department's resource management plan and general development plan for a unit. Notice of hearing shall be posted in plain sight at one or more places within the affected unit, published in one or more newspapers of general circulation in each county within which the affected unit is located, and mailed to every person who has filed a request for notice of hearing with the State Park and Recreation Commission. If the notice of hearing is published in a weekly newspaper, it must appear therein on at least two different days of publication and if in a newspaper published oftener, there must be at least five days from the first to the last day of publication, both days included. The content of the notice of hearing shall substantially comply with the requirements of Section 11424 of the Government Code.

Copies of the department's inventory, in the case of a hearing on classification or reclassification, or copies of the department's resource management plan and general development plan, in the case of a hearing on approval of the plans, shall be made available to the public at each of the department's district offices on the last date of publication of the notice.

The hearing shall be held by the State Park and Recreation Commission in, or within a radius of 100 miles of, the City of San Diego, Los Angeles, San Francisco, Fresno, or Sacramento, whichever is closest to the unit affected, not less than 30 days, nor more than 60 days, after the last date of publication of the notice. The hearing shall be conducted in the manner specified in Section 11425 of the Government Code. The vote of each individual member of the State Park and Recreation Commission on each matter of classification or reclassification and of approval of the department's resource management plan and general development plan shall be recorded when the final decision of the State Park and Recreation

Commission is announced.

SEC. 2. Section 5003 of the Public Resources Code is amended to read:

5003. The department shall administer, protect, develop, and interpret the state park system for the use and enjoyment of the public. The department may establish rules and regulations not inconsistent with law for the government and administration of the state park system. It may enter into contracts with agencies of the United States, cities, counties, or other subdivisions of the state, for the care and maintenance of park areas, and it may expend all moneys of the department, from whatever source derived, for the care, protection, supervision, extension and improvement or development of the state park system.

It may, with the approval of the Department of General Services, enter into contracts with a regional park district for the care and maintenance of, to maintain and operate concessions within, and to act in the management of, any beaches, parks, public campgrounds, monument site, landmark site, site of historical interest, or other state park areas under its control.

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## CHAPTER 1475

*An act to add Article 1.2 (commencing with Section 20730) to Chapter 7 of Division 8 of the Business and Professions Code, relating to petroleum products.*

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

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

SECTION 1. Article 1.2 (commencing with Section 20730) is added to Chapter 7 of Division 8 of the Business and Professions Code, to read:

### Article 1.2. Sale of Petroleum Products

20730. (a) No person who is engaged in the business of extracting oil or gas from lands within the state, or of refining gasoline for sale within the state, may refuse to sell to any city or county sufficient quantities of his petroleum products for the essential services provided by such city or county.

(b) The board of supervisors of a county or its designated county agency, upon application for the purchase of petroleum products to perform essential services by a city within that county, by any agency of such city or county which performs an essential service, or by any transit district created pursuant to law, may arrange for such purchase and shall apportion the purchase among all persons

specified in subdivision (a) who engage in the sale of petroleum products within that county. The board of supervisors or its designated county agency shall, to the extent possible, apportion the total purchase of the petroleum product on the basis of such persons' sales of such petroleum product in the county during the most recent 90-day period for which information is available.

(c) For the purposes of this section, "essential services" means police, fire, health, and transportation services provided by public agencies.

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

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## CHAPTER 1476

*An act to add Sections 37362 and 37363 to the Government Code, relating to housing.*

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

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

SECTION 1. Section 37362 is added to the Government Code, to read:

37362. The Legislature hereby finds that many low-income persons cannot afford to purchase housing in the conventional housing market. The Legislature also recognizes that cities occasionally acquire residential property requiring substantial rehabilitation prior to being deemed habitable. Since maintenance of existing housing stock and the extension of opportunities for homeownership are desirable objectives, the Legislature declares that the public interest would be well served if cities were empowered to sell such residential property at less than market value to low-income persons on condition that the purchaser rehabilitate the home and reside therein for a specified length of time

SEC. 2. Section 37363 is added to the Government Code, to read:

37363. When the legislative body of a city finds the public interest and convenience require the sale for less than the market price of residential property acquired by the city it may pass an ordinance providing for such sale. The ordinance shall set forth the procedure to be followed in completing such sales, including the qualifications

required of a purchaser of such property, and shall contain provisions requiring that the purchaser of the property live in the property for a specified length of time and must rehabilitate such property to the extent specified in the ordinance; provided, however, that title to the property shall not be transferred until all the requirements set forth in the ordinance have been satisfied.

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## CHAPTER 1477

*An act to amend Sections 980 and 988.3 of, to add Section 987.31 to, and to add Article 3.1 (commencing with Section 987.50) to Chapter 6 of Division 4 of, the Military and Veterans Code, relating to California veteran loans, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 980 of the Military and Veterans Code is amended to read:

980. As used in this chapter, "veteran" means any citizen of the United States who served in the active military, naval or air service of the United States on or after April 6, 1917, and prior to November 12, 1918, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was, at the time of his entry into active duty, a native of or a bona fide resident of this state, or who, if a minor at such time, entered active duty while in the State of California and had lived in this state for six months immediately preceding his entry into active duty; or any person who served in the active military, naval, or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after December 7, 1941, and prior to January 1, 1947, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was at the time of his entry into active duty a native of or bona fide resident of this state, or who, if a minor at such time, entered active duty while in the State of California and had lived in this state for six months immediately preceding his entry into active duty; or any person who served in the active military, naval or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after June 27, 1950, and prior to February 1, 1955, or any person who served in the active military, naval, or air service of the United States for a period of not less than

90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on after August 5, 1964, and prior to the effective date of this act, or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was at the time of his entry into active duty a native of or a bona fide resident of this state or who, if a minor at such time, entered active duty while in the State of California and had lived in this state for six months immediately preceding his entry into active duty.

This chapter does not include:

(a) A person who was separated from such forces under other than honorable conditions.

(b) A person who was separated from such forces on account of alienage.

(c) A person who performed no military duty whatever or refused to wear the uniform.

(d) A person who has received from another state a bonus, compensation, or benefit, the prerequisite of which is service in such forces, which service is the basis for the claim of benefits under this chapter.

(e) A person who served only in an auxiliary or reserve component of the armed forces whose service therein did not exempt him from the operation of the Selective Training and Service Act of 1940.

(f) A person whose service with the armed forces was due to temporary active duty orders for the sole purpose of training duty, processing or a physical examination.

SEC. 2. Section 987.31 is added to the Military and Veterans Code, to read:

987.31. This article shall be applicable to all farm and home purchase loans made or entered into prior to the effective date of the legislation adding this section during the 1974 legislative session and thereafter Article 3.1 (commencing with Section 987.50) of this chapter shall apply.

SEC. 3. Article 3.1 (commencing with Section 987.50) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

## Article 3.1. Farm and Home Purchase

987.50. This article may be cited as the Veterans' Farm and Home Purchase Act of 1974.

987.51. The object of this article is to provide veterans with the opportunity to acquire farms and homes.

987.52. The provisions of this article are applicable, and the benefits conferred thereby are available, to:

(a) Any veteran as defined in Section 980;

(b) Any person who is on active duty in the military or naval

service of the United States, whose service may or may not have been continuous, and who is in all other respects qualified pursuant to Section 980.

987.53. (a) "Farm" means a tract of land, which, in the opinion of the department, is capable of producing sufficient to provide a living for the purchaser and his dependents.

(b) "Home" means a parcel of real estate upon which there is a dwelling house and such other buildings as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode. It includes a "condominium," as defined in subdivision (h) of this section. It also includes a "mobilehome" as defined in subdivision (k) of this section.

(c) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the department.

(d) "Purchase price" means the price which the department pays for any farm or home.

(e) "Selling price" means the price for which the department sells any farm or home.

(f) "Initial payment" means the first payment to be made by a purchaser to the department for a farm or home.

(g) As used in this article, "progress payment plan" means payment by the department for improvements on real property in installments as work progresses.

(h) As used in this article, "condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building on such real property, such as an apartment, which, in the opinion of the department, suits the needs of the purchaser and his dependents as a place of abode. A condominium may include in addition a separate interest in other portions of such real property.

(i) "Effective rate of interest" means the average interest rate of the interest on the unpaid balance due on a participation contract to which the interest of the department is subject, and the interest rate on the unpaid balance of the purchase price, as determined by the department.

(j) "Participation contract" means an obligation secured by a deed of trust or mortgage, or other security interest established pursuant to regulations of the department.

(k) As used in this article, "mobilehome" means either a parcel of real estate, or an undivided interest in common in a portion of a parcel of real property, on which is situate a mobilehome as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode and meets all requirements of local governmental jurisdictions.

987.54. The administration of the provisions of this article is vested solely in the Department of Veterans Affairs.

987.55. The department shall adopt rules and regulations in keeping with the purpose of this article to establish preferences in

the granting of benefits conferred by this article.

987.56. The department shall prescribe and determine the qualifications of all veterans. Any person deeming himself a veteran and desiring to benefit hereunder, shall submit to the department information, in such form as the department prescribes, which will enable the department to determine his eligibility and qualifications. The department may make further inquiries and investigations in order to determine such eligibility and qualifications. Veterans who are otherwise qualified and who were wounded or disabled as a result of their service shall be given first preference in the benefits conferred by this article. The department shall determine, in each case, whether or not the veteran was wounded or disabled as a result of service.

The following group shall be given second preference in the benefits conferred by this article:

(a) The unremarried spouse of individuals who were members of the armed forces on active military duty, entered active duty while in the State of California, lived in this state for six months immediately preceding his or her entry into active duty, and were killed in the line of duty while on active duty.

(b) Members of the armed forces who entered active military duty while in the State of California, lived in this state for six months preceding his or her entry into active duty, and were held as prisoners of war.

(c) The unremarried spouse of members of the armed forces who entered active military duty while in the State of California, lived in this state for six months preceding his or her entry into active duty, and have been designated by the armed forces as missing in action.

Veterans discharged or released from active duty within 10 years of their application to the department shall be given third preference in the benefits conferred by this article.

Nothing in this section regarding preferences shall affect any eligibility requirement for benefits conferred by this article.

987.57. On and after the effective date of the legislation adding this article during the 1974 legislative session all applications for the benefits contained in this article shall be filed with the department within 25 years from the date of the applicant's discharge from the service, or release from active duty, except applications filed by either:

(a) Veterans who were wounded or are disabled as a result of wartime service; or

(b) Veterans who were previously declared prisoners of war.

987.58. (a) If a veteran dies after filing his application for a farm or a home, and his application setting forth his eligibility and qualifications is subsequently approved, his widow may, in the discretion of the department, succeed to his rights under the application, and may be entitled to the rights, privileges, and benefits under this article that would have been his, but for his death. The contract of purchase which the department otherwise would have

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made with such veteran may be made with his widow.

(b) If a man was a member of the armed forces on active military duty, entered active duty while in the State of California and lived in this state for six months immediately preceding his entry into active duty and was killed in line of duty while on active duty, he shall be considered to be a "veteran" for the purposes of this article, and his unremarried widow may file an application, may be entitled to the same rights, privileges and benefits and may contract with the department as provided in the case of a widow under the provisions of subdivision (a) of this section.

(c) If a member of the armed forces entered active military duty while in the State of California, and lived in this state for six months immediately preceding his entry into active duty, and is being held as a prisoner of war or has been designated by the armed forces as missing in action, he shall be considered to be a "veteran" for the purposes of this article, and his wife may file an application, may be entitled to the same rights, privileges, and benefits, and may contract with the department as provided in the case of a widow under the provisions of subdivision (a) of this section.

987.59. When a veteran has been authorized by the department to select a farm or home, he shall submit his selection in such form as the department prescribes.

987.60. The department may acquire such farm or home from the owner thereof or may contract with a veteran for the construction of a dwelling house and other improvements for a farm or home, upon the terms agreed if:

(a) The department is satisfied of the desirability of the property submitted.

(b) The veteran has agreed with the department that he or members of his immediate family will actually reside on the property within 60 days from the date of purchase by the department, or if the residence on the property is not complete on the date of purchase, within 60 days after the residence is completed.

(c) The sum to be expended by the department pursuant to a contract for the construction of a dwelling house and other improvements does not exceed twenty-five thousand dollars ($25,000).

(d) Where the department is to contract with a veteran for the construction of a dwelling house and other buildings, or for the purchase of a mobilehome:

(1) The veteran is the owner in fee of the real property on which the dwelling house and other buildings are to be constructed, or is the owner in fee of the real property or the owner of an undivided interest in common in a portion of a parcel of real property on which a mobilehome is to be situate, and agrees to convey that property to the department without cost.

(2) The veteran has paid a reasonable fee set by the department to cover the cost of such preliminary service of the department as may be necessary to process the application.

(3) The veteran has filed with the department adequate plans and specifications for the improvements to be constructed upon said real property, together with a contract, executed by a contractor licensed by the State of California for the construction of said improvements in accordance with said plans and specifications within eight months after the acquisition of said real property by the department, and a bond executed by the contractor providing for compliance with the terms of said contract and for the payment of materialmen and labor furnishing material or labor on the job, executed by a surety company, authorized to do business in the State of California.

(4) The plans, specifications, contract and bond are approved by the department.

(5) The veteran has placed in escrow, all sums of money to be advanced by him where the cost is in excess of the maximum that may be expended by the department.

As used in this section "immediate family" includes only the following:

Spouse, children, either natural or adoptive; and the parents if they are dependent upon the veteran for 50 percent or more of their support.

987.61. The department may purchase property, subject to a participation contract providing for a loan term of not less than 23 years. In no event shall the purchase price plus the participation contract exceed twenty-five thousand dollars ($25,000) or equal more than 95 percent of the market value of the property as determined by department appraisal, whichever is the lower amount.

987.62. The department, after consummating a purchase under the provisions of this article and the veteran having occupied the property as required by Section 987.60 of this article, may waive the occupancy requirement for a period not to exceed four years on a showing of good cause. The department shall establish standards for the occupancy waiver and shall make those standards known.

987.63. Notwithstanding other provisions of this article relating to the occupancy, leasing, letting, or subletting of a farm or home acquired pursuant to this article, the department, with respect to any veteran who after consummating a purchase of a farm or home under this article and occupying such farm or home reenters the active military, naval, or air service of the United States, may waive the occupancy requirement for the period of such active service and for a reasonable period subsequent to the termination of such active service and consent to the leasing, letting, or subletting of the farm or home during such period or periods.

987.64. The department shall not acquire a home under the provisions of this article where the market value of the improvements exceeds the sum of forty-five thousand dollars ($45,000), to be determined by an appraiser or an authorized representative of the department.

987.65. The purchase price of a home to the department shall not

exceed the sum of twenty-five thousand dollars ($25,000), except that the purchase price of a mobilehome to the department shall not exceed twelve thousand five hundred dollars ($12,500), and a veteran purchasing the home may advance, subject to the provisions of Section 987.64, the difference between the total price or cost of the home and the sum of the purchase price of the home to the department and any amount the department is required under Section 987.69 of this code to add to the purchase price of the home in fixing the selling price thereof to the veteran. The purchase price of a farm to the department shall not exceed eighty thousand dollars ($80,000), and a veteran purchasing the farm may advance the difference between the total price of the farm or cost of the dwelling and improvements to be constructed on a farm under a contract and the sum of such purchase price to the department or contract price to the department and any amount which the department is required under Section 987.69 of this code to add to such purchase or contract price to the department in fixing the selling price of the farm to the veteran.

987.66. The department may acquire a farm in which the veteran to whom such farm is to be sold has theretofore acquired an interest.

987.67. Before the purchase of any property by the department there shall be filed with the department (1) an appraisement of the market value of the property by an employee or an authorized agent of the department or (2) in lieu of the appraisal by the department, the department may accept an appraisement of the market value of the property by either the Federal Housing Administration or the Veteran's Administration, and in addition there may be filed with the department an appraisement of the market value of the property by an authorized appraiser of a banking corporation formed under the laws of this state or of a national banking association having a place of business in this state. Each appraisement shall be certified by the maker thereof. The certification shall state that it is made in good faith, and that the valuation is honestly determined and represents the bona fide opinion of the maker.

987.68. The department, before consummating a purchase under the provisions of this article, shall cause the title of the property sought to be purchased to be examined and may require for that purpose an abstract, an unlimited certificate of title, or a policy of title insurance, and may refer the same to the Attorney General for his opinion.

987.69. The department shall then enter into a contract with the veteran for the sale of the property to the veteran. The department shall fix the selling price of the property by adding to the purchase price thereof, to the total cost of improvements constructed, or to the value of such property as determined by the department when such property is acquired by the department in a manner other than by purchase, all expenses incurred and estimated to be incurred by the department in relation thereto, inclusive of interest, administration, appraisals, examination of title, incidental expenses, and the sum

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deemed necessary to meet unforeseen contingencies. In the case of real property acquired from a veteran for the purpose of constructing improvements thereon, the department shall forthwith after acquiring said real property enter into the contract with the veteran authorized by this section at a selling price determined by the amount of the contract price for the improvements and any of the other additions herein authorized. After the execution of said contract between the veteran and the department and the making of the initial payment thereon the department shall be authorized to pay the cost of the improvements contracted to be constructed on said real property, making progress payments thereon in such amounts and at such times as the department approves. The department shall upon written request of the veteran and his contractor have authority to approve additions to or deletions from the improvements contracted to be constructed and any savings affected or added cost incurred shall be deducted from or added to the amount due the department by the veteran under the terms of his contract.

987.70. For the purposes of this article any veteran who is under the age of 21 shall be deemed to be of the age of majority and to be an adult person for the purpose of entering into any contract for the purchase of a farm or home from the department or any other contract with respect to such property.

987.71. The purchaser shall make an initial payment of at least 10 percent of the selling price of the property, in case of a farm, and 5 percent in the case of a home. The department may waive the initial payment in any case where the value of the property as determined by the department appraisal shall equal the amount to be paid by the department plus at least 10 percent in the case of a farm, and 5 percent in the case of a home. The balance of the purchase price may be amortized over a period fixed by the department, not exceeding 40 years for farms or homes, but not exceeding 15 years for mobilehomes, together with interest thereon at the rate as determined by the department pursuant to Section 987.87 for such amortization purposes. The purchaser on any installment date may pay any or all installments still remaining unpaid. In any individual case the department may for good cause postpone from time to time upon terms as the department deems proper, the payment of the whole or any part of any installment of the purchase price or interest thereon. Each installment shall include an amount sufficient to pay the principal and interest on the participation contract to which the interest of the department is subject, and such amount as may be required by any covenant or provision contained in any resolution of issuance.

987.72. The provisions of Section 987.71, relative to the rate of interest to be charged to veteran purchasers do not apply to assignees of such purchasers who are not veterans, but as to such assignees the rate of interest shall be as fixed by the department, compounded at periods fixed by the department.

The action of the department in refusing to permit any assignments except as provided in this section is hereby ratified and confirmed, it having at all times been the intent of the Legislature that Section 987.71 apply to veteran purchasers only.

987.73. (a) Except as provided in subdivision (b), the department in each individual case may specify the terms of the contract entered into with the purchaser, but no property sold under the provisions of this article shall, voluntarily or involuntarily, by operation of law or otherwise, be transferred, assigned, encumbered, leased, let or sublet, in whole or in part, nor shall any mobilehome be removed from its original site, except in case of emergency where temporary removal is necessary to avoid potential damage, without the written consent of the department, until the purchaser has paid therefor in full and has complied with all the terms and conditions of this contract of purchase.

(b) The consent of the department shall not be required where a veteran, alone or jointly with his spouse, transfers his interest in property which is the subject of a loan agreement with the department into a revocable trust established for the benefit of the veteran or of the veteran and his spouse.

987.74. The contract made between the department and purchaser shall provide that the purchaser maintain the farm or home as his place of residence and keep in good order and repair all buildings, fences, and other permanent improvements situate thereon and that the purchaser, if required, insure and keep insured against fire or other hazards, all buildings, fences, other permanent improvements, or crops on the property, loss, if any, under the policies therefor to be made payable to the department as its interest appears. Insurance shall be in the amount, with the insurance companies, and under the conditions specified by the department.

987.75. If the purchaser fails or neglects to pay, satisfy, and discharge at maturity all taxes and assessments, and all other charges and encumbrances which are a lien upon the property being purchased from the department, or any part thereof, and also all taxes and assessments levied or assessed upon the interest created by the contract of purchase of such property; or to keep the buildings, fences, other permanent improvements upon such property insured and in good order and repair, or to keep the crops upon such property insured; or to keep in good order and repair all buildings, fences, and other permanent improvements situated upon such property; then, in such event, the department may pay, satisfy, discharge, settle, or compromise the taxes, assessments, charges, or encumbrances, or insure the buildings, fences, permanent improvements, or crops, or do the work and supply the materials necessary to keep the buildings, fences, and other improvements in good order and repair. All moneys so expended by the department shall be added to the selling price of the property and bear interest at the rate of interest designated in Section 987.71 from the date of expending the same, and shall be repaid by the purchaser to the

department on demand. The department may amortize the repayment of such expenditures or permit repayment in installments upon the terms and conditions which it deems proper.

987.76. The department shall be the sole judge of:

(a) The legality or validity of taxes, assessments, charges, or encumbrances, and the amount necessary to be paid in satisfaction or discharge thereof.

(b) The amount of insurance to be placed upon the buildings, fences, other permanent improvements, and crops and the amount necessary to be paid for the premiums for such insurance.

(c) The necessity and nature of the work necessary to keep the buildings, fences, and other improvements in good order and repair, and the amount necessary to be paid therefor.

987.77. In the event of a failure of a purchaser to comply with any of the terms of his contract of purchase, the department may cancel such contract, and thereupon be released from all obligations, at law or in equity, to convey the property, and the purchaser shall forfeit all right thereto. All payments theretofore made shall be deemed to be rental paid for occupancy. Upon such forfeiture, the department shall take possession of the property covered by such contract, and shall remove all persons and personal property therefrom without any liability whatsoever on the part of the department or of any official or employee thereof for any damage or injury caused by or incident to the entry or removal. The failure of the department to exercise any option to cancel or to exercise any other privilege under such contract for any default shall not constitute a waiver of the right to exercise such option or privilege for any other default on the part of the purchaser.

987.78. In the event of a forfeiture of a contract of purchase under the provisions of this article, the department may sell or otherwise dispose of the property covered by the forfeited contract to such person and upon such terms and conditions as it deems proper.

In the event such property is subject to a participation contract the department may, at its option, pay the balance due upon such participation contract, including accrued interest without penalty.

987.79. The department may, in the contract of purchase with a veteran, provide that, in the event of default by the veteran and forfeiture of his rights under the contract and subsequent sale of the property by the department, it may pay to him any net gain realized by the department upon the sale. The department is the sole judge of the net gain.

987.80. The department may insure and keep insured against fire or other hazards all buildings, fences, other permanent improvements, or crops situated upon any property which has reverted to and is under the control of the department, or may do the work and supply the materials necessary to keep the buildings, fences, and other improvements situated upon the property in good order and repair. The department may lease or let the property, in whole or in part, upon such terms as it deems proper. In the case of



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a farm, the department may cultivate the farm or harvest the crop.

987.81. If illness or accident prevents a purchaser of a farm from cultivating his farm or harvesting any crop, the department may enter and cultivate the farm or harvest the crop. In such event the department has a first lien upon the crop for all moneys expended and may sell the harvested crop. Out of the proceeds of the sale the department may reimburse itself for any expense which it has incurred in the cultivation of the farm, the harvesting of crops and the sale thereof, and retain any moneys due to the department from the purchaser. Any balance shall be paid by the department to the purchaser.

987.82. When a purchaser dies, indebted to the department under contract of purchase, his rights acquired under this article and such contract shall devolve upon his heirs, devisees, or personal representatives, but subject to all rights, claims, and charges of the department. Default on the part of an heir, devisee, or personal representative, with respect to any right, claim, or charge of the department shall have the same effect as would default on the part of the purchaser but for his death.

987.83. For the purposes of carrying out the Veterans' Farm and Home Purchase Act of 1974 the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this article, and the amount necessary to carry out this section is hereby appropriated without regard to fiscal years. Any amounts withdrawn shall be deposited in the Veterans' Farm and Home Building Fund of 1974. Any moneys made available under this section to the department shall be returned to the General Fund in such amounts as may be received by the department from the sale of bonds sold for the purpose of carrying out this article, together with interest at the rate of interest fixed in the bonds so sold.

987.84. The right to declare a forfeiture for breach of a condition contained in any deed to real property may not be enforced as against the interest of the department in said real property or any portion thereof.

987.85. The department shall not acquire a home in which the veteran has an interest of record except in the following instances:

(a) Where the application is for aid for the construction of a home upon unimproved real property owned by the applicant.

(b) Where the veteran had no interest of record in the property at the time of filing his application and thereafter secured interim financing pending the processing and approval of his application by the department.

(c) Where the application is to pay the balance due on an existing loan not insured or guaranteed by the federal government, and which bears an interest rate of more than 2 percent higher than the prevailing Cal-vet rate.

(d) Where the application is for purchase of a mobilehome to be

situated upon real property, or an undivided interest therein, owned by the applicant.

987.86. (a) Any veteran for whom a farm or home is purchased under this article may be granted a subsequent opportunity to purchase another farm or home when the farm or home purchased under this article is sold because of any of the following:

(1) Condemnation proceedings instituted by a public agency.

(2) A change in the veteran's employment which compels a change in residence location.

(3) The health of a veteran or of a member of his immediate family compels a change in residence location.

(4) Any increase or decrease in the veteran's obligation to provide housing for dependents has resulted in the livable area of the house being inadequate or excessive for the veteran's current housing needs.

(5) Increased real property taxes beyond the veteran's ability to pay.

(b) The provisions of subdivision (a) shall apply only if the veteran pays his purchase contract in full, applies for a subsequent loan within six months from date of sale and pays toward the purchase of the new farm or home the net equity received from sale of the former property.

(c) Only one farm or home purchased under this article shall be owned by a veteran or a veteran and the veteran's spouse at any one time under the provisions of this article.

(d) Any veteran for whom a farm or home is purchased under this article may be granted a subsequent opportunity to purchase another farm or home if he has paid his purchase contract in full, and qualifies as a veteran as described in Section 980, under another separate period of service, or the veteran and the veteran's spouse each qualify as a veteran as described in Section 980.

(e) A member of the armed forces, eligible for military retirement who meets the residence requirements of Section 980, or a veteran as described in Section 980 who is receiving military retirement pay, for whom a farm or home was purchased under this article while in active military service, may be granted a subsequent opportunity to purchase another farm or home provided he has paid his purchase contract in full and has served during more than one period for which eligibility is granted.

987.87. (a) The department shall establish the actual interest rate to be paid. To this end the department, by a two-thirds vote of California Veterans Board members and with the approval of the Veterans' Finance Committee of 1943, is empowered to establish a uniform rate of interest payable upon the amount remaining unpaid under any veteran's purchase contract executed prior to the effective date of the amendments to this section enacted at the 1972 Regular Session of the Legislature. The California Veterans Board and the Veterans' Finance Committee shall periodically, at least once each year, make a finding as to the rate of interest to be

charged, determined by a floating rate based upon the actual cost of general obligation bond sales, plus a certain percent for administrative costs to be determined annually by the board and committee, taking into consideration the current value of money and the solvency of the Veterans' Farm and Home Building Fund of 1974, the interest paid on participation contracts to which the interest of the department is subject. The California Veterans Board and the Veterans Finance Committee may raise or lower the effective rate of interest payable under such contracts for any given period as many times and as frequently as it deems to be for the best interests of the department, as well as the contract holders, if in so doing its action is made applicable alike to any and all contracts executed after the effective date of this section, and 90 days' advance notice be given of the time when the new rate of interest is to become effective.

(b) The total amount of any installment payment shall be raised or lowered to reflect a change in the effective rate of interest. However, the department shall, upon request of the purchaser, instead increase or decrease the period fixed by the department for amortization of the purchase price without changing the amount of the installment payment. The department shall provide the purchaser with full information as to the repayment options available to him under this subdivision and, upon request of the purchaser, the financial consequences of each such option. The actual interest rate to be paid on the amount remaining unpaid under any veteran's purchase contract shall be a rate of interest which, when combined with the interest paid on the unpaid balance of a participation contract to which the department's interest is subject equals the effective rate of interest.

987.88. In the event the department enters into a master agreement with one or more insurance companies to provide life insurance coverage for the purchasers of farms and homes from the department, the master agreement shall provide that the life insurance coverage offered under the master agreement will be offered by the insurance company or companies to disabled and nondisabled veterans on an equal basis and that no veteran shall be denied coverage because that veteran is disabled at the time of application.

987.89. The action of a veteran purchaser for damages against any third party does not affect his right of action for all damages against any party other than the department. If the department indemnifies, or becomes obligated to indemnify, the veteran purchaser, it may likewise bring an action against any such third party responsible for damage to the contract property. In the latter event, the department may recover in the same suit all payments made on behalf of the veteran purchaser.

If either the veteran purchaser or the department brings an action against such third party, the veteran purchaser or the department, as the case may be, shall forthwith give to the other written notice of the action and of the name of the court in which the action is

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brought, by personal service or registered mail. Proof of such service shall be filed in such action. If the action is brought by either the veteran purchaser or the department, the other may, at any time before trial on the facts, join as party plaintiff, or shall consolidate the action if brought independently.

The court shall first apply, out of the entire amount of any judgment for any damage recovered by the veteran purchaser, a sufficient amount to reimburse the department for the amount of its expenditures for indemnification. If the department has not joined in the action or has not brought action, or if the action has not been consolidated, the court, on the department's application, shall allow as a first lien against the entire amount of any judgment for any damages recovered by the veteran purchaser, the amount of the department's expenditures for indemnification.

987.90. For the purposes of carrying out the provisions of the Veterans' Farm and Home Purchase Act of 1974, there is hereby appropriated, and the department is hereby authorized to utilize, the proceeds derived from the Veterans Bond Act of 1974, in an amount not to exceed three hundred fifty million dollars ($350,000,000). In addition to this amount, the department is authorized to combine such funds up to a percent to be established by the Veterans Finance Committee and reported to the Legislature annually with funds derived from participation contracts.

987.91. Pursuant to the provisions of Section 987.90, the Department of Veterans Affairs is authorized to issue to lenders or investors supplying funds for the program a participation contract.

SEC. 4. Section 988.3 of the Military and Veterans Code is amended to read:

988.3. The State Department of Finance is hereby authorized to provide for advances of money to the department, needed to meet contingent expenses, to such an amount not exceeding fifty thousand dollars ($50,000), as the said Department of Finance shall deem necessary, and to provide for advances of money to the department, needed to carry out the provisions of Articles 3, 3.1, and 3.5 of this chapter to such an amount not exceeding ten million dollars ($10,000,000), as the said Department of Finance may deem necessary, such advances to be administered as revolving funds. The State Controller is hereby authorized and directed to draw his warrants upon the Veterans' Farm and Home Building Fund for such advances, and the State Treasurer is hereby authorized and directed to pay the same.

SEC. 5. The Department of Veterans Affairs is hereby directed to develop a comprehensive loan plan to be submitted as a report to the Legislature June 30, 1975. The report shall contain, among other pertinent recommendations and findings, the following information:

(a) The actual number of veterans who have been served by the Veterans' Farm and Home Loan Acts of 1943 and 1974, and the estimated number of veterans who will use the program in the future.

(b) An approximation of the necessary duration of the current program so as to accommodate all eligible persons who will use the program.

(c) Schedules and calculations of the amounts of money and dates of bond sales required to accommodate all eligible persons who will use the program.

(d) Establishment of a termination date for the Veterans' Farm and Home Purchase Acts of 1943 and 1974 incorporating a procedure for liquidating accumulated net gain.

(e) Establish procedures for responding to deviations from anticipated program requirements with particular regard to recommendations (a) through (c) of this section.

(f) Formulation of a plan to publicize the availability and utilization of the program to eligible persons and the general public.

(g) Evaluation and recommendations for requiring the demand for and cost of opening a second mortgage option to qualified veterans as an alternative to loan benefits now available under this article.

(h) The administrative costs expressed in dollar amounts and in the percent by which such administrative costs affect the total interest rate paid by the borrower and an explanation thereof.

Thereafter, the department shall annually submit to the Legislature on January 1st of each year commencing with the year 1976, a report comparing the actual performance of the Veterans' Loan and Home Purchase Act of 1974 and the projections of the comprehensive loan plan required by this section.

The report shall also contain anticipated departmental actions to correct deviations with respect to item (e) of this section, and appropriate legislative recommendations.

On January 1st of each year commencing with the year 1975 a report shall be submitted setting forth a projection of anticipated utilization of authorized general obligation bonds, and participation contracts to be sold during the year in carrying out the purposes of this act and appropriate legislative recommendations. The report shall have the prior approval of the Veterans' Finance Committee.

SEC. 6. It is the intent of the Legislature that pursuant to Section 987.87 of this article, the actual interest rate established provide a benefit to eligible veterans similar in value to the average benefit enjoyed by veterans previously participating in the program.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to take advantage of the 1974 Veterans' Bond Act funds it is necessary that this act take immediate effect.

## CHAPTER 1478

*An act to add Chapter 19 (commencing with Section 7500) to Division 7 of Title 1 of the Government Code, relating to retirement of public employees.*

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

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

SECTION 1. Chapter 19 (commencing with Section 7500) is added to Division 7 of Title 1 of the Government Code, to read:

### CHAPTER 19. PUBLIC PENSION AND RETIREMENT PLANS

7500. Any city with a population of 1,000,000 or more, and any agency thereof, which has established any pension and retirement plan which requires officers and employees of one sex to pay greater contributions than those of another sex who are the same age shall revise the plan so that the contributions are the same commencing with contributions for service on and after January 1, 1975. This section shall not be construed as requiring or authorizing an increase in the contributions of any members of a pension and retirement plan.

This section shall not be applicable to the Public Employees' Retirement System.

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

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## CHAPTER 1479

*An act to amend Section 10751.5 of the Education Code, relating to student records.*

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

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

SECTION 1. Section 10751.5 of the Education Code is amended to read:

10751.5. Notwithstanding Section 10751, the superintendent, principal, or governing board of any public, private, or parochial school providing instruction in kindergarten or any of grades 1 to 12,

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

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## CHAPTER 1480

*An act to add Sections 20336 and 20930.4 to the Government Code, relating to the Public Employee's Retirement System.*

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

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

SECTION 1. Section 20336 is added to the Government Code, to read:

20336. A person in full-time employment which in the opinion of the board is on a seasonal or temporary basis is excluded from membership unless the employment is compensated and:

(a) The appointment or employment contract fixes a term of employment in excess of six months or, if a term is not fixed, the employment under such appointment or contract continues for more than six months; or

(b) The person is a member at the time of entering such employment.

This section shall supersede any contract provision excluding persons in any temporary or seasonal employment and shall apply only to persons entering employment on and after its effective date. No contract or contract amendment entered into after such effective date shall contain any provision excluding temporary or seasonal employees.

SEC. 2. Section 20930.4 is added to the Government Code, to read:

20930.4. "Public service" also means service in temporary or seasonal employment in which a person was excluded from membership.

## CHAPTER 1481

*An act to amend Section 425.10 of, and to add Section 425.11 to, the Code of Civil Procedure, relating to pleadings.*

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

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

SECTION 1. Section 425.10 of the Code of Civil Procedure is amended to read:

425.10. A complaint or cross-complaint shall contain both of the following:

(a) A statement of the facts constituting the cause of action, in ordinary and concise language.

(b) A demand for judgment for the relief to which the pleader claims he is entitled. If the recovery of money or damages be demanded, the amount thereof shall be stated, unless the action is brought in the superior court to recover damages for personal injury or wrongful death, in which case the amount thereof shall not be stated.

SEC. 2. Section 425.11 is added to the Code of Civil Procedure, to read:

425.11. When a complaint or cross-complaint is filed in an action in the superior court to recover damages for personal injury or wrongful death, the party against whom the action is brought may at any time request a statement setting forth the nature and amount of damages being sought. The request shall be served upon the plaintiff or cross-complainant, who shall serve a responsive statement as to the damages within 15 days thereafter. In the event that a response is not served, the party, on notice to the plaintiff or cross-complainant, may petition the court in which the action is pending to order the plaintiff or cross-complainant to serve a responsive statement.

If no request is made for such a statement setting forth the nature and amount of damages being sought, the plaintiff shall give notice to the defendant of the amount of special and general damages sought to be recovered (1) before a default may be taken; or (2) in the event an answer is filed, at least 60 days prior to date set for the trial.

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## CHAPTER 1482

*An act to add Section 11555.2 to the Insurance Code, relating to malpractice insurance.*

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

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

SECTION 1. Section 11555.2 is added to the Insurance Code, to read:

11555.2. Each insurer transacting insurance covering liability for malpractice of any person licensed under the Dental Practice Act (Chapter 4 (commencing with Section 1600) of Division 2 of the Business and Professions Code), or under the Medical Practice Act (Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code), shall report the following statistics to the commissioner, by profession, on or before _____ of each calendar year:

(a) The total number of insureds within each profession as of December 31 of the calendar year next preceding.

(b) The total amount of premiums paid by the insureds in such profession during the calendar year next preceding.

(c) The number of claims filed against the insurer's insureds during, and the total number of claims outstanding as of December 31 of the calendar year next preceding.

(d) The number of claims paid by the insurer during the calendar year next preceding, and the total monetary amount thereof.

(e) The number of lawsuits filed against the insurer's insureds during the calendar year next preceding.

(f) The number of lawsuits previously filed against the insurer's insureds which were dismissed without settlement or trial during the calendar year next preceding.

(g) The number of lawsuits previously filed against the insurer's insureds which were settled without trial, the total monetary amount prayed for in such settled cases, and the total monetary amount paid out as settlements in such settled cases, during the calendar year next preceding.

(h) The total number of lawsuits against the insurer's insureds which went to trial during the calendar year next preceding, and the number of such cases ending in:

(1) Mistrial.
(2) Nonsuit.
(3) Directed verdict for plaintiff.
(4) Directed verdict for defendant.
(5) Judgment notwithstanding the verdict for the plaintiff.
(6) Judgment notwithstanding the verdict for the defendant.
(7) Judgment for the plaintiff.
(8) Judgment for the defendant.
(9) Other.

(i) The total monetary amount paid out, in those lawsuits specified in paragraphs (3), (5), and (7) of subdivision (h).

(j) The number of new trials granted during the calendar year next preceding.

(k) The number of lawsuits pending on appeal as of December 31 of the next preceding calendar year.

## CHAPTER 1483

*An act making an appropriation to reimburse Merced County for lost property tax revenues, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. The sum of seventy-nine thousand nine hundred seventy-four dollars and ninety-four cents ($79,974.94) is hereby appropriated from the State General Fund to the State Controller for disbursement to Merced County to reimburse Merced County for property tax revenues lost by reason of the provisions of Chapter 1165 of the Statutes of 1973.

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

Merced County will incur losses as a result of the operation of Chapter 1165 of the Statutes of 1973 prior to January 1, 1975, and unless the funds appropriated by this act to reimburse Merced County for such losses are available for disbursement immediately, the public peace, health, and safety of the people of Merced County will be jeopardized.

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## CHAPTER 1484

*An act to amend Section 5001.5 of, and to add Section 5001.6 to, the Public Resources Code, relating to beaches and parks, and in this connection to amend and supplement the Budget Act of 1974 (Chapter 375, Statutes of 1974) by adding Section 2.8B thereto, and declaring the urgency thereof, to take effect immediately.*

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

I am reducing the appropriation contained in Section 2.8B of Senate Bill No. 907 from $64,645,000 to $41,145,000, by eliminating the following items.

| | | |
|---|---|---|
| (q) | Santa Monica Mountains, Los Lones Canyon Land acquisition ..... | 2,500,000 |
| (y) | Morro Bay, land acquisition..... | 1,000,000 |
| (kk) | Griffith Park-Santa Monica Mountains trail, land acquisition | 1,000,000 |
| (*ll*) | Griffith Park-Elysian Park-Arroyo Seco Corridor, land acquisition... | 3,000,000 |
| (mm) | Baldwin Hills Park project, land acquisition | 4,000,000 |
| (nn) | Santa Susana Mountain Park, land acquisition | 4,000,000 |
| (oo) | Santa Fe Dam Park, development | 4,000,000 |
| (pp) | Castaic Park, development | 4,000,000 |

I am deleting items (q) and (y) as the funding for these projects was included in measures I have already approved.

I am deleting items (q) and (y) as the funding for these projects was included in measures I have already approved

I am deleting items (kk), (ll), (mm), (nn), (oo), and (pp) because the projects involved were not included in the list of proposed projects submitted to the electorate at the time they voted on the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 In addition, these projects were not reviewed or approved by the State Parks and Recreation Commission or the Secretary of the Resources Agency

With this reduction, I approve Senate Bill 907

Respectfully,

RONALD REAGAN, Governor

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

SECTION 1. Sections 2 and 3 of this act shall be known and may be cited as the "Collier-Z'berg State Seashore Act."

SEC. 2. Section 5001.5 of the Public Resources Code is amended to read:

5001.5. All units which are or shall become a part of the California state park system shall be classified by the State Park and Recreation Commission into one of the following categories:

(a) State wildernesses, which, in contrast with those areas where man and his own works dominate the landscape, are hereby recognized as areas where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. A state wilderness is further defined to mean an area of undeveloped state-owned or -leased land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

State wildernesses may be established within the boundaries of other state park system units.

(b) State reserves, which consist of areas embracing outstanding natural or scenic characteristics of statewide significance. The purpose of a state reserve is to preserve its native ecological associations, unique faunal or floral characteristics, geological features and scenic qualities in a condition of undisturbed integrity. Resource manipulation shall be restricted to the minimum required to negate the deleterious influences of man.

Improvements undertaken shall be for the purpose of making the areas available, on a day-use basis, for public enjoyment and education in a manner consistent with the preservation of their natural features. Living and nonliving resources contained within state reserves shall not be disturbed or removed for other than

scientific or management purposes.

State reserves may be established in the terrestrial or underwater environments of the state.

(c) State parks, which consist of relatively spacious areas of outstanding scenic or natural character, oftentimes containing also significant historical, archaeological, ecological, geological, or other such values. The purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of such ecological regions of California as the Sierra Nevada Mountains, northeast volcanic, great valley, coastal strip, Klamath-Siskiyou Mountains, southwest mountains and valleys, redwoods, foothills and low coastal mountains, and desert and desert mountains.

Each state park shall be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established.

Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Improvements may be undertaken to provide for such recreational activities as, but not limited to, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as such improvements involve no major modification of lands, forests, or waters. Improvements which do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within state parks.

State parks may be established in either the terrestrial or underwater environments of the state.

(d) State recreation units, which consist of areas selected, developed, and operated to provide outdoor recreational opportunities. Such units shall be designated by the State Park and Recreation Commission by naming, in accordance with the provisions of this article relating to classification.

In the planning of improvements to be undertaken within state recreation units, consideration shall be given to compatibility of design with the surrounding scenic and environmental characteristics.

State recreation units may be established in the terrestrial or underwater environments of the state and shall include:

(1) State recreation areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet other than purely local needs. Such areas shall be selected for their having terrain capable of withstanding extensive human impact and for their proximity to large centers of population, major routes of travel, or proven recreational resources such as man-made or natural

bodies of water. Areas containing ecological, geological, or scenic resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural preserves.

Improvements may be undertaken to provide for such recreational activities as, but not limited to, camping, picnicking, swimming, hiking, bicycling, horseback riding, boating, water-skiing, diving, winter sports, fishing, and hunting.

Improvements to provide for urban or indoor formalized recreational activities shall not be undertaken within state recreation areas.

(2) Underwater recreation areas, consisting of areas in the underwater environment selected and developed to provide surface and subsurface water-oriented recreational opportunities, while preserving basic resource values for present and future generations.

(3) State vehicular recreation areas, consisting of areas where topographic features and associated recreational vehicle opportunities are the primary values. Such areas shall be chosen to insure that no substantial natural values are lost and that no adjoining properties incur adverse effects from the operation and maintenance of vehicular recreation areas. When important natural or scenic values are found to be present within the boundaries of a state vehicular recreation area they shall be defined within a natural preserve in accordance with the provisions of subdivision (f). The development of facilities shall be aimed at making full public use of the recreational opportunities present, and the natural and cultural elements of the environment may be managed or modified to enhance the recreation experiences. Under all circumstances, conditions of accelerated and unnatural erosion shall be anticipated and prevented to the extent possible. Where the occurrence of such erosion is unanticipated, every measure shall be taken to restore the area.

(4) State beaches, consisting of areas with frontage on the ocean, or bays designed to provide swimming, boating, fishing, and other beach-oriented recreational activities. Coastal areas containing ecological, geological, or scenic resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural preserves.

(5) Wayside campgrounds, consisting of relatively small areas suitable for overnight camping and offering convenient access to major highways.

(e) Historical units, to be named appropriately and individually, which consist of areas established primarily to preserve objects of historical and scientific interest, and places commemorating important persons or historic events. Such areas should be of sufficient size, where possible, to provide a significant proportion of the landscape associated with the historical objects. The only facilities provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval by the State Park and

Recreation Commission, lands outside the primary historic zone may be selected or acquired, developed, or operated to provide camping facilities within appropriate historical units. Certain agricultural, mercantile, or other commercial activities may be permitted, provided those activities are a part of the history of the individual unit and developments retain or restore historical authenticity. Historical units shall be named to perpetuate the primary historical theme of the individual units.

(f) Natural preserves, which consist of distinct areas of outstanding natural or scientific significance established within the boundaries of other state park system units. The purpose of natural preserves shall be to preserve such features as rare or endangered plant and animal species and their supporting ecosystems, representative examples of plant or animal communities existing in California prior to the impact of civilization, geological features illustrative of geological processes, significant fossil occurrences or geological features of cultural or economic interest, or topographic features illustrative of representative or unique biogeographical patterns. Areas set aside as natural preserves shall be of sufficient size to allow, where possible, the natural dynamics of ecological interaction to continue without interference, and to provide, in all cases, a practicable management unit. Habitat manipulation shall be permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations which constitute the basis for the establishment of the natural preserve.

(g) State seashores. State seashores consist of relatively spacious coastline areas with frontage on the ocean, or on bays open to the ocean, including water areas seasonally connected to the ocean, possessing outstanding scenic or natural character and significant recreational, historical, archaeological, or geological values. State seashores may include underwater areas within them, but may not be established solely in the underwater environment.

The purpose of state seashores shall be to preserve outstanding natural, scenic, cultural, ecological, and recreational values of the California coastline as an ecological region and to make possible the enjoyment of coastline and related recreational activities which are consistent with the preservation of the principal values and which contribute to the public enjoyment, appreciation, and understanding of those values.

Improvements undertaken within state seashores shall be for the purpose of making the areas available for public enjoyment, recreation, and education in a manner consistent with the perpetuation of their natural, scenic, cultural, ecological, and recreational value. Improvements which do not directly enhance the public enjoyment of the natural, scenic, cultural, ecological, or recreational values of the seashore, or which are attractions in themselves, shall not be undertaken in state seashores.

SEC. 2.5. Section 5001.5 of the Public Resources Code, as amended by Section 2 of this act, is amended to read:

5001.5. All units which are or shall become a part of the California state park system, except those units or parts of units designated by the Legislature as wilderness areas pursuant to Chapter 1.3 (commencing with Section 5093.30) of this division, shall be classified by the State Park and Recreation Commission into one of the following categories:

(a) State wildernesses, which, in contrast with those areas where man and his own works dominate the landscape, are hereby recognized as areas where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. A state wilderness is further defined to mean an area of relatively undeveloped state-owned or -leased land which has retained its primeval character and influence or has been substantially restored to a near natural appearance, without permanent improvements or human habitation, other than semi-improved campgrounds and primitive latrines, and which is protected and managed so as to preserve its natural conditions and which:

(1) Appears generally to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.

(2) Has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

(3) Has at least five thousand acres of land, either by itself or in combination with contiguous areas possessing wilderness characteristics, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition.

(4) May also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

State wildernesses may be established within the boundaries of other state park system units.

(b) State reserves, which consist of areas embracing outstanding natural or scenic characteristics of statewide significance. The purpose of a state reserve is to preserve its native ecological associations, unique faunal or floral characteristics, geological features and scenic qualities in a condition of undisturbed integrity. Resource manipulation shall be restricted to the minimum required to negate the deleterious influences of man.

Improvements undertaken shall be for the purpose of making the areas available, on a day-use basis, for public enjoyment and education in a manner consistent with the preservation of their natural features. Living and nonliving resources contained within state reserves shall not be disturbed or removed for other than scientific or management purposes.

State reserves may be established in the terrestrial or underwater environments of the state.

(c) State parks, which consist of relatively spacious areas of outstanding scenic or natural character, oftentimes containing also significant historical, archaeological, ecological, geological, or other

such values. The purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of such ecological regions of California as the Sierra Nevada Mountains, northeast volcanic, great valley, coastal strip, Klamath-Siskiyou Mountains, southwest mountains and valleys, redwoods, foothills and low coastal mountains, and desert and desert mountains.

Each state park shall be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established.

Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Improvements may be undertaken to provide for such recreational activities as, but not limited to, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as such improvements involve no major modification of lands, forests, or waters. Improvements which do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within state parks.

State parks may be established in either the terrestrial or underwater environments of the state.

(d) State recreation units, which consist of areas selected, developed, and operated to provide outdoor recreational opportunities. Such units shall be designated by the State Park and Recreation Commission by naming, in accordance with the provisions of this article relating to classification.

In the planning of improvements to be undertaken within state recreation units, consideration shall be given to compatibility of design with the surrounding scenic and environmental characteristics.

State recreation units may be established in the terrestrial or underwater environments of the state and shall include:

(1) State recreation areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet other than purely local needs. Such areas shall be selected for their having terrain capable of withstanding extensive human impact and for their proximity to large centers of population, major routes of travel, or proven recreational resources such as manmade or natural bodies of water. Areas containing ecological, geological, or scenic resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural preserves.

Improvements may be undertaken to provide for such

recreational activities as, but not limited to, camping, picnicking, swimming, hiking, bicycling, horseback riding, boating, waterskiing, diving, winter sports, fishing, and hunting.

Improvements to provide for urban or indoor formalized recreational activities shall not be undertaken within state recreation areas.

(2) Underwater recreation areas, consisting of areas in the underwater environment selected and developed to provide surface and subsurface water-oriented recreational opportunities, while preserving basic resource values for present and future generations.

(3) State vehicular recreation areas, consisting of areas where topographic features and associated recreational vehicle opportunities are the primary values. Such areas shall be chosen to insure that no substantial natural values are lost and that no adjoining properties incur adverse effects from the operation and maintenance of vehicular recreation areas. When important natural or scenic values are found to be present within the boundaries of a state vehicular recreation area they shall be defined within a natural preserve in accordance with the provisions of subdivision (f). The development of facilities shall be aimed at making full public use of the recreational opportunities present, and the natural and cultural elements of the environment may be managed or modified to enhance the recreation experiences. Under all circumstances, conditions of accelerated and unnatural erosion shall be anticipated and prevented to the extent possible. Where the occurrence of such erosion is unanticipated, every measure shall be taken to restore the area.

(4) State beaches, consisting of areas with frontage on the ocean, or bays designed to provide swimming, boating, fishing, and other beach-oriented recreational activities. Coastal areas containing ecological, geological, or scenic resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural preserves.

(5) Wayside campgrounds, consisting of relatively small areas suitable for overnight camping and offering convenient access to major highways.

(e) Historical units, to be named appropriately and individually, which consist of areas established primarily to preserve objects of historical and scientific interest, and places commemorating important persons or historic events. Such areas should be of sufficient size, where possible, to provide a significant proportion of the landscape associated with the historical objects. The only facilities provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval by the State Park and Recreation Commission, lands outside the primary historic zone may be selected or acquired, developed, or operated to provide camping

facilities within appropriate historical units. Certain agricultural, mercantile, or other commercial activities may be permitted, provided those activities are a part of the history of the individual unit and developments retain or restore historical authenticity. Historical units shall be named to perpetuate the primary historical theme of the individual units.

(f) Natural preserves, which consist of distinct areas of outstanding natural or scientific significance established within the boundaries of other state park system units. The purpose of natural preserves shall be to preserve such features as rare or endangered plant and animal species and their supporting ecosystems, representative examples of plant or animal communities existing in California prior to the impact of civilization, geological features illustrative of geological processes, significant fossil occurrences or geological features of cultural or economic interest, or topographic features illustrative of representative or unique biogeographical patterns. Areas set aside as natural preserves shall be of sufficient size to allow, where possible, the natural dynamics of ecological interaction to continue without interference, and to provide, in all cases, a practicable management unit. Habitat manipulation shall be permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations which constitute the basis for the establishment of the natural preserve.

(g) State seashores. State seashores consist of relatively spacious coastline areas with frontage on the ocean, or on bays open to the ocean, including water areas seasonally connected to the ocean, possessing outstanding scenic or natural character and significant recreational, historical, archaeological, or geological values. State seashores may include underwater areas within them, but may not be established solely in the underwater environment.

The purpose of state seashores shall be to preserve outstanding natural, scenic, cultural, ecological, and recreational values of the California coastline as an ecological region and to make possible the enjoyment of coastline and related recreational activities which are consistent with the preservation of the principal values and which contribute to the public enjoyment, appreciation, and understanding of those values.

Improvements undertaken within state seashores shall be for the purpose of making the areas available for public enjoyment, recreation and education in a manner consistent with the perpetuation of their natural, scenic, cultural, ecological, and recreational value. Improvements which do not directly enhance the public enjoyment of the natural, scenic, cultural, ecological, or recreational values of the seashore, or which are attractions in themselves, shall not be undertaken in state seashores.

SEC. 3. Section 5001.6 is added to the Public Resources Code, to read:

5001.6. (a) Notwithstanding the provisions of Section 5001.95, units of the state park system may be located within, and be a part of, a state seashore; provided, however, that any such unit shall be managed in accordance with its classification as provided in Section 5001.5.

(b) The following state seashores are hereby established consisting of appropriate coastal lands described herein together with such other lands as may, from time to time, be acquired by the state as an addition to such state seashores:

(1) Del Norte State Seashore, consisting of lands lying between Pyramid Point and Point Saint George, particularly lands to assure public access to, and scenic protection of, Pyramid Point; beach and dune lands, water-bottom and shoreline lands at Lake Earl, including Lake Talawa, all within Del Norte County.

(2) North Coast State Seashore, consisting of lands extending from the mouth of the Eel River to Pudding Creek at Fort Bragg, and including lands at Bear Harbor, Usal Creek, Cottoneva Creek, shore and upland additions to Westport-Union Landing State Beach, DeHaven Creek uplands, Ten Mile River estuary, and Mackerricher State Park, all within Humboldt and Mendocino Counties.

(3) Mendocino Coast State Seashore, consisting of lands extending from Jughandle Creek to the Gualala River, and including the Pygmy Forest Ecological Staircase, Russian Gulch State Park, Mendocino Headlands, Van Damme State Park, Greenwood Creek Beach, Bowling Ball Beach and the Gualala River shoreline and estuary, all within Mendocino County.

(4) Sonoma Coast State Seashore, consisting of lands extending from the Gualala River to Bodega Head, and including the Kruse Rhododendron State Reserve, Salt Point State Park, Fort Ross State Historic Park, and Sonoma Coast State Beach, all within the Sonoma County.

(5) Año Nuevo State Seashore, consisting of lands extending from Pillar Point to the City of Santa Cruz, and including the San Mateo Coast State Beaches, Año Nuevo State Reserve, Big Basin Redwoods State Park, and Natural Bridges State Beach, all within San Mateo and Santa Cruz Counties.

(6) San Luis Obispo State Seashore, consisting of lands extending from Cayucos to Lion's Head and including Cayucos State Beach, Morro Strand State Beach, Atascadero State Beach, Morro Bay State Park, Montana de Oro State Park, Avila State Beach, Pismo State Beach, Pismo State Vehicular Recreation Area and Point Sal State Beach, all within San Luis Obispo and Santa Barbara Counties.

(7) Santa Barbara Coast State Seashore, consisting of lands extending from Gaviota to Las Llagas Canyon, and including Gaviota State Park, Refugio State Beach, and El Capitan State Beach, all within Santa Barbara County.

(8) Point Mugu State Seashore, consisting of lands extending from

Ormond Beach to San Nicholas Canyon, and including Mugu Lagoon, Point Mugu State Park, and Leo Carrillo State Beach, all within Ventura and Los Angeles Counties.

(9) Capistrano Coast State Seashore, consisting of lands extending from Newport Beach to San Mateo Point, and including Corona Del Mar State Beach, Irvine Coast, Doheney State Beach, and San Clemente State Beach, all within Orange County.

(10) San Diego Coast State Seashore, consisting of lands extending from San Onofre State Beach to La Jolla, and including San Onofre State Beach, Carlsbad State Beach, South Carlsbad State Beach, Leucadia State Beach, Moonlight State Beach, San Elijo State Beach, Cardiff State Beach, and Torrey Pines State Reserve, all within San Diego County.

(c) The department shall determine the precise boundaries of each state seashore, may revise such boundaries from time to time, shall identify additional lands appropriate for inclusion in state seashores, and shall recommend land acquisitions for the establishment of additional state seashores or as additions to existing state seashores to the Governor and to the Legislature for inclusion in the annual Budget Bill.

(d) The provisions of subdivision (g) of Section 5001.5 shall not apply to lands lying within the boundaries of state seashores established pursuant to this section until such lands have been acquired by the state and designated as state park system lands which are a part of a state seashore.

SEC 4. Section 2.8B is added to the Budget Act of 1974 (Chapter 375, Statutes of 1974), to read:

## STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1974 PROGRAM

Sec. 2.8B. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal years. All such appropriations shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

### CAPITAL OUTLAY

#### Resources

410.7B—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b) and (e) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal

| | | |
|---|---|---|
| years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 | | 64,645,000 |
| Schedule: | | |
| (a) Project planning and acquisition costs | 350,000 | |
| (b) Patrick's Point State Park, land acquisition | 500,000 | |
| (c) Pygmy Forest Ecological Staircase, land acquisition | 1,400,000 | |
| (d) Van Damme Beach State Park, land acquisition | 220,000 | |
| (e) Fort Ross State Historical Monument, utility relocation | 35,000 | |
| (f) Pomponio State Beaches, land acquisition | 150,000 | |
| (g) Pescadero State Beach, land acquisition | 560,000 | |
| (h) Año Nuevo State Reserve, land acquisition | 1,000,000 | |
| (i) Julia P. Burns State Park, land acquisition | 125,000 | |
| (j) Refugio State Beach, land acquisition | 1,100,000 | |
| (k) El Capitan State Beach, land acquisition | 2,500,000 | |
| (*l*) Leo Carrillo State Beach, land acquisition | 1,000,000 | |
| (m) Malibu Lagoon State Beach, land acquisition | 3,150,000 | |
| (n) San Elijo-Cardiff State Beaches land acquisition | 2,000,000 | |
| (o) Border Field State Park, land acquisition | 3,000,000 | |
| (p) Santa Monica Mountains, Topanga Canyon land acquisition | 3,900,000 | |
| (q) Santa Monica Mountains, Los Liones Canyon land acquisition | 2,500,000 | |
| (r) Cuyamaca Rancho State Park, land acquisition | 1,800,000 | |
| (s) Mount Diablo State Park, land acquisition | 3,000,000 | |
| (t) Cosumnes River State Park project, land acquisition | 2,500,000 | |
| (u) Delta Channel Islands project, land acquisition | 500,000 | |
| (v) Caswell Memorial State Park, | | |

land acquisition ..... 50,000
(w) Anza-Borrego Desert State Park, Coyote Canyon, land acquisition ..... 1,100,000
(x) Bothe Napa, land acquisition .. 650,000
(y) Morro Bay, land acquisition .... 1,000,000
(z) South Carlsbad State Beach, land acquisition ..... 3,000,000
(aa) Bodie State Historic Park, land acquisition ..... 75,000
(bb) Humboldt Redwoods State Park, land acquisition ..... 1,500,000
(cc) Big Basin Redwoods State Park, land acquisition..... 250,000
(dd) Horr Ranch project, land acquisition..... 150,000
(ee) Sugar Pine Point State Park, land acquisition ..... 1,250,000
(ff) Colonel Allensworth State Historic Park, land acquisition..... 300,000
(gg) Columbia State Historic Park, land acquisition..... 430,000
(hh) Old Town San Diego State Park, land acquisition ..... 350,000
(ii) Carmel River project, land acquisition..... 1,750,000
(jj) San Luis Island, land acquisition..... 1,500,000
(kk) Griffith Park—Santa Monica Mountains trail, land acquisition..... 1,000,000
(*ll*) Griffith Park—Elysian Park—Arroyo Seco Corridor, land acquisition ..... 3,000,000
(mm) Baldwin Hills Park project, land acquisition..... 4,000,000
(nn) Santa Susana Mountain Park, land acquisition ..... 4,000,000
(oo) Santa Fe Dam Park, development ..... 4,000,000
(pp) Castaic Park, development .. 4,000,000

provided, that none of the funds which are appropriated by this item for the projects set forth herein shall be available for expenditure unless and until such projects have been recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency; and

provided, further, that none of the funds appropriated by this item shall be expended on the purchase price of any real property unless and until the Attorney General certifies in writing that there is no evidence that any prescriptive right or claim in the property to be acquired exists, or that if such prescriptive right or claim does exist, that the value of such right or claim has been reflected in the purchase price of such property.

SEC. 5. It is the intent of the Legislature, if this bill and Senate Bill No. 1498 are both chaptered and become effective on or before January 1, 1975, both bills amend Section 5001.5 of the Public Resources Code, and this bill is chaptered after Senate Bill No. 1498, that Section 5001.5 of the Public Resources Code, as amended by Section 2 of this act, shall remain operative until the effective date of Senate Bill No. 1498, and that, on the effective date of Senate Bill No. 1498, Section 5001.5 of the Public Resources Code, as amended by Section 2 of this act, be further amended in the form set forth in Section 2.5 of this act to incorporate the changes in Section 5001.5 proposed by Senate Bill No. 1498. Therefore, if this bill and Senate Bill No. 1498 are both chaptered and become effective on or before January 1, 1975, and Senate Bill No. 1498 is chaptered before this bill and amends Section 5001.5, Section 2.5 of this act shall become operative on the effective date of Senate Bill No. 1498.

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

Certain lands of unique environmental and recreational value are presently available for purchase by the state, and, in order for the state to acquire and preserve such lands, it is necessary that this act take immediate effect.

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## CHAPTER 1485

*An act to add Article 4 (commencing with Section 8111) to Chapter 2 of Division 7 of the Education Code, relating to public schools, and making an appropriation therefor.*

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

I am deleting the $100,000 appropriations contained in Section 2 of Senate Bill No 1599

State funds to support a consumer economics instructional program do not appear to be necessary because the Department of Education has a significant amount of

resources dedicated to the consumer economics areas. These resources can be used to develop the one-semester course.

With the deletion, I approve Senate Bill No 1599

RONALD REAGAN, Governor

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

SECTION 1. Article 4 (commencing with Section 8111) is added to Chapter 2 of Division 7 of the Education Code, to read:

## Article 4. Consumer Economics

8111. The Legislature hereby finds that many high school graduates lack the skills necessary to function effectively in the business world.

The Legislature also finds and declares that most youths are lacking in a basic knowledge of simple contracts, banking and credit transactions, and purchasing practices.

8112. It is the intent of the Legislature to provide pupils in the public school system with the opportunity to learn about the following: the market economy and the consumer's responsibility to make intelligent choices; the knowledge of goods and services necessary to make intelligent decisions; and statutes, regulations, public agencies, and governmental actions affecting consumers.

Furthermore, it is the intent of the Legislature to insure that there is made available to schools the program materials needed to enable them to offer the basic information prescribed pursuant to this article to pupils enrolled in grades 7 through 12, inclusive.

8113. The Superintendent of Public Instruction shall, with the approval of the State Board of Education, plan and develop a one-semester instructional program entitled consumer economics for use in schools maintaining any of grades 7 through 12, inclusive. When completed, the program shall be made available to all school districts and schools with grades 7 through 12, inclusive.

8114. The instructional program shall include, but not be limited to, the following elements:

(a) Fundamentals of banking for personal use;
(b) Elementary contracts;
(c) Consumer guides to purchasing;
(d) Uses and costs of credit;
(e) Types and costs of insurance; and
(f) Forms of governmental taxation.

8115. To facilitate the development of an instructional program in consumer economics, the Superintendent of Public Instruction shall appoint from voluntary sources one attorney, one economist, one merchandiser, one representative of lending institutions, one consumer, one consumer protection specialist, and one additional member to a committee which shall serve in an advisory capacity to the Superintendent of Public Instruction. The advisory committee

shall review existing materials from both governmental and private sources relative to the instructional program, evaluate the instructional materials with regard to the intent of the Legislature as prescribed in Section 8112, and determine what additional instructional materials are necessary. The Superintendent of Public Instruction shall cause to be published the findings of the advisory committee. Members of the committee shall serve for a term of one year or until the instructional program is completed, whichever is sooner.

This section shall remain in effect only until February 1, 1976, and as of that date is repealed.

8116. The Superintendent of Public Instruction shall submit to the Legislature, on or before January 1, 1977, a report on the instructional program in consumer economics together with all accessory data and material. The report shall include, but not be limited to, the following:

(a) Response from school districts regarding the program;

(b) Number of schools which currently offer such programs; and

(c) Number of schools which currently do not offer such a program.

8117. The Superintendent of Public Instruction shall submit to the Legislature, on or before January 1, 1976, a report detailing the progress of the proposed instructional program authorized pursuant to this article.

This section shall remain in effect only until February 1, 1976, and as of that date is repealed.

SEC. 2. There is hereby appropriated from the General Fund to the Department of Education the sum of one hundred thousand dollars ($100,000) for the purpose of carrying out the provisions of Article 4 (commencing with Section 8111) of Chapter 2 of Division 7 of the Education Code.

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## CHAPTER 1486

*An act to add Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code, relating to the Suisun Marsh, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

I am reducing the appropriation contained in Section 2 of Senate Bill No 1981 from $4,190,000 to $190,000 by deleting the following subparagraphs.

(c) From the Bagley Conservation Fund, pursuant to the provisions of Item 383 5 of the Budget Act of 1975 (Chapter 375 of the Statutes of 1974), to the Wildlife Conservation Board ..... 2,000,000

(d) From the funds remaining in the Bagley Conservation Fund after the expenditure of those sums actually required to implement the

programs funded by Item 318.2 of the Budget Act of 1972 and by Item 350 of the Budget Act of 1973, as determined by the Director of Finance, to the Wildlife Conservation Board ..... 2,000,000

The funding provided in (c) and (d) is unnecessary as I have already approved other legislation which provides funding for this project.

With this reduction, I approve Senate Bill No 1981.

RONALD REAGAN, Governor

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

SECTION 1. Chapter 9 (commencing with Section 1850) is added to Division 2 of the Fish and Game Code, to read:

## CHAPTER 9. SUISUN MARSH PRESERVATION

### Article 1. General Provisions

1850. This chapter shall be known and may be cited as the Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974.

1851. The Legislature hereby finds and declares that the Suisun Marsh, consisting of approximately 55,000 acres of marsh land and 30,000 acres of bays and sloughs, comprising almost 10 percent of the remaining natural wetlands in California, plays an important role in providing wintering habitat for waterfowl of the Pacific Flyway; that during years of drought the area becomes particularly important to waterfowl by virtue of its large expanse of aquatic habitat and the scarcity of such habitat elsewhere; that the area provides critical habitat for other wildlife forms, including such endangered, rare, or unique species as the peregrine falcon, white-tailed kite, bald eagle, California clapper rail, black rail, salt-marsh harvest mouse and Suisun shrew; that the existence of this wide variety of wildlife is due to the relatively large expanse of unbroken native habitat and the diversity of vegetation and aquatic conditions that prevail in the marsh; that man is an integral part of the present marsh ecosystem and, to a significant extent, exercises control over the widespread presence of water and the abundant source of waterfowl foods; that the Suisun Marsh represents a unique and irreplaceable resource to the people of the state and nation; that the future of the wildlife value of the area is threatened by potential residential, commercial and industrial developments; and that it is the policy of the state to preserve and protect resources of this nature for the enjoyment of the current and succeeding generations.

1852. The Legislature further finds and declares that in order to preserve the integrity and assure continued wildlife use of the Suisun Marsh, including the preservation of its waterfowl-carrying capacity and retention of the diversity of its flora and fauna, there is a need for all of the following:

(a) Establishment of criteria for the production of valuable waterfowl food plants.

(b) Improvement of present water management practices,

including drainage and other water control facilities.

(c) Provisions for supplemental water supplies to assure their availability when needed.

(d) Development and implementation of plans and policies to protect the marsh from degradation by excessive human use.

(e) Definition and establishment of a buffer zone consisting of upland areas that have high wildlife values themselves and also contribute to the integrity and continued wildlife use of the wetlands within the marsh zone.

1853. In enacting this chapter, it is not the intent of the Legislature to establish a right to perform development outside the boundaries prescribed in this chapter.

## Article 2. Definitions

1860. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision of land pursuant to the Subdivision Map Act (Chapter 2 (commencing with Section 11500) Part 2, Division 4 of the Business and Professions Code) and any other division of land, including lot splits; change in the intensity of use of water, ecology related thereto, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility, and the removal or logging of major vegetation. As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

1861. "Department" means the Department of Fish and Game.

1862. "Commission" means the San Francisco Bay Conservation and Development Commission specified in Section 66620 of the Government Code.

1863. "Board" means the Wildlife Conservation Board.

1864. "Marsh zone" means those contiguous areas of lands, marshes, ponds, sloughs, and bays lying within the boundary of the buffer zone which are below the five-foot contour line as shown on the United States Geological Survey 1:24,000 maps for the area. At those points where the five-foot contour crosses and is exterior to the boundary described in Section 1865, the boundary described in Section 1865 shall be considered the boundary of both the marsh zone and the buffer zone.

1865. "Buffer zone" means those lands, ponds, sloughs, and bays which are external to the marsh zone, but internal to the following boundary:

Starting at a point on Suisun Bay approximately one mile northeast of the Benicia-Martinez Bridge, being the northern boundary of the

Benicia Arsenal Military Reservation shown on the Point Chicago Quadrangle, 3800-W12200/7.5; thence northwesterly along such boundary to the edge of the easterly Southern Pacific Transportation Company right-of-way; thence northerly along the eastern side of the easterly Southern Pacific Transportation Company right-of-way to the section line between Sections 17 and 20, T. 3N., R. 2W; thence westerly along said section line to the eastern edge of the right-of-way of State Highway 21; thence northerly along the eastern edge of the right-of-way of State Highway 21 to the interchange in Sec. 19, T. 4N., R. 2W; thence northerly on the quarter section line of Secs. 7 and 18 to the city limit of the City of Fairfield; thence easterly along the city limit of the City of Fairfield to the southeastern corner of the city limits of the City of Fairfield approximately one-half mile west of the city limits of the City of Suisun; thence easterly to the Grizzly Island Road bridge at Hill Slough; thence northerly along the eastern edge of the right-of-way of Grizzly Island Road to the half section line of Sec. 31, T. 5N., R. 1W; thence easterly along the half section line of Sections 31, 32, and 33 to its intersection with State Highway 12; thence easterly along the southern edge of the right-of-way of State Highway 12 to the intersection of State Highway 12 and the west one quarter section line of Sec. 5, T. 4N., R. 1E.; thence south along the quarter section line of Sections 5, 8, 15, 20, 29, and 32, T. 4N., R. 1E., and Section 5, T. 3N., R. 1E. to its intersection with Montezuma Slough; thence southerly along the western boundary of the eastern levee of Montezuma Slough to Suisun Bay; thence southwesterly across the mouth of Montezuma Slough, along the shoreline of the south side of Van Sickle Island and Chipps Island to Simmons Point; thence northerly and then westerly around Honker Bay along the shoreline of Chipps Island, Van Sickle Island, Wheeler Island, and Dutton Island to a point on Dutton Island immediately north of Point Palo Alto (on Snag Island), and then south to Point Palo Alto on Snag Island; thence westerly from Point Palo Alto on a line to the southernmost tip of Roe Island, and along the south shore of Roe Island to Preston Point; thence northerly on a line to Garnet Point on Ryer Island; thence on a line across the Suisun Cutoff to Point Buckler on Simmons Island, and then easterly, northerly and westerly around the shoreline of Grizzly Bay and across the mouths of Montezuma and Suisun Slough; thence southwesterly along the western shore of Grizzly and Suisun Bays to the point of beginning. All references to county parcel boundaries taken from Assessor's Map Book 32, p. 20, and Book 46, p. 02, County of Solano, California, 1973–74. Section, range, and township locations are referenced to the Mount Diablo Meridian.

1866. "Special study zone" means those lands in:

(a) Sections 7, 18 and 19 Township 4 North, Range 2 West and Sections 12 and 13, Township 4 North, Range 3 West lying south of the Southern Pacific Transportation Company right-of-way, west of the external boundary of the buffer zone and east of the right-of-way

of State Highway 21;

(b) Sections 31, 32, and 33, Township 5 North, Range 1 West lying east of the right-of-way of the Grizzly Island Road, south of the right-of-way of State Highway 12, and north of the half section line of Sections 31, 32, and 33, Township 5 North, Range 1 West.

1867. "Suisun Marsh" or "marsh" means the marsh zone, the buffer zone, and the special study zone.

## Article 3. Suisun Marsh Protection Plan

1870. The department, after public hearings and in cooperation with the Suisun Resource Conservation District, the County of Solano, and other appropriate local, regional, state, and federal governmental agencies, educational institutions, civic and public interest organizations, and private organizations and individuals, shall prepare and submit to the commission the fish and wildlife element of the Suisun Marsh Protection Plan.

1871. The element shall be based upon detailed studies of all the factors that significantly affect the fish and wildlife of the marsh and shall set forth those administrative and legislative actions necessary to preserve the integrity and assure continued wildlife use of the marsh.

1872. The commission, after public hearings and in cooperation with the Suisun Resource Conservation District, the County of Solano, and other appropriate local, regional, state, and federal governmental agencies, educational institutions, civic and public interest organizations, and private organizations and individuals, shall prepare and submit to the Governor and the Legislature a Suisun Marsh Protection Plan.

1873. The plan shall be based upon detailed studies of all the factors that significantly affect the marsh and shall consist of such maps, text, and statements of policies and objectives as the commission determines are necessary to preserve the integrity, and assure continued wildlife use, of the marsh.

1874. In preparing the element and the plan, the department and the commission shall give consideration to the appropriate agency to administer the plan, to state or federal acquisition of additional lands in the marsh and to programs and policies that would assure retention of the existing large tracts of private land in the marsh for waterfowl and wildlife use, including, but not limited to the following:

(a) Tax incentives to private land owners who manage their lands so as to maximize their value as wildlife habitat.

(b) Direct government subsidy similar to the land bank program or agricultural subsidies.

(c) Assistance by way of preferential treatment in providing improvements such as water supplies and control structures and drainage facilities in return for owner guarantees that their properties will continue to be used for wildlife purposes.

(d) Assistance by way of preferential treatment in locating water transmission pipelines in, or immediately adjacent to, existing or former railroad rights-of-way, if any such pipeline assists in contributing to a supplemental water supply for the marsh or conveying water to other areas of public need.

(e) Appropriate zoning ordinances.

1875. The department shall submit the element to the commission not later than January 1, 1976, and the commission shall submit the plan to the Governor and the Legislature not later than December 1, 1976.

1876. The plan shall contain all of the following:

(a) The results of the detailed studies made by the department and the commission.

(b) An estimate of the amount of money that will be necessary to maintain and carry out the plan, including, but not limited to, an estimate of the amount of money that will be necessary to purchase real property which may be recommended for purchase for public use, and an indication of the possible sources of funding for such purposes.

(c) Such other information and recommendations as is deemed desirable.

1877. The County of Solano, or any city within the County of Solano, may conduct a study to determine the impact on the Suisun Marsh of development of the special study zone lands defined in Section 1866 and the results of such study, if approved by the department and the commission, shall be included in the Suisun Marsh Protection Plan.

1878. No provision of this chapter is intended to increase or decrease the area of jurisdiction of the commission as it is defined in Section 66610 of the Government Code. Notwithstanding any other provisions of law, and in order to allow time for orderly preparation of the Suisun Marsh Protection Plan, until January 1, 1978, any development within the area of jurisdiction of the commission, as defined in Section 66610 of the Government Code, and which is also within the marsh shall be subject to the permit process contained in Section 66632 of the Government Code. Notwithstanding the provisions of Section 66632 of the Government Code, the commission shall grant permits for such developments if it finds that the developments are (1) not injurious to health, safety, or welfare of the general public, (2) of a nature that will not prejudice the plan under preparation, and (3) consistent with the findings and declaration set forth in Sections 1851 and 1852; provided, however, that no permits shall be required for the following:

(a) Emergency repairs to existing public highways which are in the interest of the public safety or welfare, provided that such repairs shall not change the nature or density of the use of such public highways as compared to the use of the highways prior to the repairs.

(b) Operation, maintenance, repair, or replacement in kind of any distribution or related facility or existing transmission or

generating facility necessary for the purpose of supplying electric, gas, or communication service to any person lawfully entitled thereto, or for the construction of such facilities to service any discrete development for which a permit has been granted by the commission.

1879. Notwithstanding any other provision of law or regulation of any local governmental agency, and in order to allow time for the orderly preparation of the Suisun Marsh Protection Plan, until January 1, 1978, no development shall be permitted by any such agency within the marsh zone, the buffer zone, or the special study zone which is either inconsistent with the findings and declaration set forth in Sections 1851 and 1852 or which does not conform to either the zoning ordinances of the appropriate governmental agency which were in effect on January 1, 1974, or the land uses depicted in the resource conservation and open space element of the Solano County general plan as filed with the State of California on June 25, 1973, and November 27, 1973, in compliance with the requirements of Section 65563 of the Government Code, whichever is the lower land use classification; provided, however, that this section shall not apply to any of the following:

(a) Developments authorized and for which a vested right was obtained thereunder prior to the effective date of this act.

(b) The construction of a regional sewage treatment plant.

(c) The exploration for and development, production, and transmission of natural gas.

(d) The continued conduct of the existing industrial use on those lands in Sections 11 and 12, Township 4 North, Range 1 West, Mt. Diablo Meridian, owned or leased by an industrial activity as of August 1, 1974.

(e) The disposal of dredge material on Goat Island as may be authorized by law.

(f) Developments permitted pursuant to the provisions of Section 1877.

1880. To assist in achieving the intent and purpose of this act the board shall acquire, and the department shall administer in the name of the state, fee title or such lesser interest as the board may determine appropriate in those lands within or adjacent to the buffer zone that the board finds require prompt acquisition because of their critical importance to the integrity and continued wildlife use of the marsh; but nothing in this chapter shall authorize the exercise of eminent domain for the acquisition of fee title or a lesser interest in lands that are exterior to the boundary of the Suisun Marsh and are described as follows:

(a) Lands in Sections 4, 5, 8, 9, 16, 17, 20, and 21, T. 3N., R. 1E., lying southerly of the Birds Landing-Meins Landing Road, easterly of the boundary of the Suisun Marsh, and westerly of the right-of-way of the Sacramento Northern Railway and Sections 28 and 29, T. 3N., R. 1E.

(b) Lands in Sections 20, 29, 30, and 31, T. 3N., R. 2W., lying between the southerly right-of-way of State Highway 21 and the

exterior boundary of the Suisun Marsh.

1881. Until January 1, 1978, the board may make such acquisitions by direct purchase or may authorize the State Public Works Board to make any such acquisition, and the State Public Works Board is hereby authorized to make such acquisitions pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code). After January 1, 1978, any such acquisition, if made, shall be made for the board by the State Public Works Board pursuant to the Property Acquisition Law.

1882. The provisions of this chapter shall not operate to interfere with the jurisdiction and authority of the State Lands Commission as set out in Division 6 (commencing with Section 6001) of the Public Resources Code.

1883. The provisions of Sections 66637 to 66642, inclusive, of the Government Code shall apply to all actions for which permits of the commission may be required under this chapter.

SEC. 2. The sum of four million one hundred ninety thousand dollars ($4,190,000) is hereby appropriated for expenditure without regard to fiscal years for the purposes of this act in accordance with the following schedule:

| | |
|---|---|
| (a) From the California Environmental Protection Program Fund to the Department of Fish and Game | $95,000 |
| (b) From the California Environmental Protection Program Fund to the San Francisco Bay Conservation and Development Commission | 95,000 |
| (c) From the Bagley Conservation Fund, pursuant to the provisions of Item 383.5 of the Budget Act of 1975 (Chapter 375 of the Statutes of 1974), to the Wildlife Conservation Board | 2,000,000 |
| (d) From the funds remaining in the Bagley Conservation Fund after the expenditure of those sums actually required to implement the programs funded by Item 318.2 of the Budget Act of 1972 and by Item 350 of the Budget Act of 1973, as determined by the Director of Finance, to the Wildlife Conservation Board | 2,000,000 |

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

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

Rapid urbanization of the land areas adjacent to the Suisun Marsh has created environmental and economic pressures on the marsh which pose an urgent and immediate threat to the continued viability of the marsh as a wildlife habitat of nationally recognized critical importance. In order to ensure that the protection contemplated by this act will be effective, it is necessary that the provisions of this act go into immediate effect.

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## CHAPTER 1487

*An act to add Article 8 (commencing with Section 11921) to Chapter 4 of Division 9 of, to add Section 16470.1 to, and to amend Section 16710 of, the Education Code, relating to pupil nutrition, and making an appropriation therefor.*

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

I am reducing the appropriation contained in Section 4 of Senate Bill No 2020 from $13,600,000 to $12,500,000

I have reduced the appropriation in this bill a total of $1,100,000. $340,000 made available to the State Department of Education by the 2¼ percent allocation for development, implementation, supervision and evaluation in Section 11926 of the bill is not necessary Also, $760,000 provided for disbursement to local agencies is not required based upon current estimates.

The reduced appropriation will be adequate to implement the provisions of this measure.

With this reduction, I approve Senate Bill No 2020.

RONALD REAGAN, Governor

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

SECTION 1. Article 8 (commencing with Section 11921) is added to Chapter 4 of Division 9 of the Education Code, to read:

### Article 8. Child Nutrition Act of 1974

11921. (a) The Legislature finds that (1) the proper nutrition of children is a matter of highest state priority, and (2) there is a demonstrated relationship between the intake of food and good nutrition and the capacity of children to develop and learn, and (3) the teaching of the principles of good nutrition in schools is urgently needed to assist children at all income levels in developing the proper eating habits essential for lifelong good health and productivity.

(b) It is the policy of the State of California that no child shall go hungry at school and that schools have an obligation to provide for the nutritional needs and nutrition education of all pupils during the schoolday.

11922. School district governing boards may apply to the Department of Education for all available federal and state funds so that a nutritionally adequate breakfast or lunch, or both, may be provided pupils each schoolday at each school in the district. The State Board of Education shall adopt rules and regulations for the operation of lunch and breakfast programs in school districts. School districts which receive state funds pursuant to this act, shall provide paid, reduced price and free breakfasts and lunches in accordance with state and federal guidelines.

For purposes of this article, a nutritionally adequate breakfast or lunch is defined as one which meets one-third of the daily allowance as established by the National Research Council. Where both breakfast and lunch are provided, they shall, together, provide at least one-half to two-thirds of this recommended daily dietary allowance.

11923. School districts which have inadequate or no food preparation facilities as determined by the Department of Education, and are therefore unable to provide a nutritionally adequate breakfast or lunch, or both, may contract with other school districts, public agencies, or nonprofit private agencies for the preparation and delivery of such meals.

11924. A Child Nutrition Advisory Council composed of 11 members, shall be appointed by January 1, 1975, to recommend plans and guidelines for school meal service and nutrition education programs. The members of the council shall be appointed by the State Board of Education and shall include one member of the Department of Education, one school administrator, one school board member, one school food service director, one school food service supervisor or manager, one classroom teacher, one curriculum coordinator, one nutrition education specialist, one lay person, one senior-class high school student, and a qualified consultant specializing in nutrition, education, or health and welfare.

Initial appointments shall be made so that six of the members, including the student representative, serve for one year while the remainder serve for two years. Thereafter, members shall serve for a period of two years, except the student representative, who shall serve for one year. Council members shall serve without pay but shall be reimbursed for authorized travel costs according to established Department of Education procedures.

11925. The Department of Education shall formulate the basic elements of nutrition education programs for school districts and institutions participating in programs established under this article. Such programs shall coordinate classroom instruction with the food service program and shall be of sufficient variety and flexibility to meet the needs of pupils in the total spectrum of education, including early childhood, elementary and secondary schools, and special education classes and programs.

11926. For purposes of this article 2½ percent of the total amount appropriated for school meals pursuant to Section 11927 shall be

allocated to the Department of Education for the development, implementation, supervision and evaluation of nutrition education programs. Funds shall be apportioned by the Department of Education so that:

(a) Not less than 2 percent of such appropriation be distributed to school districts maintaining nutrition education programs on a project approval basis. The State Board of Education shall establish rules and regulations for nutrition education projects. Such projects shall be approved by the State Board of Education upon recommendation of the Department of Education. County offices of education may apply for and receive funds on behalf of school districts under their jurisdiction in order to implement projects.

Projects may include, but need not be limited to, innovative ways to coordinate the school meal service program with the nutrition education program; development of community resources for purposes of nutrition education; instructional programs for teachers, parents, food service employees; and training and utilization of paraprofessionals to assist the instructional staff.

(b) Not more than ½ percent of the total appropriation may be used by the Department of Education at the state level for the development, implementation, management and evaluation of the program.

Funds may be used for, but not limited to, consultant service to school districts and county offices of education, preparation of model course outlines and instructional materials; development of resource centers; evaluation of changes in the eating habits, academic achievement, behavioral attitudes and other criteria to assess the effectiveness of the program; and supervision of programs.

11927. Funds allocated to local agencies for school and child care and development center meals pursuant to this chapter shall be disbursed on the basis of five cents ($0.05) for each breakfast and five cents ($0.05) for each lunch served.

The Department of Education shall prescribe an adjustment in the state meal contribution rates established pursuant to this section for each fiscal year. Such adjustments shall reflect the changes in the cost of operating a school breakfast and lunch program using the criteria established in the "Consumer Price Index" (U.S. Bureau of Labor Statistics), "Eating Away From Home Index." Such adjustment shall be included in the annual budget request of the Department of Education.

SEC. 2. Section 16701.1 is added to the Education Code, to read:

16701.1. In recognition of the demonstrated relationship between food and good nutrition and the capacity of children to develop and learn, it is the policy of this state that no child shall be hungry while in attendance in child development facilities as defined in Section 16709 and that child development facilities have an obligation to provide for the nutritional needs of children in attendance.

SEC. 3. Section 16710 of the Education Code is amended to read:

16710. Child development services means child care provided for any part of a workday by public or private agencies and may include, but is not limited to, the following:

(a) Developmental activities for prekindergarten children which are not a part of the formal school program but which will prepare them for effective matriculation into the formal school programs within the community and shall include, but not be limited to, practical life, sensorimotor, perceptual discrimination, language development and symbol-formation activities.

(b) Full- or part-day supervision, developmental activities and instruction for children 14 years of age or younger in a program approved pursuant to this division.

(c) Full- or part-day supervision and developmental activities for children five years of age or younger in a program approved pursuant to this division.

(d) Full- or part-day supervision developmental activities and instruction of children 14 years of age or younger, for less than 24 hours a day, in a home licensed pursuant to Section 1310 of the Health and Safety Code.

(e) Instruction in children's developmental activities for parents with prekindergarten children.

(f) Social services as necessary to insure parent-child adjustments to out-of-home-care situations, child development referral services, child placement counseling and other support services when the parent is employed, in training, or physically or mentally incapacitated.

(g) Health screening and health treatment to the extent provided by the Medi-Cal Act (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code).

(h) Nutrition services to provide a balanced diet to needy children enrolled and instruction of food buying and preparation to the parents of children within the child development program.

(i) Night shift or late-hour supervision and developmental activities for children 14 years of age or younger in a program approved pursuant to this division.

(j) A breakfast or lunch, or both, meeting the requirements of Section 16740.1.

For purposes of this article, a nutritionally adequate breakfast or lunch is defined as one which meets one-third of the daily dietary allowance as established by the National Research Council. Where both breakfast and lunch are provided, they shall, together, provide one-half to two-thirds of this recommended daily dietary allowance.

SEC. 4. The sum of thirteen million six hundred thousand dollars ($13,600,000), or however much thereof is necessary, is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation and disbursement to local agencies for fiscal year 1974–1975 to reimburse such agencies for costs incurred by them pursuant to this act.

Such reimbursement may also be made for meals served during

the 1974–75 fiscal year before January 1, 1975.

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## CHAPTER 1488

*An act to add Article 10 (commencing with Section 1900) to Chapter 1 of Division 2.5 of, and to repeal Chapter 9 (commencing with Section 1900) of Division 2.5 of, the Welfare and Institutions Code, relating to delinquency prevention.*

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

I am deleting the $2,481,000 appropriation contained in Section 4 of Senate Bill No 2100.

This bill will become operative on July 1, 1975 For this reason, necessary funding to support the establishment and operation of youth service bureaus should be included as a part of the normal budgetary process for the 1975–76 fiscal year.

With this deletion, I approve Senate Bill No. 2100

RONALD REAGAN, Governor

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

SECTION 1. Chapter 9 (commencing with Section 1900) of Division 2.5 of the Welfare and Institutions Code is repealed.

SEC. 2. Article 10 (commencing with Section 1900) is added to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, to read:

### Article 10. Youth Service Bureaus

1900. The Legislature hereby finds that the most significant trend in the development of delinquency prevention programs has been in the direction of multipurpose youth service bureau projects implemented at the neighborhood level, receiving delinquent and predelinquent youth referred by parents, schools, police, probation, and other agencies, as well as self-referral. Designed especially for less seriously delinquent youth, programmatic aspects often include group and individual counseling, work and recreation programs, employment counseling, special education, utilization of paraprofessionals and volunteers, outreach services, and youth participation in the decisionmaking process. Often activities encouraging youths' families, local community citizens, and representatives of established agencies are included in project activities. While youth service bureau programs have been effective in diverting youth out of the justice system, it has also been the case that these programs have been hampered in their operations due to lack of consistent and stable funding. Therefore, it is proposed that a significant number of youth service bureaus be established throughout the state and be located in areas with a high

concentration of vulnerable youth, by means of a cost-sharing plan between local communities and the state.

1901. Pursuant to the provisions of this article, any public or private organization may make application to the Department of the Youth Authority for the purpose of receiving funding from the Department of the Youth Authority for the establishment or operation or both of one or more youth service bureaus. Such youth service bureaus shall develop and operate direct and indirect service programs designed to:

(a) Divert young people from the justice system;

(b) Prevent delinquent behavior by young people;

(c) Provide opportunities for young people to function as responsible members of their communities.

1902. (a) The Department of the Youth Authority shall develop, adopt, prescribe, monitor and enforce minimum standards for youth service bureaus funded under the provisions of this article. Such standards shall be for the purposes of carrying out, and not inconsistent with, the provisions of this article.

(b) The Department of the Youth Authority shall seek advice from knowledgeable individuals, groups and agencies in the development of such standards.

1903. Application for funding of youth service bureaus under the provisions of this article shall be made in the manner prescribed by the Department of the Youth Authority.

1904. From any state moneys made available to it for such purpose, the Department of the Youth Authority may, in accordance with this article, share in the cost of each youth service bureau meeting the standards prescribed for youth service bureaus by the department at the rate of 50 percent of the actual fiscal year costs of each youth service bureau, or eighty thousand dollars ($80,000) per fiscal year for each youth service bureau, whichever amount is the lesser.

SEC. 3. The provisions of this act shall become operative on July 1, 1975.

SEC. 4. There is hereby appropriated from the General Fund to the Department of the Youth Authority, the sum of two million four hundred eighty-one thousand dollars ($2,481,000) for the 1975–76 fiscal year, to be allocated as follows:

(1) Two million four hundred thousand dollars ($2,400,000) for the purposes of Section 1904 of the Welfare and Institutions Code other than administrative costs;

(2) Eighty-one thousand dollars ($81,000) for administrative costs incurred in connection with carrying out the provisions of Section 1904 of the Welfare and Institutions Code.

# CHAPTER 1489

*An act to add Section 2.6A to Chapter 375 of the Statutes of 1974, relating to the Recreation and Fish and Wildlife Enhancement Bond Act Program, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

I am reducing the appropriation contained in Section 2 6A of Assembly Bill No 459 from $590,000 to $507,000 by reducing Schedule (ex) from $140,000 to $132,000 and Schedule (hx) from $450,000 to $375,000

The reduced appropriation is adequate to complete the construction projects included in this bill

With this reduction, I approve Assembly Bill No 459

RONALD REAGAN, Governor

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

SECTION 1. Section 2.6A is added to Chapter 375 of the Statutes of 1974, to read:

## RECREATION AND FISH AND WILDLIFE ENHANCEMENT BOND ACT PROGRAM

Sec. 2.6A. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during 1974–75, 1975–76, and 1976–77 fiscal years for expenditure only for programs contemplated by the Recreation and Fish and Wildlife Enhancement Bond Act. All such appropriations shall be paid out of the Recreation and Fish and Wildlife Enhancement Fund.

### RESOURCES

| | | |
|---|---|---|
| 405A—For capital outlay, Department of Parks and Recreation, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund ..... | | 590,000 |
| Schedule: | | |
| (ex) Perris Reservoir, for development | 140,000 | |
| (hx) Silverwood Lake State Recreation Area, for development..... | 450,000 | |

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

The provisions of the Budget Act of 1975 do not make provision for a material storage building and a vehicle service building at Perris Reservoir, nor for an administrative and service area at Silverwood Lake State Recreation Area. In order to provide adequate public service at such recreation areas, it is essential that the appropriation for these developments be available for expenditure at the earliest possible date. It is necessary, therefore, that the provisions of this act go into immediate effect.

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## CHAPTER 1490

*An act to amend Sections 1253.4 and 1453 of the Unemployment Insurance Code, relating to unemployment compensation for state employees, and making an appropriation therefor.*

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

I am deleting the $25,000 appropriation contained in Section 3 of Assembly Bill No. 1365

State agencies are self-insured for the purpose of unemployment insurance coverage. Therefore, a special appropriation is unnecessary

With the deletion, I approve Assembly Bill No. 1365

RONALD REAGAN, Governor

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

SECTION 1. Section 1253.4 of the Unemployment Insurance Code is amended to read:

1253.4. Notwithstanding any other provision of this division, unemployment compensation benefits, extended duration benefits, and federal-state extended benefits based on service performed in a classified service position that is included in covered employment pursuant to Section 605.2, or based on service performed in covered employment pursuant to Section 1453 as nonteaching staff personnel in special schools under the jurisdiction of the Department of Education, shall not be payable to any individual with respect to any week if any day of the week is within any school vacation, summer or special school session, recess or holiday (hereinafter referred to as "recess period") and he is scheduled to return to work at the end of the recess period, except that if he is not returned to work at the end of the recess period or is laid off within 30 working days thereafter, the department may reconsider any determination denying benefits and may pay benefits to him for any week in the recess period if he is otherwise eligible in all respects except for the requirement of subdivision (b) of Section 1253 that he report for each week benefits are claimed.

SEC. 2. Section 1453 of the Unemployment Insurance Code is amended to read:

1453. As used in this chapter:

(a) (1) "State employee" means an individual who has permanent or probationary civil service status in employment by this state, and who (A) receives a notice of layoff with an effective date on or after March 1, 1971, pursuant to Article 2 (commencing with Section 19530) of Chapter 8 of Part 2 of Division 5 of Title 2 of the Government Code, or (B) terminates his employment, or has terminated his employment on or after March 1, 1971, after being notified in writing by his appointing authority that he is subject to layoff or mandatory transfer in his class and location, due to a reduction in staff arising from reductions in any budget act, or any other source of funds or due to a reduction in staff for reasons of economy or due to a reduction in staff resulting from organizational changes or reduced workload.

(2) "State employee" also means an individual employed as nonteaching staff personnel in special schools under the jurisdiction of the Department of Education.

(3) Nothing in this subdivision shall permit a state employee, as defined, to receive unemployment compensation benefits if he would be ineligible for or disqualified to receive such benefits under Article 1 (commencing with Section 1251) of Chapter 5 of Part 1 of Division 1.

(b) "State wages" means all remuneration payable to a state employee for personal services performed as a state employee prior to (1) the effective date of such notice of layoff or (2) 30 days after such employee is notified in writing by his appointing authority, as described in subdivision (a), including the reasonable cash value of all remuneration payable in any medium other than cash, and includes all such remuneration paid on and after October 1, 1969.

(c) "State base period" means the period of the last four complete consecutive calendar quarters, and any subsequent complete and partial calendar month or months, immediately preceding the effective date of a new claim for unemployment compensation benefits by a state employee.

(d) "Base period" means the base period defined by Section 1275.

SEC. 3. There is hereby appropriated from the General Fund to the Director of Education, for unemployment insurance costs under this act, the sum of twenty-five thousand dollars ($25,000) for the fiscal year 1973–74.

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## CHAPTER 1491

*An act requiring the Department of Parks and Recreation to conduct a feasibility and general development study relative to the acquisition of certain lands for the state park system, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

I am deletıng the $15,000 appropriation contained in Sectıon 3 of Assembly Bill No 1413

I have been assured that the Department of Parks and Recreatıon has sufficient resources wıthın ıts exıstıng budget to undertake the study requıred by the bıll

Wıth thıs deletion, I approve Assembly Bill No 1413

RONALD REAGAN, Governor

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

SECTION 1. The Department of Parks and Recreation shall undertake a feasibility and general development study for a state reserve within the state park system established and maintained for the preservation of the native poppy located in Los Angeles County within the area described as portions of Sections 28, 29, 30, 31 and 32, Township 8 North, Range 14 West, Section 6, Township 7 North, Range 14 West, and Section 25, Township 8 North, Range 15 West, San Bernardino Base and Meridian.

SEC. 2. The Department of Parks and Recreation shall submit its findings and recommendations to the Legislature no later than January 1, 1975.

SEC. 3. There is hereby appropriated from the Bagley Conservation Fund to the Department of Parks and Recreation the sum of fifteen thousand dollars ($15,000) for the purposes of this act.

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

The feasibility and general development study required by this act must be completed by January 1, 1975. Early completion of this study is essential so that public land acquisition within the study area can proceed promptly, thereby effecting savings through reduction of the impact of monetary inflation and land value increases. It is, thus, necessary that this act take immediate effect.

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## CHAPTER 1492

*An act to add Section 434.5 to the Health and Safety Code, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

I am reducing the appropriation contained in Section 2 of Assembly Bill No 1527 from $159,000 to $100,000

I have been assured that $100,000 will be more than adequate to fund the purpose of this act

With this reduction, I approve Assembly Bill No. 1527

RONALD REAGAN, Governor

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

SECTION 1. Section 434.5 is added to the Health and Safety Code, to read:

434.5. The department shall, to the extent required by federal law, ascertain and enforce compliance with federal and state provisions and rules and regulations adopted pursuant to this section during the period that an applicant who receives federal assistance remains obligated in order to assure the provision of uncompensated services for persons unable to pay for such services.

The department shall adopt rules and regulations, in accordance with applicable federal regulations and Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, for administering federal requirements for uncompensated services for persons unable to pay for such services. The rules and regulations shall include the following:

(a) Identify categories of persons eligible for uncompensated services.

(b) Define the services that applicants may provide to meet their obligations under this section.

(c) Require obligated facilities to submit information, data, budgets, and reports, in a form and manner as the department may prescribe, describing the method under which the facility elects to establish the level at which it will provide uncompensated services.

(d) Permit department approval of requests to provide uncompensated services at a lesser level than prescribed, based on facility's inability to provide the prescribed level.

(e) Specify procedures for public hearings to inform the public of levels of uncompensated services to be provided by individual facilities or to resolve disputes and complaints relating to such levels.

(f) Set forth procedures for publication of notice concerning public hearings and, thereafter, for notices announcing the levels of uncompensated services to be provided by facilities.

(g) Describe the surveillance program utilized by the department to assure that individual facility's obligations to provide a determined level of uncompensated services are met.

SEC. 2. There is hereby appropriated from the General Fund to the State Department of Health the sum of one hundred fifty-nine thousand dollars ($159,000) for expenditure for carrying out the provisions of Section 434.5 of the Health and Safety Code.

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

In order to be in compliance with federal law and to receive

federal funds under the Hill-Burton Act, it is necessary that this act take effect immediately.

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## CHAPTER 1493

*An act to add Article 3 (commencing with Section 71700) to Chapter 7 of Title 8 of the Government Code, relating to justice courts, and making an appropriation therefor.*

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

I am deleting the $810,000 appropriation contained in Section 2 of Assembly Bill No 2260

This bill provides an interim solution to a judicially caused criminal caseload problem in certain justice courts The California Supreme Court in *Gordon v Justice Court* decided that nonattorney justice court judges cannot handle criminal cases involving potential jail sentences In my opinion, this is bad law on the merits and a clear example of judicial legislation, in fact, this court solution has been rejected by the Legislature numerous times The Attorney General has informed me that he will be asking for a review of this case by the United States Supreme Court; I trust that court will reverse this decision As of August 1, 1974, there were only 82 attorney judges of a potential 213 justice court judge positions

The substantive provisions of this bill will not be implemented until final review by the United States Supreme Court and are not effective after January 2, 1977. Because of this timeframe, it is doubtful that this solution will ever be utilized; therefore, I am deleting the money appropriated for that purpose If the U S. Supreme Court affirms the California decision, this interim structural solution is available; the Legislature can then appropriate the money or money in the budget for assignment of judges can be used

With this deletion, I approve Assembly Bill No 2260.

RONALD REAGAN, Governor

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

SECTION 1. Article 3 (commencing with Section 71700) is added to Chapter 7 of Title 8 of the Government Code, to read:

### Article 3. Temporary Justice Court Judgeships

Sec. 71700. (a) In addition to the regular justice court judgeship in each justice court district served by a nonattorney judge, there is hereby created a circuit justice court judgeship to become operative when the Judicial Council makes the finding of necessity provided for in subdivision (b). The circuit judgeship shall be filled by a person who meets the conditions specified in Section 71702, appointed by the Governor for a term which expires on January 2, 1977.

(b) The Judicial Council shall examine the workload needs of the justice courts of the state in light of the decision of the Supreme Court of California in Gordon v. Justice Court (Sac. 7995) and in appropriate instances make the following finding of necessity: that

in a particular justice court district the judicial system of the state requires an additional attorney justice court judge in order to meet the criminal caseload needs of that district and to provide necessary assistance for the criminal caseload needs of other judicial districts.

(c) Each judge appointed to a circuit judgeship created pursuant to this section shall be the presiding judge of the judicial district in which the judgeship is created.

(d) The total number of circuit judgeships created pursuant to this section shall not exceed twenty-two (22).

Sec. 71701. On and after January 7, 1975, each justice court vacancy shall be filled by an attorney judge who shall at the time of his selection be a resident of the county.

Sec. 71702. (a) Each justice court judge shall receive an annual salary of thirty thousand dollars ($30,000) if each of the following conditions are met:

(1) The judge has been a member of the State Bar for the immediately preceding five years.

(2) The judge has filed with the Judicial Council a certificate of his status as an inactive member of the State Bar.

(3) The Chairman of the Judicial Council has certified that the judge is acceptable for judicial assignments to other courts after a determination of need and available funding.

(b) The salaries provided by this section shall be paid by the counties and shall be adjusted annually under the formula specified in Section 68203, but the counties shall be reimbursed therefor from appropriations made for that purpose by the state or from any funds made available to the Judicial Council for the assignment of judges.

Sec. 71703. The Judicial Council shall report to the Legislature and to the Governor on or before June 1, 1975, its recommendations for the organization of the justice courts of the state so that judgeships can be filled on a permanent basis at the elections held in 1976.

Sec. 71704. The Judicial Council shall adopt rules of administration to implement the provisions of this article.

SEC. 2. The sum of eight hundred ten thousand dollars ($810,000) is hereby appropriated from the General Fund to the Judicial Council for the purpose of implementing this act in accordance with the following schedule:

(a) To reimburse counties for the annual salaries of the 22 circuit justice court judgeships meeting the requirements of Section 71702 as authorized by this act, three hundred thirty thousand dollars ($330,000).

(b) To reimburse counties for the annual salaries of the 30 regular justice court judgeships meeting the requirements of Section 71702, four hundred fifty thousand dollars ($450,000).

(c) To administer this act, thirty thousand dollars ($30,000).

SEC. 3. This act shall become operative on January 7, 1975, or on the date that the decision in Gordon v. Justice Court (Sac. 7995) is final for all purposes, including any review by the United States

Supreme Court, whichever is later.

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## CHAPTER 1494

*An act relating to claims for reimbursement of local governmental costs, and declaring the urgency thereof, to take effect immediately.*

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

I am reducing the appropriation contained in Section 4 of Assembly Bill No 2601 from $948,358 to $868,358 by deleting the $80,000 appropriation contained in Schedule f)

The reduced item of appropriation is already included in AB 4505 which I have already approved.

With this reduction, I approve Assembly Bill No 2601.

RONALD REAGAN, Governor

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

SECTION 1. The Legislature hereby declares that local entities are entitled to reimbursement of their costs incurred as a result of the November 6, 1973, statewide special election and shall be so reimbursed with funds appropriated in Item 56 of the Budget Act of 1974 according to the terms and conditions thereof.

SEC. 2. Notwithstanding Section 1 of this act, premium pay reimbursement shall be made, in addition, to local governmental entities that are charter or noncharter government entities that had in existence on November 6, 1973, a duly passed ordinance or resolution having the force of law providing for premium pay for work on any designated state holiday.

SEC. 3. Notwithstanding any other provision of law, the appropriations provided in the following citations shall be available for expenditure until June 30, 1975.

a) Chapter 16, Statutes of 1973
b) Chapter 954, Statutes of 1973
c) Chapter 1021, Statutes of 1973
d) Chapter 1022, Statutes of 1973
e) Chapter 1023, Statutes of 1973

SEC. 4. The sum of nine hundred forty-eight thousand three hundred fifty-eight dollars ($948,358) is hereby appropriated from the General Fund to the State Controller for the payment of 1973–74 fiscal year claims of local agencies resulting from costs mandated by 1973 legislation, provided that the amount appropriated herein shall be transferred by the State Controller to and in augmentation of the appropriations cited in the following schedule:

a) Chapter 16, Statutes of 1973 ..... 13,743
b) Chapter 954, Statutes of 1973 ..... 158,236

c) Chapter 1021, Statutes of 1973 ..... 11,726
d) Chapter 1022, Statutes of 1973 ..... 234,848
e) Chapter 1023, Statutes of 1973 ..... 449,805
f) Chapter 1165, Statutes of 1973 ..... 80,000

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

In certain cases, the amounts claimed by local agencies as state-mandated costs exceed the amounts appropriated for these purposes. To avoid undue delay in reimbursing local agencies pursuant to Sections 2229 and 2231 of the Revenue and Taxation Code, this act must go into effect immediately.

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## CHAPTER 1495

*An act relating to educational programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

I am deleting the $250,000 appropriation contained in Section 5 of Assembly Bill No 2599

State funding of the Operation SHARE Pilot Project was intended only to demonstrate its desirability to local school districts The objectives of the pilot project have been achieved The results of the project are available to local school districts who wish to implement or continue this type of program

With this deletion, I approve Assembly Bill No 2599

RONALD REAGAN, Governor

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

SECTION 1. It is the intent of the Legislature to provide local school districts with resources to provide individualized educational opportunities for children. The Legislature finds and declares that utilization of community resources including volunteer tutors can provide such individualized services at minimum costs to the state with maximum educational benefits to children and to those who volunteer as tutors.

Commencing with the 1974–75 fiscal year, the Superintendent of Public Instruction shall establish or maintain volunteer SHARE tutorial projects as prescribed in Section 2 of this act. Such projects shall be conducted along guidelines developed in the Santa Clara County pilot program

The Superintendent of Public Instruction shall adopt reasonable rules and regulations to carry out the intent and purposes of this act.

SEC. 2. Volunteer SHARE tutorial projects shall be designed to:

(a) Demonstrate that volunteer tutors can be effective in providing instruction on a one-to-one basis for underachieving students to increase their success in academic and social development at minimum cost. Measurement of such effectiveness may include but shall not be limited to include teacher judgment, parental judgment, grade placement, and student achievement data.

(b) Expand volunteer SHARE services to as many districts as possible by encouraging financial support from school districts, county offices of education, community college districts, the University of California, the California State University and Colleges, and nonpublicly supported sources.

(c) Demonstrate that the use of volunteer tutors on a one-to-one basis is a viable method of providing experience for future teachers.

(d) Demonstrate that such tutors working primarily in the homes of language-handicapped pupils can have a significant impact on the total educational experience.

(e) Test the thesis that large numbers of students are willing and able to enter as tutors into successful community efforts to improve the academic and social performance of the public schools.

SEC. 3. The Superintendent of Public Instruction shall, from funds appropriated for such purposes, provide up to 50 percent of the total cost of projects authorized under this act. In addition to any funds appropriated to the Superintendent of Public Instruction for projects authorized under this act, the total or partial funding for such projects shall be provided by school districts, county offices of education, community college districts, the University of California, the California State University and Colleges, and nonpublicly supported sources. Such funds may be used for local administration, coordination, recruitment, tutor activities and training, and evaluation. No funds shall be used to pay salaries or benefits for tutors.

SEC. 4. The Legislative Analyst shall conduct an evaluation of the projects authorized under this act and shall report to the Legislature on January 25, 1976, the degree to which the projects have met the criteria set forth in Section 2 of this act.

SEC. 5. The sum of two hundred fifty thousand dollars ($250,000) is hereby appropriated from the General Fund to the Department of Education for purposes of carrying out the provisions of this act. From such appropriation up to ten thousand dollars ($10,000) shall be allocated to the Legislative Analyst for purposes of conducting the evaluation of projects as set forth in Section 4 of this act.

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

In order to permit the orderly implementation of the Operation SHARE program at the commencement of the 1974–75 school year, or as soon thereafter as possible, and thus facilitate the efficient and effective implementation of the projects for the entire school year,

it is necessary that this act take effect immediately.

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## CHAPTER 1496

*An act to add Section 5764.6 to, and to add Chapter 5.75 (commencing with Section 5766) to Division 6 of, the Education Code, relating to bilingual education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

I am reducing the appropriations in Section 3 of Assembly Bill No. 2817 from $15,800,000 to $4,800,000 by deleting paragraph (a).

The State Bilingual Education Program should not be expanded beyond its current level until such programs have been evaluated for their effectiveness. Also, in the future, districts should assume the costs of bilingual education after they have received initial start-up aid

With this reduction, I approve Assembly Bill No 2817

RONALD REAGAN, Governor

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

SECTION 1. Section 5764.6 is added to the Education Code, to read:

5764.6. Funds allocated to school districts pursuant to this chapter may be used for the following purposes only:

(1) The employment of bilingual teacher aides;

(2) The purchase and development of special bilingual teaching materials;

(3) The costs of special in-service training and staff development with preference given to teachers and teacher aides employed as part of the bilingual program;

(4) Reasonable expenses (which may include transportation, child care, meals, and training) of parent advisory groups on bilingual education, at the school and district level;

(5) The purchase of special equipment to be used exclusively in the bilingual programs.

SEC. 2. Chapter 5.75 (commencing with Section 5766) is added to Division 6 of the Education Code, to read:

### CHAPTER 5.75. BILINGUAL TEACHER CORPS PROGRAM

5766. The Legislature finds and declares that it is in the best interests of the people of the state to have a corps of bilingual teachers and school administrators who are highly skilled in the techniques of teaching limited- and non-English-speaking children, and who understand the particular needs of such children.

The Legislature further finds and declares that in order to provide limited- and non-English-speaking children with an equal educational opportunity it is necessary to have adequately prepared teachers and school administrators who understand the needs of such children.

5766.1. The Superintendent of Public Instruction shall establish a Bilingual Teacher Corps Program for the development of a corps of bilingual teachers qualified to meet the needs of the limited- and non-English-speaking children in the state. The program shall provide a stipend of one thousand five hundred dollars ($1,500) per year, plus necessary expenses, to individuals serving as teaching aides providing direct instructional services in a public school classroom while such individuals are pursuing an educational program approved by the Department of Education directed toward a teaching credential in a cooperating institution of higher education. Such stipends shall supplement not supplant other state and federal student financial aid programs.

The Superintendent of Public Instruction may enter into contracts with local educational agencies and the California State University and Colleges for the training of these teacher candidates.

The State Board of Education shall adopt rules and regulations for the administration of the Bilingual Teacher Corps Program.

5766.2. The Superintendent of Public Instruction shall report to the Legislature annually for the duration of the program. Such report shall include the methods of recruitment of the corps members, the number of corps members, an evaluation of the experience provided to corps members and the number of limited- and non-English-speaking children served by the corps members.

SEC. 3. There is hereby appropriated from the General Fund to the Department of Education the sum of fifteen million eight hundred thousand dollars ($15,800,000) to be expended according to the following schedule:

(a) For the 1974–75 fiscal year to be expended for bilingual education programs established pursuant to the Bilingual Education Act of 1972 (Chapter 5.7 (commencing with Section 5761) of Division 6 of the Education Code) ..... $11,000,000

Not more than five hundred thousand dollars ($500,000) of such funds appropriated pursuant to this item may be used by the Department of Education for administration of the Bilingual Education Act of 1972.

Funds appropriated pursuant to this subdivision but not expended during the 1974–75 fiscal year may be carried over and expended during the next fiscal year.

(b) For the Bilingual Teacher Corps Program established pursuant to Chapter 5.75 (commencing with Section 5766) of Division 6 of the Education Code, to be allocated in each fiscal year, as follows:

(1) For planning and development of programs in the 1974–75 fiscal year ..... $100,000

| | | |
|---|---|---|
| (2) | For programs and projects in the 1975–76 fiscal year | $700,000 |
| (3) | For programs and projects in the 1976–77 fiscal year | $1,150,000 |
| (4) | For programs and projects in the 1977–78 fiscal year | $1,600,000 |
| (5) | For programs and projects in the 1978–79 fiscal year | $1,250,000 |

The Director of Finance may allocate funds authorized for one fiscal year for expenditure during any fiscal year to carry out the intent of Chapter 5.75 (commencing with Section 5766) of Division 6 of the Education Code. Any funds not expended pursuant to Chapter 5.75 on June 30, 1979, shall revert to the General Fund.

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

In order to permit much needed bilingual education programs to be operative for as much of the 1974–75 fiscal year as possible, and so facilitate their orderly administration, and to provide assistance to school districts in providing bilingual education programs at the earliest possible time so that federal financial assistance to such school districts is not terminated because of the recent United States Supreme Court decision of Lau v. Nichols, 39 L. Ed. 2d 1, decided January 21, 1974, it is necessary that this act take effect immediately.

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## CHAPTER 1497

*An act relating to podiatric care, and making an appropriation therefor to the University of California.*

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

I am reducing the appropriation contained in Section 6 of Assembly Bill No 3407 from $750,000 to $541,000.

I am in support of the basic purposes of this measure. However, I do not believe the entire amount appropriated is proper Accordingly, I have reduced the amount based upon a capitation allowance comparable to the program provided under Chapter 1519, Statutes of 1971.

With this reduction, I approve Assembly Bill No. 3407.

RONALD REAGAN, Governor

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

SECTION 1. The Legislature finds that the activities of the California College of Podiatric Medicine provide a valuable service to the people of the State of California by operating the only clinical and basic science programs to train students and residents in podiatric medicine in the state.

SEC. 2. The Legislature also recognizes that podiatrists are authorized to provide diagnosis and treatment, including surgery on

the human foot, and that podiatrists, in fact, deliver an increasing and substantial amount of health care in California, and that podiatrists tend to serve a primary care function by being an entry point into the health care system.

SEC. 3. The Legislature further finds that state funding is necessary for the support of educational and related programs in the field of podiatry, and that such support can best be carried out by the University of California, the designated state institution for medical education programs, acting in conjunction with the California College of Podiatric Medicine.

SEC. 4. It is the intent of the Legislature that a cooperative program of basic and clinical health science education, and primary health care delivery research in the field of podiatry be developed and conducted between the University of California and the California College of Podiatric Medicine. It is the further intent of the Legislature that the university and the California College of Podiatric Medicine shall make maximum feasible use of nonstate and nonuniversity funds in carrying out the purposes and intent of this act.

SEC. 5. Funds appropriated by this act to the University of California shall be used to cooperatively develop and support a program of basic and clinical health sciences education and public service at the California College of Podiatric Medicine.

SEC. 6. The sum of seven hundred fifty thousand dollars ($750,000) is hereby appropriated from the General Fund to the Regents of the University of California for the purpose of developing and carrying out the cooperative educational and research program prescribed by this act.

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## CHAPTER 1498

*An act relating to the preparation of suggested provisions for an Off-Highway Code and suggested revisions of the Public Resources Code and the Vehicle Code, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

I am deleting the $25,000 appropriation contained in Section 2 of Assembly Bill No 3506

I have been advised by the California Highway Patrol that the expense involved in the development of an Off-Highway Vehicle Code can be absorbed within the existing departmental budget

With this deletion, I approve Assembly Bill No. 3506

RONALD REAGAN, Governor

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

SECTION 1. The Department of the California Highway Patrol, in cooperation with the Department of Motor Vehicles and the Department of Parks and Recreation, shall prepare and submit to the Legislature no later than July 1, 1975, suggested provisions for an "Off-Highway Vehicle Code" to govern the operation of motor vehicles when they are being operated off the highways. Such provisions shall include, but need not to be limited to, safety rules, equipment requirements, and registration requirements for such vehicles, and shall provide a clear indication to persons using motor vehicles off the highway as to their responsibilities and obligations.

The Department of the California Highway Patrol, in cooperation with the Department of Motor Vehicles and the Department of Parks and Recreation, shall also submit to the Legislature, no later than July 1, 1975, suggested revisions of the Vehicle Code and the Public Resources Code, consistent with the development of an "Off-Highway Vehicle Code."

SEC. 2. The sum of twenty-five thousand dollars ($25,000) is hereby appropriated from the Off-Highway Vehicle Fund to the Department of the California Highway Patrol to carry out the provisions of this act.

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

This act requires the Department of the California Highway Patrol, in cooperation with the Department of Motor Vehicles and the Department of Parks and Recreation, to perform specified work by July 1, 1975. In order to provide sufficient time for the completion of such work, it is necessary that this act go into immediate effect.

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## CHAPTER 1499

*An act to amend Sections 13355.1, 13355.2, 13355.3, 13355.4, 13355.5, 13355.6, 13355.61, 13355.62, 13355.7, 13355.9, and 13355.14 of, and to repeal Sections 13355.10, 13355.12, 13355.13, and 13355.15 of, and to repeal Article 3.5 (commencing with Section 6475) of Chapter 6.5 of Division 6 of, the Education Code, relating to the public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

I am reducing the appropriation contained in Section 17 of Assembly Bill No 4151 from $1,300,000 to $650,000.

The $650,000 remaining in this bill is enough to provide matching startup funds to 13 districts for in-service programs in 1974–75

I agree with the Legislature that coordinated and consolidated in-service teacher training programs are a viable method of strengthening instruction in California's

public schools

I view this legislation as a necessary first step in more effectively coordinating the application of existing resources which are available for such purposes as teacher in-service training These resources include the Educationally Disadvantaged Youth Program ($82 million), the Early Childhood Education Program ($40 million), the Elementary and Secondary Education Act Programs ($136 million), and district funds In order for coordinated and consolidated in-service teacher training programs to have the maximum possible usage in California's public schools, they must be supported from a combination of these existing resources

I believe that the funds provided by this bill should be utilized as "seed money" to enable school districts to begin cost-effective teacher training programs that can then be supported from these other resources, and that preference should be given to using the funds appropriated by this bill in supporting projects in school districts with very limited categorical aid resources. Through appropriate management of these resources, I believe we can begin to serve more students more effectively and with much less duplication

With this reduction, I approve Assembly Bill No 4151.

RONALD REAGAN, Governor

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

SECTION 1. Article 3.5 (commencing with Section 6475) of Chapter 6.5 of Division 6 of the Education Code is repealed.

SEC. 2. Section 13355.1 of the Education Code is amended to read:

13355.1. It is the intent of the Legislature that professional development and program improvement centers be established throughout the state to offer comprehensive in-service training programs to strengthen the instructional techniques of classroom teachers in kindergarten and grades 1 through 6, inclusive. It is also the intention of the Legislature that the professional development and program improvement centers shall emphasize the improvement of teaching and programs in reading and mathematics, improve the teacher's skills in diagnosing learning disabilities of pupils, and develop corrective programs of instruction. It is the further intention of the Legislature that the center include the principal and other school administrative personnel in the training program.

It is also the intention of the Legislature that in sparsely populated areas, involving long distances, in which the establishment of professional development and program improvement centers are not feasible, the in-service teacher training shall be provided under joint programs between school districts and county superintendents of schools to strengthen the instructional techniques of classroom teachers in kindergarten and grades 1 through 8.

It is the further intention of the Legislature that all district, state, and federal resources related to teacher training be integrated and coordinated with in-service training programs established by this article in order to improve the educational achievement of pupils enrolled in both categorical aid programs and regular instructional programs.

SEC. 3. Section 13355.2 of the Education Code is amended to

read:

13355.2. As used in this article:

(a) "Center" means a professional development and program improvement center which is an elementary school designated as such upon application of a school district by the State Board of Education. It is a school in which a program under either Title I of the Elementary and Secondary Education Act of 1965, the Miller-Unruh Basic Reading Act (Chapter 5.8 (commencing with Section 5770) of Division 6), the Educationally Disadvantaged Youth Programs (Chapter 6.10 (commencing with Section 6499.230) of Division 6), or the Early Childhood Education Program (Article 8 (commencing with Section 11921) of Chapter 4 of Division 9) is in operation.

(b) "Satellite school" means any other school or schools in the district designated as such by the district and approved by the State Board of Education. Satellite schools shall be named in accordance with the priority measures established by Section 13355.6.

(c) "Program" means a professional development and program improvemment center program established pursuant to this article.

(d) "Joint program" shall mean a program undertaken through joint agreement by two or more school districts or county superintendents of schools joined together for the purpose of providing in-service training to administrators and teachers teaching kindergarten and grades 1 through 8.

SEC. 4. Section 13355.3 of the Education Code is amended to read:

13355.3. A school may be designated as a center when all of the following conditions are met:

(a) The director of the center, as appointed by the school district, has the concurrence of a cooperating teacher training institution;

(b) The master teachers at the center have been determined to be outstanding teachers by the school district and the cooperating institution of higher education.

(c) The center has at least the staff for auxiliary and administrative services that would be present in an adequately staffed school.

SEC. 5. Section 13355.4 of the Education Code is amended to read:

13355.4. Each school designated as a center shall employ a staff of teachers, administrative and auxiliary personnel, and teacher aides and may provide training for such staff which may serve as substitutes in the satellite school when the regular satellite school staff is released for in-service training.

SEC. 6. Section 13355.5 of the Education Code is amended to read:

13355.5. Any school district may apply to establish a center. The application shall be submitted to the State Board of Education and shall contain a detailed plan cooperatively developed with a teacher training institution and shall include all of the following:

(a) A description of the training program for all school personnel to be trained through the program, including administrative and auxiliary personnel and, if appropriate, replacement teachers;

(b) A description of the in-service program to be provided to the staff of satellite schools on a regular rotational basis until all staff members of the satellite schools have participated in the in-service training program. Staff of satellite schools shall include specialist teachers in reading and mathematics regularly employed with such schools, and administrative and auxiliary personnel, and teacher aides;

(c) A description of the procedure to be used for the identification of master teachers at the center based on demonstrated ability by the district in cooperation with the institution of higher education.

(d) A description of the program for followup training to be provided to personnel of satellite schools which have had training in the centers;

(e) A description of how all existing in-service training programs of the district funded from local, state, and federal sources will be integrated with the professional development and program improvement programs authorized by this article, including a specific statement of the local, state, and federal resources for district in-service training programs that will be utilized in the implementation of this program.

SEC. 7. Section 13355.6 of the Education Code is amended to read:

13355.6. Satellite schools shall be designated and approved as those schools which meet all of the following criteria:

(a) The schools which have the largest concentration of pupils whose reading or mathematics, or both, achievement scores fall below the first quartile, as measured by the latest administered standardized achievement test in reading or mathematics, or both.

(b) The schools which have designated one or more master teachers to act as resource teachers in reading and mathematics and to work with other teachers in the strengthening of instructional techniques and program improvements.

(c) The schools shall maintain a summer session and integrate their instructional programs with the in-service training program performed during the summer;

(d) The schools which have the largest concentration of teachers who will assure the district that they will continue to teach in the satellite schools for the second school year following their participation in the center program.

SEC. 8. Section 13355.61 of the Education Code is amended to read:

13355.61. A program proposed by a joint agreement may be considered when all the following conditions are met:

(a) The director of the program, as appointed by the joint agreement, has the concurrence of a cooperating teaching training institution.

(b) The professional staff proposed by the teacher training institution to work with the joint program has the concurrence of the school districts participating in the joint agreement.

(c) The master teachers or specialist teachers employed by the joint program have been determined to be outstanding teachers by the school district and the cooperating institution of higher education.

SEC. 9. Section 13355.62 of the Education Code is amended to read:

13355.62. The designated agent of any joint program may apply to establish a program of in-service and preservice training for classroom teachers in lieu of applying to establish a center pursuant to Section 13355.5. The application shall contain a detailed plan cooperatively developed with a teacher training institution and shall include all of the following:

(a) A description of the training program for all school personnel to be trained through the program, including administrative and auxiliary personnel and, if appropriate, replacement teachers.

(b) A description of the in-service program to be provided the staff of satellite schools on a regular rotational basis until all staff members of the satellite schools have participated in the in-service training program. Staff of satellite schools shall include specialist teachers in reading and mathematics regularly employed with such schools, and administrative and auxiliary personnel, and teacher aides;

(c) A description of procedures to be used for the identification of master teachers at the center based on demonstrated ability by the district in cooperation with the institution of higher education;

(d) A description of the program for followup training to be provided to personnel of satellite schools which have had training in the centers;

(e) A description of how all existing in-service training programs of the district funded from local, state, and federal sources will be integrated with the professional development and program improvement programs authorized by this article, including a specific statement of the local, state, and federal resources for district in-service training programs that will be utilized in the implementation of this program.

(f) Assurance that joint programs shall be undertaken first in the schools of the participating districts which have (1) the largest concentration of pupils whose reading achievement scores fall in the first quartile, as measured by the most recently administered standardized achievement test in reading, (2) the largest concentration of pupils whose mathematic achievement scores fall in the first quartile as measured by the most recently administered standardized achievement test in mathematics, and (3) the largest concentration of teachers who will assure the district that they will continue to teach in the schools for the second school year following their participation in the program.

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SEC. 10. Section 13355.7 of the Education Code is amended to read:

13355.7. The State Board of Education shall adopt rules and regulations necessary to implement the provisions of this article, including the establishment of minimum standards for in-service programs offered.

SEC. 11. Section 13355.9 of the Education Code is amended to read:

13355.9. School districts which have established centers or joint programs shall report to the State Board of Education the scores of pupils in schools whose teachers and administrative personnel have participated in programs, and, in addition, shall report scores of pupils in similar schools whose staff did not participate in programs. Reports shall also be made revealing the amount of progress each pupil in satellite schools made for each year of instruction by teachers receiving in-service training in the centers. The State Board of Education, on the basis of such reports, shall report annually to the Legislature the success of the program and shall make recommendations to improve the program.

SEC. 12. Section 13355.10 of the Education Code is repealed.

SEC. 13. Section 13355.12 of the Education Code is repealed.

SEC. 14. Section 13355.13 of the Education Code is repealed.

SEC. 15. Section 13355.14 of the Education Code is amended to read:

13355.14. State grants made to school districts shall not exceed the amount approved in the project budget of the district. Allocation by the Superintendent of Public Instruction shall include such amount as may be necessary to (1) pay the salaries of replacement teachers, and (2) pay the salaries of instructors or prorate salaries of consultants for time of instruction in the project.

In no event shall allocations to school districts for the professional development program exceed one thousand two hundred dollars ($1,200) per trainee.

SEC. 16. Section 13355.15 of the Education Code is repealed.

SEC. 17. There is hereby appropriated from the General Fund the sum of one million three hundred thousand dollars ($1,300,000) to the Superintendent of Public Instruction to be allocated to school districts for professional development centers during the 1974–75 school year for purposes of Article 3.6 (commencing with Section 13355) of Chapter 2 of Division 10 of the Education Code.

SEC. 18. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the provisions of this act revising the Professional Development and Program Improvement Act of 1968 and appropriating funds for this needed program may become operative as soon as possible during the 1974–75 school year, it is necessary that this act take immediate effect.

# CHAPTER 1500

*An act to add Article 10.1 (commencing with Section 6259) to Chapter 6, Division 6 of the Education Code, relating to vocational education, and making an appropriation therefor.*

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

I am deleting the $300,000 appropriation contained in Section 2 of Assembly Bill No 4238

The U S Department of Labor has recently announced that it will be making funds available to states for the development of occupational information systems It is anticipated that California's share will exceed the amount included in this legislation

With this deletion, I approve Assembly Bill No 4238

RONALD REAGAN, Governor

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

SECTION 1. Article 10.1 (commencing with Section 6259) is added to Chapter 6 of Division 6 of the Education Code, to read:

## Article 10.1. Vocational Manpower Management Information System

6259. It is the intent of the Legislature to encourage the development of programs in the vocational educational curriculum which reflect the skill demands determined from local and area employment surveys.

6259.1. The Superintendent of Public Instruction in cooperation with the Director of Employment Development and the Chancellor of the California Community Colleges shall establish in the Department of Education a vocational manpower management information system to provide educators, students, and manpower planners in the state's vocational planning areas, standard metropolitan statistical areas, and other geographical areas in the state with statistical data and comprehensive information on current and projected occupational demand and supply relationships in local labor markets, and appropriate socioeconomic data, and to assist in gathering related information from all possible sources relevant to the process of effective vocational education and manpower development planning in the state.

SEC. 2. There is hereby appropriated from the General Fund to the Superintendent of Public Instruction the sum of three hundred thousand dollars ($300,000) for expenditure in fiscal year 1974–75 for carrying out the purposes of Section 6259.1 of the Education Code, enacted by this act, to be expended only to the extent that federal funding for such purposes is not available.

# CHAPTER 1501

*An act to amend Section 6871 of, and to add Section 6871.1 to, the Education Code, relating to public schools.*

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

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

SECTION 1. Section 6871 of the Education Code is amended to read:

6871. With the approval of the county superintendent of schools, any school district having a physically handicapped pupil, mentally retarded pupil, severely mentally retarded pupil, or multiply handicapped pupil for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, shall, and any school district having an educationally handicapped pupil for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such pupil toward the tuition for such pupil, enrolled in a public or private nonsectarian school, institution, or agency within or outside of California offering the special education facilities and services made necessary by the pupil's disabilities, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the amount allowable per unit of average daily attendance for the particular category under Section 18102, 18102.2, 18102.4, or 18102.6, the amount allowable per unit of average daily attendance for the particular category under Section 18060, and the amount per unit of average daily attendance provided from revenue derived from district taxation for the current expense of education of a normal child in the schools of the district. For purposes of computing the amount per unit of average daily attendance provided from revenue derived from district taxation, there shall be excluded amounts produced by rates levied for special or restricted purposes, such as the rates levied pursuant to Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801 to 20802.8, inclusive, 20806, and 20807, and there shall be included amounts produced by rates levied for general districtwide current support purposes, including the rates levied pursuant to Sections 20808 and 20808.5. As used in this article "tuition" includes the cost to the parent or guardian of transporting a pupil enrolled in a public or private nonsectarian school, institution, or agency under this section to and from school.

The provisions of this section shall be applicable as well to situations where the special educational facilities and services are available but are an unreasonable distance away from the home of the pupil. The Superintendent of Public Instruction shall adopt rules and regulations to implement the determination of the unreasonableness of such cost and distance, and any other rules and regulations deemed necessary by him for the effective administration of this chapter. The county superintendent of schools shall make a finding as to the unreasonableness of such cost or distance for the school districts within his jurisdiction and shall report such findings to the Superintendent of Public Instruction, who, if he approves such findings, shall authorize payments pursuant to this section and Sections 6872 and 6873.

The provisions of this section shall be applicable as well to situations where the public special educational facilities and services are available but the attending physician of the physically handicapped, mentally retarded, severely mentally retarded, multiply handicapped, or educationally handicapped pupil or the attending optometrist of the physically handicapped pupil who is blind or partially seeing, or of the educationally handicapped pupil with a visual-perceptual disorder, has recommended that it is in the best interests of the health and welfare of such pupil that the pupil be enrolled in a private nonsectarian school, institution or agency offering the special education facilities and services made necessary by the pupil's disabilities, and such recommendation has been approved by the county health officer and the county superintendent of schools on forms specified by the Superintendent of Public Instruction.

Priority in providing special education facilities and services shall be given to public school, or state-operated, programs. State and school district support for an exceptional child's education at a private nonsectarian school, institution, or agency shall be approved pursuant to this chapter only if no publicly operated programs are available to the pupil within a reasonable distance from his residence, or if such programs do not meet the specialized needs of the pupil, as determined under the procedures established by this chapter. Priority in approving private nonsectarian schools, institutions, or agencies shall be given to the nearest such school, institution, or agency from where the parent or guardian of the exceptional child resides and which provides training and education as defined in Section 6870.

In instances where public funds are paid to the parent or guardian of a pupil pursuant to this section, toward the tuition of such pupil enrolled in a private nonsectarian school, institution, or agency, the school, institution, or agency enrolling such pupil shall at the end of each school year submit a written progress report on each such pupil on forms provided by the Superintendent of Public Instruction, and shall forward such forms to the county superintendent of schools of the county authorizing placement. Such reports shall be used by the

county superintendents of schools to determine continued eligibility for placement and reimbursement under this chapter.

In no event shall the total of any allowances or apportionments of state funds be made to a school district in behalf of a pupil receiving an allowance pursuant to this section in excess of the total of such amounts which would have been allowed or apportioned to the district if the pupil were in attendance at a school in the district.

SEC. 1.5. Section 6871 of the Education Code is amended to read:

6871. With the approval of the county superintendent of schools, any school district having a physically handicapped pupil, mentally retarded pupil, severely mentally retarded pupil, or multiply handicapped pupil for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, shall, and any school district having an educationally handicapped pupil for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such pupil toward the tuition for such pupil, enrolled in a public or private nonsectarian school, institution, or agency within or outside of California offering the special education facilities and services made necessary by the pupil's disabilities, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the amount allowable per unit of average daily attendance for the particular category under Section 18102, 18102.2, 18102.4, or 18102.6, and subdivision (2) (a) of Section 18102.9 the amount allowable per unit of average daily attendance for the particular category under Section 18060, and the amount per unit of average daily attendance provided from revenue derived from district taxation for the current expense of education of a normal child in the schools of the district. The amount per unit of average daily attendance provided from revenue derived from district taxation shall be the local share of the revenue limit determined in Sections 20904 or 20905 and 20906 for the fiscal year of attendance. As used in this article "tuition" includes the cost to the parent or guardian of transporting a pupil enrolled in a public or private nonsectarian school, institution, or agency under this section to and from school.

The provisions of this section shall be applicable as well to situations where the special educational facilities and services are available but are an unreasonable distance away from the home of the pupil. The Superintendent of Public Instruction shall adopt rules and regulations to implement the determination of the unreasonableness of such cost and distance, and any other rules and regulations deemed necessary by him for the effective

administration of this chapter. The county superintendent of schools shall make a finding as to the unreasonableness of such cost or distance for the school districts within his jurisdiction and shall report such findings to the Superintendent of Public Instruction, who, if he approves such findings, shall authorize payments pursuant to this section and Sections 6872 and 6873.

The provisions of this section shall be applicable as well to situations where the public special educational facilities and services are available but the attending physician of the physically handicapped, mentally retarded, severely mentally retarded, multiply handicapped, or educationally handicapped pupil or the attending optometrist of the physically handicapped pupil who is blind or partially seeing, or of the educationally handicapped pupil with a visual-perceptual disorder, has recommended that it is in the best interests of the health and welfare of such pupil that the pupil be enrolled in a private nonsectarian school, institution or agency offering the special education facilities and services made necessary by the pupil's disabilities, and such recommendation has been approved by the county health officer and the county superintendent of schools on forms specified by the Superintendent of Public Instruction.

Priority in providing special education facilities and services shall be given to public school, or state-operated, programs. State and school district support for an exceptional child's education at a private nonsectarian school, institution, or agency shall be approved pursuant to this chapter only if no publicly operated programs are available to the pupil within a reasonable distance from his residence, or if such programs do not meet the specialized needs of the pupil, as determined under the procedures established by this chapter. Priority in approving private nonsectarian schools, institutions, or agencies shall be given to the nearest such school, institution, or agency from where the parent or guardian of the exceptional child resides and which provides training and education as defined in Section 6870.

In instances where public funds are paid to the parent or guardian of a pupil pursuant to this section, toward the tuition of such pupil enrolled in a private nonsectarian school, institution, or agency, the school, institution, or agency enrolling such pupil shall at the end of each school year submit a written progress report on each such pupil on forms provided by the Superintendent of Public Instruction, and shall forward such forms to the county superintendent of schools of the county authorizing placement. Such reports shall be used by the county superintendents of schools to determine continued eligibility for placement and reimbursement under this chapter.

In no event shall the total of any allowances or apportionments of state funds be made to a school district in behalf of a pupil receiving an allowance pursuant to this section in excess of the total of such amounts which would have been allowed or apportioned to the district if the pupil were in attendance at a school in the district.

SEC. 2. Section 6871.1 is added to the Education Code, to read:

6871.1. Whenever an admission committee is established for the purpose of determining eligibility for the tuition payments authorized by this chapter, the parent or guardian of the pupil shall have the rights of representation prescribed by Sections 6755.2, 6803.3, and 6902.055.

SEC. 2.5. It is the intent of the Legislature, if this bill and Assembly Bill No. 3593 are both chaptered and become effective January 1, 1975, both bills amend Section 6871 of the Education Code, and this bill is chaptered after Assembly Bill No. 3593, that the amendments to Section 6871 proposed by both bills be given effect and incorporated in Section 6871 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 3593 are both chaptered and become effective January 1, 1975, both amend Section 6871, and this bill is chaptered after Assembly Bill No. 3593, in which case Section 1 of this act shall not become operative.

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

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## CHAPTER 1502

*An act to amend Section 5010 of the Public Resources Code, relating to the state park system.*

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

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

SECTION 1. Section 5010 of the Public Resources Code is amended to read:

5010. (a) The department, whenever in its judgment it is practicable to do so, shall collect fees, rentals, and other return for the use of any state park system area, the amounts to be determined by the department. Of such fees, rentals, or returns, those fees and other proceeds received from the use of boats or boating facilities shall be paid into the State Treasury to the credit of the Harbors and Watercraft Revolving Fund. The balance of such fees, rentals, or returns, not to exceed the sum of seven million dollars ($7,000,000) collected in any one fiscal year, shall be paid into the State Treasury to the credit of the Collier Park Preservation Fund, which fund is hereby created, and such moneys collected during the fiscal year in excess of seven million dollars ($7,000,000) shall be paid into the State



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Treasury to the credit of the General Fund.

(b) Funds credited to the Collier Park Preservation Fund pursuant to this section shall be available only for the acquisition, planning, and development of state park system projects and shall be used for such purposes only when appropriated by the Legislature therefor.

(c) This section shall be known and may be cited as the Collier Park Preservation Fund Act of 1974.

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## CHAPTER 1503

*An act to amend Sections 2116, 2118, 2120, 2122, 2123, 2150, 2153, and 2187 of, and to add Sections 2116.5, 2150.5, 2155, and 2156 to, the Fish and Game Code, relating to wild animals.*

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

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

SECTION 1. Section 2116 of the Fish and Game Code is amended to read:

2116. As used in this chapter, "wild animal" means any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia (frogs, toads, salamanders), class Osteichtyes (bony fishes), class Monorhina (lampreys), class Reptilia (reptiles), class Crustacea (crayfish), or class Gastropoda (slugs, snails) which is not normally domesticated in this state as determined by the commission.

SEC. 1.5. Section 2116.5 is added to the Fish and Game Code, to read:

2116.5. The Legislature finds and declares that wild animals are being captured for importation and resale in California; that some populations of wild animals are being depleted; that many animals die in captivity or transit; that some keepers of wild animals lack sufficient knowledge or facilities for the proper care of wild animals; that some wild animals are a threat to the native wildlife or agricultural interests of this state; and that some wild animals are a threat to public health and safety. It is the intention of the Legislature that the importation, transportation, and possession of wild animals shall be regulated to protect the health and welfare of wild animals captured, imported, transported, or possessed, to reduce the depletion of wildlife populations, to protect the native wildlife and agricultural interests of this state against damage from the existence at large of certain wild animals, and to protect the public health and safety in this state.

SEC. 2. Section 2118 of the Fish and Game Code is amended to read:

2118. It is unlawful to import, transport, possess, or release alive

into this state, except under a revocable, nontransferable permit as provided in this chapter and the regulations pertaining thereto, any wild animal of the following species:

(a) Class Aves: (birds)

Family Cuculidae (cuckoos)
All species.
Family Alaudidae (larks)
Skylark, Alauda arvensis
Family Corvidae (crows, jays, magpies)
All species.
Family Turdidae (thrushes)
European blackbird, Turdus merula
Missel (or mistle), thrush, Turdus viscivorus
Family Sturnidae (starlings and mynas or mynahs)
All species of the family, except hill myna (or hill mynah), Gracula religiosa (sometimes referred to as Eulabes religiosa)
Family Ploceidae (weavers)
The following species:
Spanish sparrow, Passer hispaniolensis
Italian sparrow, Passer italiae
European tree sparrow, Passer montanus
Cape sparrow, Passer capensis
Madagascar weaver, Foudia madagascariensis
Baya weaver, Ploceus baya
Hawaiian rice bird, Munia nisoria
Red-billed quelea, Quelea quelea
Red-headed quelea, Quelea erythrops
Family Fringillidae (sparrows, finches, buntings)
Yellowhammer, Emberiza citrinella

(b) Class Mammalia (mammals)

Order Primates
All species except those in family Homonidae.
Order Edentata (sloths, anteaters, armadillos, etc.)
All species.
Order Marsupialia (marsupials or pouched mammals)
All species.
Order Insectivora (shrews, moles, hedgehogs, etc.)
All species.
Order Dermoptera (gliding lemurs)
All species.
Order Chiroptera (bats)
All species.
Order Monotremata (spiny anteaters, platypuses)
All species.
Order Pholidota (pangolins, scaly anteaters)
All species.
Order Lagomorpha (pikas, rabbits, hares)

All species, except domesticated races of rabbits.

Order Rodentia (rodents)

All species, except laboratory-reared golden hamsters, also known as Syrian hamster, Mesocricetus auratus; nutria possessed in accordance with provisions of the Food and Agricultural Code; domesticated races of rats or mice (white or albino; trained, dancing or spinning, laboratory-reared); and domestic strains of guinea pig (Cavia Porcellus).

Order Carnivora (carnivores)

All species, except domestic dogs (Canis familiaris) and domestic cats (Felis catus)

Order Tubulidentata (aardvarks)

All species.

Order Proboscidea (elephants)

All species.

Order Hyracoidea (hyraxes)

All species.

Order Sirenia (dugongs, manatees)

All species.

Order Perissodactyla (horses, zebras, tapirs, rhinoceroses, etc.)

All species except those of the family Equidae.

Order Artiodactyla (swine, peccaries, camels, deer, elk, moose, antelopes, cattle, goats, sheep, etc.)

All species except: domestic swine of the family Suidae; American bison, and domestic cattle, sheep and goats of the family Bovidae; races of big-horned sheep (Ovis canadensis) now or formerly indigenous to this state.

Mammals of the orders Primates, Edentata, Dermoptera, Monotremata, Pholidota, Tubulidentata, Proboscidea, Perissodactyla, Hyracoidea, Sirenia and Carnivora are restricted for the welfare of the animals, except animals of the families Viverridae and Mustelidae in the order Carnivora are restricted because such animals are undesirable and a menace to native wildlife, the agricultural interests of the state, or to the public health or safety.

(c) Class Amphibia (frogs, toads, salamanders)

Family Bufonidae (toads)

Giant toad or marine toad, Bufo marinus

(d) Class Monorhina (lampreys)

All species.

(e) Class Osteichthyes (bony fishes)

Family Serranidae (bass)

White perch, Morone or Roccus americana

Family Clupeidae (herring)

Gizzard shad, Dorosoma cepedianum

Family Sciaenidae (croakers)

Freshwater sheepshead, Aplodinotus grunniens

Family Characidae (characins)

Banded tetra, Astyanax fasciatus
All species of piranhas
Family Lepisosteidae (gars)
All species.
Family Amiidae (bowfins)
All species.
(f) Class Reptilia (snakes, lizards, turtles, alligators)
Family Crocodilidae
All species.
(g) Class Crustacea (crustaceans)
Genus Cambarus (crayfishes)
All species.
Genus Astacus (crayfishes)
All species.
Genus Astacopsis (crayfishes)
All species.
(h) Class Gastropoda (slugs, snails, clams)
All species of slugs
All species of land snails

(i) Such other classes, orders, families, genera, and species of wild animals which may be designated by the commission in cooperation with the Department of Food and Agriculture, (a) when such class, order, family, genus or species is proved undesirable and a menace to native wildlife or the agricultural interests of the state, or (b) to provide for the welfare of wild animals.

(j) Classes, families, genera, and species in addition to those listed above may be added to or deleted from the above lists from time to time by commission regulations in cooperation with the Department of Food and Agriculture.

SEC. 5. Section 2120 of the Fish and Game Code is amended to read:

2120. The commission, in cooperation with the State Department of Food and Agriculture, shall promulgate regulations governing (a) the entry, transportation, keeping, confinement, or release of any and all wild animals which will be or which have been imported into this state pursuant to the provisions of this chapter, and (b) the possession of all other wild animals. The regulations shall be designed to prevent damage to the native wildlife or agricultural interests of this state resulting from the existence at large of any such wild animals, and to provide for the welfare of wild animals.

SEC. 6. Section 2122 of the Fish and Game Code is amended to read:

2122. The commission shall promulgate regulations in cooperation with the State Department of Food and Agriculture for the guidance of enforcing officers. Such regulations shall include a list of the wild animals for which permits that may be issued under this chapter will be refused, and the disposition of such wild animals illegally imported into this state.

SEC. 7. Section 2123 of the Fish and Game Code is amended to

read:

2123. The department in cooperation with the State Department of Food and Agriculture shall furnish descriptive and illustrative material concerning the wild animals enumerated in or designated pursuant to Section 2118, as well as explanatory material setting forth the reasons for designating such animals as undesirable and a menace to native wildlife or to the agricultural interests of this state for the information and guidance of the enforcing officers.

SEC. 8. Section 2150 of the Fish and Game Code is amended to read:

2150. The department in cooperation with the State Department of Food and Agriculture may, upon application, issue a written permit to import into, possess, or transport within this state any wild animal enumerated in or designated pursuant to Section 2118, upon determination that the animal is not detrimental or that no damage or detriment can be caused to agriculture, to native wildlife, to the public health or safety, or to the welfare of the animal, as a result of such importation, transportation, or possession.

A permit shall be issued only upon application and payment of a nonrefundable application fee in such amount as is determined by the commission to be sufficient to carry out the provisions of this chapter. Fees generated by the applications shall be expended exclusively for the administration and enforcement of this chapter. Application forms shall be provided by the department and shall be designed to ascertain the applicant's ability to properly care for the wild animal or animals he seeks to import, transport, or possess. Such proper care shall include providing adequate food, shelter, and veterinary care, and such other requirements as the commission may designate.

The commission shall revoke or deny a permit if it finds that a permittee or applicant has failed to meet or is unable to meet the requirements for importing, transporting, possessing, or confining any wild animal as established pursuant to Section 2120.

A zoo which maintains its mammals at the minimum welfare standards presently set forth in the provisions of Chapter 1 of Volume 9 of the Code of Federal Regulations, entitled "Animals and Animal Products," shall be exempt from any requirement for the payment of an application fee for a permit issued pursuant to this chapter, and shall be exempt from any permit requirement pursuant to this chapter except for animals whose importation, transportation, or possession is determined by the department, in cooperation with the Department of Food and Agriculture, to be detrimental or cause damage to agriculture, to native wildlife, or to the public health or safety. For the purposes of this section, a zoo shall be considered any organization which exhibits animals to the general public at regular specified hours, equaling at least 30 hours a week for 36 weeks a year, and whose animals, whether maintained for exhibit purposes or not, are not for sale to private individuals. The determination of whether a zoo maintains its mammals at such minimum welfare standards

shall be by information obtained from federal inspectors that the specific zoo meets such standards, or if such information is not available, concerning a particular zoo, by periodic inspections by wardens of the department. An aquarium which otherwise meets the standards required by this section shall be considered a zoo. A zoo which does not maintain its mammals at such minimum welfare standards shall be deemed deficient in providing for the welfare of the animal and shall be required to meet all the requirements for the issuance of a permit pursuant to this chapter.

Any university, college, governmental research agency or other bona fide scientific institution, as determined by the department, engaging in scientific or public health research shall be exempt from any requirement for the payment of an application fee for a permit issued pursuant to this chapter, and shall be exempt from any permit requirement pursuant to this chapter except for animals whose importation, transportation, or possession is determined by the department, in cooperation with the Department of Food and Agriculture, to be detrimental or cause damage to agriculture, to native wildlife, or to the public health or safety.

SEC. 9. Section 2150.5 is added to the Fish and Game Code, to read:

2150.5. Classes, orders, families, genera, and species which may not be imported, transported, possessed, or released alive in this state solely because of concern for the welfare of the animal may be possessed under permit when the owner can demonstrate that such animal was legally acquired and possessed in California before the effective date of this section. The department may require the owner of an animal which may be possessed under this section to mark or otherwise identify such animal and progeny, so as not to endanger the welfare of that animal, to the satisfaction of the department. The owner shall not transfer such animal or progeny to any other person without prior approval of the department.

SEC. 10. Section 2153 of the Fish and Game Code is amended to read:

2153. Whenever any permit is issued under the provisions of this article, one copy shall be sent by the department to the State Department of Food and Agriculture, one copy to the county agricultural commissioner or to the state plant quarantine officer having jurisdiction at the place designated in the application as the probable point of first arrival in the state of such species, and one copy shall accompany each shipment of wild animals involved.

SEC. 12. Section 2155 is added to the Fish and Game Code, to read:

2155. The provisions of this chapter and regulations adopted pursuant thereto shall apply to the progeny of any wild animal imported or possessed under such laws and regulations, except that no permit shall be required for the possession of progeny if a permit has already been obtained by the owner for the parent, and the progeny are kept at the same site.

SEC. 13. Section 2156 is added to the Fish and Game Code, to read:

2156. Neither the provisions of this chapter nor the regulations of the commission shall prevent any city or county from enacting ordinances relating to the possession or care of wild animals provided such ordinances are more restrictive.

SEC. 14. Section 2187 of the Fish and Game Code is amended to read:

2187. Whenever any wild animal is brought into this state under permit, as provided in this chapter, the enforcing officers shall, from time to time, examine the conditions under which such species is kept, and report to the department any suspicion or knowledge of any disease or violations of the conditions of the permit or of the regulations promulgated under the provisions of this chapter. The enforcing officer may order the transfer of the animal to new owners or the correction of the conditions under which the species is being kept if not in conformance with the terms of the permit, at the expense of the owner or bailee. If neither transfer or improvement of conditions is accomplished, the officer may order destruction of the animal.

SEC. 15. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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## CHAPTER 1504

*An act to add Chapter 6 (commencing with Section 16790) to Division 12.5 of the Education Code, relating to child development services, and making an appropriation therefor.*

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

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

SECTION 1. The Legislature finds and declares that: (a) each year thousands of minor girls must terminate their high school education before graduating in order to care for their children; (b) the lack of available infant development and day care facilities is the primary reason many of these young mothers are unable to complete their education; and (c) parents of high school age have special educational problems which are not being given adequate attention by the State of California.

It is, therefore, the intent of the Legislature that these young parents be permitted and encouraged to remain in the regular high

school program, that they be given an opportunity to complete their high school education so as to enhance their employability and to thereby minimize the need for welfare assistance, and that school age parents become convinced that they and their infants are important, that they are capable, and that with proper guidance and support they may raise children with healthy bodies, active minds, and wholesome feelings.

SEC. 2. Chapter 6 (commencing with Section 16790) is added to Division 12.5 of the Education Code, to read:

## CHAPTER 6. INFANT CARE AND DEVELOPMENT SERVICES

16790. The Superintendent of Public Instruction may, with funds appropriated for such purpose, enter into agreements with school districts or county superintendents of schools for the establishment and maintenance of programs for the care and development of infants, and the training of students in their roles as parents, as part of the high school program.

16791. The State Board of Education shall adopt rules and regulations for the administration of such programs.

16792. Infant care and development services include, but are not limited to, the following:

(a) Supervision and group care, providing for the physical and emotional needs of the infant in a manner which conveys concern and engenders trust.

(b) Educational stimulation from the earliest development stages onward.

(c) Health screening and treatment.

16793. Services available to parents, in which other students may participate on an elective basis, shall include, but are not limited to, the following:

(a) Providing supervised infant care, designed to facilitate completion of the parents' high school program.

(b) The teaching of parenthood education by staff and trained volunteers.

(c) The teaching of family planning.

(d) The development in student parents, and in other participating students, of reasonable expectations regarding infant behavior in order to minimize parental frustration and consequent child abuse.

16793.5. In school districts maintaining more than one high school, the governing board, after soliciting the opinions of student parents and other interested persons, shall determine the location of the infant care and development center.

Infant care and development centers shall be located within high school buildings or within such proximity to high school buildings as would ensure convenient access by student parents and other students.

16794. In implementing infant care and development programs,

the Superintendent of Public Instruction shall give priority to children of families who qualify under federal regulations as former, current, or potential recipients of public assistance, and other low-income individuals.

Federal reimbursement shall be claimed for any child receiving services under this section for whom federal funds are available.

16795. The Department of Education may accept funds from school districts or county superintendents of schools as matching funds to maximize the funds available for the program.

16796. Notwithstanding any other provisions of law, infants whose parent or parents are high school students may attend infant care and development centers while their parents attend high school.

SEC. 3. The Department of Education shall evaluate the infant care and development services provided pursuant to this act and report to the Legislature on or before November 1, 1977, on the number of children and mothers that received such services. The report shall include recommendations concerning improvement, retention, extension, or other aspects of the infant care and development services provided.

SEC. 4. There is hereby appropriated from the General Fund in the State Treasury to the Superintendent of Public Instruction the sum of six hundred thousand dollars ($600,000) for the 1975–76 fiscal year, for the purposes of Chapter 6 (commencing with Section 16790) of Division 12.5 of the Education Code.

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## CHAPTER 1505

*An act to add Sections 7455.3, 17301.5, and 18105 to, and to amend Section 17303.5 of, the Education Code, relating to regional occupational centers and programs, and making an appropriation therefor.*

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

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

SECTION 1. Section 7455.3 is added to the Education Code, to read:

7455.3. Any visually handicapped, orthopedically handicapped, or deaf person who has been graduated from high school may attend a regional occupational center or regional occupational program on the same basis as a high school pupil. Additional special instruction and support services shall be provided to such persons.

If the Superintendent of Public Instruction determines that there would be a duplication of effort to such handicapped persons if a regional occupational center or regional occupational program

provided services to such persons, in that other programs exist that are available to such persons, the superintendent may disapprove of the curriculum to provide programs to such persons pursuant to Section 7451.7 and of any state funding made available pursuant to Section 18105 for such purposes.

SEC. 2. Section 17301.5 is added to the Education Code, to read:

17301.5. In addition to all other funds appropriated and transferred to Section A of the State School Fund, the Controller shall annually transfer from the General Fund to Section A of this State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state as certified by the Superintendent of Public Instruction of fourteen cents ($0.14).

SEC. 3. Section 17303.5 of the Education Code, as amended by Chapter 16 of the Statutes of 1974, is amended to read:

17303.5. The amount transferred to Section A of the State School Fund pursuant to subdivision (b) of Section 17301 and Section 17301.5 shall be expended in accordance with the following schedule:

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

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

(c) Twenty-four dollars and sixty-eight cents ($24.68) multiplied by the total average daily attendance credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, during the preceding school year, for the purposes of Chapter 8 (commencing with Section 6801), Chapter 8.2 (commencing with Section 6870), Chapter 9 (commencing with Section 6901), of Division 6, and Sections 18060, 18062, 18104, and 18105.

(d) Three dollars and forty-four cents ($3.44) multiplied by the total average daily attendance credited to all elementary, high, and unified school districts and to all county superintendents of schools

in the state during the preceding school year for allowances to county school service funds pursuant to subdivision (b) of Section 18352.

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

(f) One hundred sixty dollars and ninety-nine cents ($160.99) multiplied by the average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state during the preceding school year for basic aid, equalization aid, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance. The amount expended pursuant to this subdivision shall be annually revised to reflect the adjustment prescribed by subdivision (e) of Section 17301.

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

SEC. 4. Section 18105 is added to the Education Code, to read:

18105. The Superintendent of Public Instruction shall allow to each district participating in a regional occupational center or to each county superintendent of schools operating a regional occupational center, for each unit of average daily attendance attributable to a person educated in a regional occupational center or program pursuant to Section 7455.3, the following amounts:

(a) One thousand nine hundred and fifty-five dollars ($1,955) for each visually handicapped person.

(b) One thousand one hundred and twenty dollars ($1,120) for each deaf person.

(c) One hundred seventy-nine dollars ($179) for each orthopedically handicapped person.

The allowance prescribed by this section is in addition to other allowances or apportionments which may be received because of such attendance and can only be received if the specific service for which the allowance or apportionment is made is not otherwise provided by a community college within a reasonable commuting distance of the regional occupational center.

Each governing body maintaining a regional occupational center or program shall account for expenditures made on account of additional special instruction and support services pursuant to Section 7455.3. Expenditures shall be reported as an amount per pupil in average daily attendance in each of the categories specified in subdivisions (a), (b), and (c). If the Superintendent of Public Instruction determines that the expenditures, as reported, do not

equal or exceed the allowances prescribed in subdivisions (a), (b), and (c), the amount of the deficiency shall be withheld from apportionments to the school district or the county superintendent of schools in the succeeding fiscal year in accordance with the procedure prescribed in Section 17414.

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## CHAPTER 1506

*An act to add Sections 6812.6 and 6812.8 to the Education Code, relating to special education, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 6812.6 is added to the Education Code, to read:

6812.6. Physically handicapped pupils who come within any one or more of subdivisions (a), (b), (c), (d), (e), and (h) of Section 6802 and who are between the ages of 18 months and 3 years, may be enrolled in experimental programs conducted by a county superintendent of schools upon the prior approval of the Superintendent of Public Instruction pursuant to this section. Experimental programs for such pupils shall be conducted in accordance with rules and regulations established by the Superintendent of Public Instruction.

In no case shall the Superintendent of Public Instruction authorize more than one such experimental class in a county, and no more than five county superintendents of schools may conduct programs pursuant to this section.

Notwithstanding any provisions of this code to the contrary, transportation allowances for such pupils and computations of allowances and apportionments from the State School Fund for such pupils shall be credited to county superintendents of schools providing instruction pursuant to this section, in the same manner as authorized for pupils receiving special schooling pursuant to this chapter and Article 9 (commencng with Section 894) of Chapter 4 of Division 3; provided, that the total of all such allowances and apportionments made for each fiscal year pursuant to this section shall not exceed one hundred twenty-five thousand dollars ($125,000).

This section shall remain in effect only for a period of two years following the effective date of its enactment and shall have no force or effect on or after such date.

The Superintendent of Public Instruction shall, not later than January 1, 1976, report to the Legislature with recommendations

regarding the extension of this section.

SEC. 2. Section 6812.8 is added to the Education Code, to read:

6812.8. Physically handicapped pupils who because of another primary handicap, as defined in Sections 6750, 6801, 6802, 6902, and 6903, are already enrolled in special education classes or are receiving special services in programs conducted by a county superintendent of schools are eligible to receive experimental individualized instruction conducted by a county superintendent of schools, upon the prior approval of the Superintendent of Public Instruction, pursuant to this section. Experimental programs for such pupils shall be conducted in accordance with rules and regulations established by the Superintendent of Public Instruction.

In no case shall the Superintendent of Public Instruction authorize more than five county superintendents of schools to conduct programs pursuant to this section.

Any county superintendent of schools approved to conduct an experimental individualized instruction program pursuant to this section shall be entitled to an apportionment equal to the amount which would have been credited to him if such pupils had been enrolled in a program for individual instruction authorized under subdivision (e) of Section 6802.1; provided, that the total of all such allowances and apportionments made for each fiscal year pursuant to this section shall not exceed sixty-five thousand dollars ($65,000) and the total of all such allowances and apportionments made to any one such county superintendent of schools in any one fiscal year shall not exceed thirteen thousand dollars ($13,000).

This section shall remain in effect for a period of two years following the effective date of its enactment and shall have no force or effect on or after such date.

The Superintendent of Public Instruction shall, not later than January 1, 1976, report to the Legislature with recommendations regarding the extension of this section.

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

In order to permit the operation of the programs authorized by this act for the entire 1974–75 fiscal year, and so facilitate the orderly administration of such programs, it is necessary that this act take effect immediately.

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## CHAPTER 1507

*An act to add Article 3.6 (commencing with Section 340) to Chapter 2 of Division 1 of the Health and Safety Code, relating to health and making an appropriation therefor.*

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

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

SECTION 1. The Legislature finds that there are at least 1,600 identified victims of the disease of hemophilia in this state and that hemophilia is generally excluded from any private medical insurance coverage except in an employment situation under group coverage which is usually ended upon termination of employment, and that there is a need for a statewide program for the medical care of persons with hemophilia who are unable to pay for their necessary medical services, wholly or in part.

SEC. 2. Article 3.6 (commencing with Section 340) is added to Chapter 2 of Division 1 of the Health and Safety Code, to read:

Article 3.6. Hemophilia Services Program

340. The following definitions shall apply to the provisions of this article:

(a) "Hemophilia services" means the program for the medical care of persons with hemophilia established and operated pursuant to this article.

(b) "Net worth" means:

(1) Personal property, which consists of cash, savings accounts, securities, and similar items; notes, mortgages and deeds of trust; the cash surrender value of life insurance on the life of the applicant or beneficiary, on the life of the spouse or any member of the family, except as provided in Section 11158 of the Welfare and Institutions Code, motor vehicles, except one which meets the transportation needs of the person or family; any other property or equity other than real estate, except that property specified in subdivisions (1), (2) and (3) of Section 11155 of the Welfare and Institutions Code.

(2) Real property, including any interest in land of more than nominal interest which does not constitute the home of the applicant for aid under this chapter. The home of the applicant shall be exempt from consideration as net worth under this section to the extent of ten thousand dollars ($10,000) in assessed valuation, as assessed by the county assessor.

(3) "Income" which consists of the sum of adjusted gross income as used for purposes of the Federal Income Tax Law.

(c) "Family unit" means:

(1) In the case of an unmarried patient under 21 years of age living with his parent or parents, the patient and his parents.

(2) In the case of a married patient under 21 years of age, the patient and his spouse.

(3) In the case of a patient over 21, the patient, and if married, the patient's wife.

341. The Director of Health shall establish and administer a program for the medical care of persons with hemophilia through

physicians and centers that are qualified pursuant to the regulations of the department to provide such medical services. The director shall adopt such rules and regulations as are necessary for the implementation of the provisions of this article.

342. The program established under this article shall include:

(a) Initial intake and diagnostic evaluation;

(b) The cost of blood transfusion and use of blood derivatives; and

(c) Rehabilitation services, including reconstructive surgery.

343. The Director of Health shall appoint a five-member Advisory Committee on Hemophilia composed of professional and consumer representatives who shall serve without compensation and at the discretion of the director. The director shall seek the advice of the committee with respect to regulations to be adopted pursuant to this article.

344. The Director of Health shall establish the rate structure for reimbursement of physicians and supportive services. Such rates shall not be less than the amounts paid for provider services under the Medi-Cal Act (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code).

345. Reimbursement under this article shall not be made for any services which are available to the recipient under any other private, state, or federal programs or under other contractual or legal entitlements. However, no provision in this article shall be construed as limiting in any way state participation in any federal governmental program for medical care of persons with hemophilia.

346. The State Department of Health shall receive and expend all funds made available to it by the federal government, the state, its political subdivisions or from other sources for the purposes of this article. Payment for hemophilia services shall be made by the State Department of Health.

347. Persons shall be eligible for hemophilia services, as follows:

(a) A person in a family unit with a net worth of less than five thousand dollars ($5,000) shall not be liable to pay for hemophilia services.

(b) A person in a family unit with a net worth of five thousand dollars ($5,000) or above shall pay 1 percent of the cost of hemophilia services for each five thousand dollars ($5,000) of net worth, up to a maximum net worth of five hundred thousand dollars ($500,000), which shall result in a person being liable for 100 percent of such costs.

(c) Net worth liability shall be determined as of the time of the initial treatment and shall be reevaluated each year by the department.

348. The health care benefits and services specified in this article, to the extent that such benefits and services are neither provided under any other federal or state law nor provided nor available under other contractual or legal entitlements of the person, shall be provided to any patient who is a resident of this state and is made eligible by the provisions of this article. After such patient has

utilized such contractual or legal entitlements, the percentages of payment liability under Section 347 shall then be applied to the remaining cost of hemophilia services.

SEC. 3. There is hereby appropriated from the General Fund to the State Department of Health the sum of two million dollars ($2,000,000) for the purposes of Article 3.6 (commencing with Section 340) of Chapter 2 of Division 1 of the Health and Safety Code.

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## CHAPTER 1508

*An act to add and repeal Section 7503 of, and to add Section 7503.5 to, the Education Code, relating to educational programs.*

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

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

SECTION 1. Section 7503 is added to the Education Code, to read:

7503 The governing board of any school district, including the governing board of any community college district, may initiate and carry on any educational program as defined in Section 7552 which is not in conflict with law and which is not in conflict with the purposes for which school districts are established.

This section shall remain in effect until January 1, 1976, and on that date is repealed.

SEC. 2. Section 7503.5 is added to the Education Code, to read:

7503.5. On and after January 1, 1976, the governing board of any school district, including the governing board of any community college district, may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established.

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## CHAPTER 1509

*An act to amend Section 18270 of, to add Sections 6443.5, 6444, 6444.1, 6444.2, and 6444.3 to, and to repeal Section 6443 of, the Education Code, and to repeal Section 8.5 of Chapter 1236 of the Statutes of 1965, relating to instructional television.*

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

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

SECTION 1. It is the intention of the Legislature to:

(a) Provide high-quality instructional television programs on an equitable basis to as many public school pupils as possible within the limitation of available funds.

(b) Insure that evaluation procedures using qualitative and quantitative measures of pupil progress be employed at regular intervals to document the effects of instructional television on pupils receiving such instruction.

(c) Provide for cost effectiveness evaluations at the state, regional, and local levels which will enhance the appropriate utilization of television as an educational resource.

(d) Correct an existing system of dispersal of state funds for instructional television that permits duplication of effort with a consequent waste of such funds, and further distributes state funds in such a diffuse way that they make only a minimal contribution to the production of quality programming.

SEC. 2. Section 6443 of the Education Code is repealed.

SEC. 3. Section 6443.5 is added to the Education Code, to read:

6443.5. (a) Under rules and regulations adopted pursuant to Section 6444.1, the Superintendent of Public Instruction shall administer a high-quality instructional television service for the public school pupils of California, such service to include but not be limited to:

(1) Providing for an equitable high-quality instructional television service to be made available to the largest feasible number of public school pupils utilizing the most appropriate delivery systems;

(2) Providing for contracts with local educational authorities acting on behalf of regional organizations, or directly with regional organizations if they are eligible to enter into such contracts, for assistance in carrying out the following activities:

(A) Developing and implementing an instructional television service in each region, the content and scheduling of which shall be determined by the local school districts which have elected to participate in the instructional television service provided by a regional organization.

(B) Developing and implementing statewide evaluation procedures to be administered by the regional organizations that utilize indicators of pupil progress such as standardized tests of educational achievement and observation of behavioral characteristics. Pupil progress shall be related to hours of viewing instructional television and the cost of providing such televised instruction. Evaluations shall be performed at least once a year and the results reported to the Legislature annually.

(C) Developing and implementing teacher training and parent involvement programs to maximize the school and home use of instructional television;

(3) Providing for the production of the highest quality instructional television programs possible within the limits of available resources, for distribution by all of the regional

organizations on a statewide basis, the content of which will be in the areas of highest priorities of statewide need as determined by the local school districts and the regional organizations in which they participate and with the advice of the State Instructional Television Advisory Committee;

(4) Providing technical assistance to the regional organizations to assist them in the production of the highest quality programming possible within the limitation of available resources, using local district funds. Subject areas for such production shall be determined by the local school districts and the regional organizations and it is expected that such programming will be needed to meet unique regional educational needs;

(5) Providing for the acquisition of programs for the instructional television service on behalf of the regional organizations; and

(6) Providing for statewide coordination among regional organizations, offices of county superintendents of schools, school districts, and other agencies concerned with instructional television services for the purpose of eliminating unnecessary duplication of effort and facilitating the development and economical provision of high-quality programming and utilization in the areas of highest priorities of need as defined by local school districts, regional organizations, the State Instructional Television Advisory Committee, and the Superintendent of Public Instruction.

SEC. 4. Section 6444 is added to the Education Code, to read:

6444. The following definitions, unless the context otherwise requires, shall govern the construction of this article:

(a) "Instructional television" means television programs whose content is closely related to the adopted formal curriculum of the public schools.

(b) "Instructional television programming" means all the functions necessary to the acquisition and production of instructional television.

(c) "Delivery system" means any form of telecommunications technology which may be used to transmit educational material, including but not limited to, one or more open-circuit broadcast stations, microwave systems, instructional television fixed service (ITFS), community antenna television (CATV), or other cable systems, broadcast translators, and computer-assisted information retrieval systems.

(d) "Open-circuit delivery system" means any public or noncommercial educational television station or any instructional television fixed service (ITFS) broadcast station.

(e) "Closed-circuit delivery system" means any microwave system or community antenna television system (CATV).

(f) "Regional organization" means any agency organized under the auspices of one or more county superintendents of schools, or one or more school districts, or any combination of county superintendents of schools and school districts, pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title

1 of the Government Code, or other appropriate authority, with a demonstrated interest in and capacity for providing services related to instructional television to students, their parents, teachers, and administrators in the area served by the regional organization. A regional organization shall include only county superintendents of schools or school districts of this state, or a combination of both. Regional organizations shall operate pursuant to such terms and conditions as may be adopted by the public school agency or the public school agencies comprising the regional organization and subject to the provisions of this article. The governing board of the regional organization shall include representation from students, teachers, administrators, at least one representative of all open-circuit delivery systems used, and at least one representative of all closed-circuit delivery systems used. The policies of the regional organization shall be adopted by a process which includes all interests represented in the regional organization.

(g) "State Instructional Television Advisory Committee" means a committee whose members shall be appointed by the State Board of Education on the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education and shall consist of eight representatives of regional organizations, with a maximum of one from each region, three public school administrators or classroom teachers or students or parents or any combination thereof, and one professional with expertise in television programming, and one professional actively engaged in the management of delivery systems. Members of the State Instructional Television Advisory Committee shall serve without compensation, except that members not employed by public agencies shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties. Terms for members shall be for a period of three years. Terms for the first members appointed to the committee shall be determined by lot at the first official meeting, as follows:

(1) Terms of two representatives of regional organizations shall be for one year, three for two years, and three for three years.

(2) Terms of one public school administrator, classroom teacher, student, or parent shall be for one year, one for two years, and one for three years.

(3) Other representatives shall serve for an initial term of three years.

Members of the committee may be reappointed for succeeding terms.

SEC. 5. Section 6444.1 is added to the Education Code, to read:

6444.1. The State Board of Education shall establish rules and regulations governing the administration of this article and may request assistance and advice from any interested entities and individuals in the exercise of this responsibility. The Superintendent of Public Instruction shall enforce such board rules and regulations and shall make an annual report to the State Board of Education on

all aspects of instructional television activity in the state. The State Board of Education shall report to the Legislature annually on instructional television activity.

SEC. 6. Section 6444.2 is added to the Education Code, to read:

6444.2. Nothing in this article shall be construed as limiting regional organizations, delivery systems, offices of county schools superintendents, or school districts from expending their own funds for purposes related to instructional television programming, utilization, evaluation, or other activities.

SEC. 7. Section 6444.3 is added to the Education Code, to read:

6444.3. This article shall be known as the Quimby-Marler Instructional Television Act.

SEC. 8. Section 18270 of the Education Code is amended to read:

18270. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools participating in a program for instructional television established pursuant to Section 6441 or 6442, fifty cents ($0.50) multiplied by the number of pupils of the district present in the classroom and instructed by such instructional television programs during the preceding fiscal year. The amount of such allowance to a school district shall not exceed one-half the total cost to the district of providing television broadcasts or closed-circuit television programs pursuant to Section 6441 or 6442. For the purpose of this section, no pupil shall be counted more than once per school year.

The allowances to school districts and county superintendents of schools under this section shall be made from such moneys as may be appropriated therefor by the Legislature.

It is the intention of the Legislature that the system of allowances prescribed by this section shall remain in effect only until such time as a new apportionment formula for funding instructional television is developed and moneys are appropriated therefore. The State Board of Education shall adopt appropriate procedures to insure an orderly transition to the new apportionment formula.

SEC. 9. Section 8.5 of Chapter 1236 of the Statutes of 1965 is repealed.

SEC. 10. Not later than July 1, 1975, the State Board of Education shall develop:

(a) Administrative regulations and procedures that are necessary under the provisions of this act.

(b) Guidelines for uniform evaluation procedures, including cost-effective measurements.

(c) All further plans and preparations that are required to ensure a smooth transition to the new state instructional television services provided by this act.

## CHAPTER 1510

*An act to amend Section 1279 of the Unemployment Insurance Code, relating to unemployment insurance.*

[Approved by Governor September 26, 1974. Filed with Secretary of State September 27, 1974.]

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

SECTION 1. Section 1279 of the Unemployment Insurance Code is amended to read:

1279. Each individual eligible under this chapter who is unemployed in any week shall be paid with respect to that week an unemployment compensation benefit in an amount equal to his weekly benefit amount less the amount of wages in excess of eighteen dollars ($18) payable to him for services rendered during that week. The benefit payment, if not a multiple of one dollar ($1), shall be computed to the next higher multiple of one dollar ($1). For the purpose of this section only "wages" includes any and all compensation for personal services whether performed as an employee or as an independent contractor or as a juror or as a witness, but does not include any payments, regardless of their designation, made by a city of this state to an elected official thereof as an incident to such public office.

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## CHAPTER 1511

*An act to amend Sections 1367, 1368, 1369, 1370, 1372, 1373, and 1374 of, and to add Sections 977.1, 1368.1, 1370.2, and 1375.5 to, the Penal Code, and to amend Section 5008 of, and to add Sections 5369 and 5370 to, the Welfare and Institutions Code, relating to criminal procedure, declaring the urgency thereof to take effect immediately.*

[Approved by Governor September 26, 1974 Filed with Secretary of State September 27, 1974 ]

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

SECTION 1. Section 977.1 is added to the Penal Code, to read:

977.1. The resolution of questions of fact or issues of law by trial or hearing which can be made without the assistance or participation of the defendant is not prohibited by the existence of any pending proceeding to determine whether the defendant is or remains mentally incompetent or gravely disabled pursuant to the provisions of either this code or the Welfare and Institutions Code.

SEC. 2. Section 1367 of the Penal Code is amended to read:

1367. A person cannot be tried or adjudged to punishment while

he is mentally incompetent. A defendant is mentally incompetent for purposes of this chapter if, as a result of mental disorder, he is unable to understand the nature of the proceedings taken against him and to assist counsel in the conduct of a defense in a rational manner.

SEC. 3. Section 1368 of the Penal Code is amended to read:

1368. (a) If, during the pendency of an action and prior to judgment, a doubt arises in the mind of the judge as to the mental competence of the defendant, he shall state that doubt in the record and inquire of the attorney for the defendant whether, in the opinion of the attorney, the defendant is mentally competent. If the defendant is not represented by counsel, the court shall appoint counsel. At the request of the defendant or his counsel or upon its own motion, the court shall recess the proceedings for as long as may be reasonably necessary to permit counsel to confer with the defendant and to form an opinion as to the mental competence of the defendant at that point in time.

(b) If counsel informs the court that he believes the defendant is or may be mentally incompetent, the court shall order that the question of the defendant's mental competence is to be determined in a hearing which is held pursuant to Sections 1368.1 and 1369. If counsel informs the court that he believes the defendant is mentally competent, the court may nevertheless order a hearing. Any hearing shall be held in the superior court.

(c) Except as provided in Section 1368.1, when an order for a hearing into the present mental competence of the defendant has been issued, all proceedings in the criminal prosecution shall be suspended until the question of the present mental competence of the defendant has been determined.

If a jury has been impaneled and sworn to try the defendant, the jury shall be discharged only if it appears to the court that undue hardship to the jurors would result if the jury is retained on call.

If the defendant is declared mentally incompetent, the jury shall be discharged.

SEC. 4. Section 1368.1 is added to the Penal Code, to read:

1368.1. (a) If the action is on a complaint charging a felony, the hearing to determine mental competence may not be held until after the information or indictment has been filed. A demurrer or a motion under Section 995 or 1538.5 may thereafter be made by counsel for the defendant, even though a proceeding to determine the defendant's mental competence is pending.

(b) If the action is on a complaint charging a misdemeanor, counsel for the defendant may (1) demur, (2) move to dismiss the complaint on the ground that there is not reasonable cause to believe that a public offense has been committed and that the defendant is guilty thereof, or (3) make a motion under Section 1538.5.

(c) In ruling upon any demurrer or motion described in subdivision (a) or (b), the court may hear any matter which is capable of fair determination without the personal participation of the defendant.

(d) In any case originating in a municipal or justice court, any demurrer or motion described in subdivision (b) shall be made in the court having jurisdiction over the misdemeanor complaint. The defendant shall not be certified to the superior court by the municipal or justice court until the demurrer or motion has been decided.

SEC. 5. Section 1369 of the Penal Code is amended to read:

1369. A trial by court or jury of the question of mental competence shall proceed in the following order:

(a) The court shall appoint a psychiatrist or licensed psychologist, and any other expert the court may deem appropriate, to examine the defendant. In any case where the defendant or his counsel informs the court that the defendant is not seeking a finding of mental incompetence, the court shall appoint two psychiatrists, licensed psychologists, or a combination thereof. One of the psychiatrists or licensed psychologists may be named by the defense and one may be named by the prosecution.

(b) (1) The counsel for the defendant shall offer evidence in support of the allegation of mental incompetence.

(2) If the defense declines to offer any evidence in support of the allegation of mental incompetence, the prosecution may do so.

(c) The prosecution shall present its case regarding the issue of defendant's present mental competence.

(d) Each party may offer rebutting testimony, unless the court, for good reason in furtherance of justice, also permits other evidence in support of the original contention.

(e) When the evidence is concluded, unless the case is submitted without final argument, the prosecution shall make its final argument and the defense shall conclude with its final argument to the court or jury.

(f) In a jury trial, the court shall charge the jury, instructing them on all matters of law necessary for the rendering of a verdict. It shall be presumed that the defendant is mentally competent unless it is proved by a preponderance of the evidence that he is mentally incompetent. The verdict of the jury shall be unanimous.

SEC. 6. Section 1370 of the Penal Code is amended to read:

1370. (a) If the defendant is found mentally competent, the criminal process shall resume, the trial on the offense charged shall proceed, and judgment may be pronounced. If the defendant is found mentally incompetent, the trial or judgment shall be suspended until he becomes mentally competent, and the court shall order that (1) in the meantime, the defendant be delivered by the sheriff to a state hospital for the care and treatment of the mentally disordered or to any other available public or private hospital, sanitarium, or facility as will promote the defendant's speedy restoration of mental competence and (2) upon his becoming competent, he be redelivered to the sheriff to be returned to court where the criminal process shall resume.

(b) (1) Within 90 days of a commitment made pursuant to

subdivision (a), the superintendent of the state hospital or other facility to which the defendant is committed shall make a written report to the court concerning the defendant's progress toward recovery of his mental competence. If the defendant has not recovered his mental competence, but the report discloses a substantial likelihood the defendant will regain his mental competence in the foreseeable future, he shall remain in the state hospital or other facility. Thereafter, at six-month intervals or until the defendant becomes mentally competent, the superintendent of the hospital or person in charge of the facility shall report to the court regarding the defendant's progress toward recovery of his mental competence. If the report indicates that there is no substantial likelihood that the defendant will regain his mental competence in the foreseeable future, the committing court shall order him to be returned to the court for proceedings pursuant to paragraph (2) of subdivision (c).

(2) If, after the defendant has been committed for 18 months, he is still hospitalized pursuant to this section, he shall be returned to the committing court where a hearing shall be held pursuant to the procedures set forth in Section 1369.

(3) If it is determined by the court that no treatment for the defendant's mental impairment is being conducted, the defendant shall be returned to the committing court.

(4) The superintendent or person in charge of the facility shall deliver the reports made pursuant to paragraph (1) to the committing court, which shall provide a copy thereof to the defendant, his attorney of record, and any other interested person specified by the defendant.

(c) (1) If, at the end of three years from the date of commitment or a period of commitment equal to the maximum term of imprisonment provided by law for the most serious offense charged in the information, indictment, or misdemeanor complaint, whichever is shorter, the defendant has not recovered his mental competence, he shall be returned to the committing court.

(2) Whenever any defendant is returned to the court pursuant to paragraph (2) of subdivision (b) or paragraph (1) of subdivision (c) and it appears to the court that the defendant is gravely disabled as defined in paragraph (2) of subdivision (h) of Section 5008 of the Welfare and Institutions Code, the court shall order the conservatorship investigator of the county of commitment of the defendant to initiate conservatorship proceedings for such defendant pursuant to Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code. Any hearings required in the conservatorship proceedings shall be held in the superior court in the county which ordered the commitment.

(d) The criminal action remains subject to dismissal pursuant to Section 1385.

(e) If the criminal charge against the defendant is dismissed, the defendant shall be released from any commitment ordered under

this section, but without prejudice to the initiation of any proceedings under the Lanterman-Petris-Short Act, Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code, which may be appropriate.

SEC. 7. Section 1370.2 is added to the Penal Code, to read:

1370.2. If a person is adjudged mentally incompetent pursuant to the provisions of this chapter, the superior court may dismiss any misdemeanor charge pending against the mentally incompetent person. Ten days notice shall be given to the district attorney of any motion to dismiss pursuant to this section.

SEC. 8. Section 1372 of the Penal Code is amended to read:

1372. (a) If the superintendent of the hospital or facility to which the defendant is committed determines that the defendant has regained his mental competence, he shall immediately certify that fact to the court, sheriff, and district attorney of the county in which defendant's case is pending and to defendant's attorney of record.

(b) If the defendant becomes mentally competent after a conservatorship has been established pursuant to the applicable provisions of the Lanterman-Petris-Short Act, Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code, and Section 1370, the conservator shall certify that fact to the sheriff and district attorney of the county in which defendant's case is pending, defendant's attorney of record, and the committing court.

(c) In the case of a defendant who is subject either to subdivision (a) or (b), the court shall order the sheriff to immediately return the defendant to the court in which the criminal charge is pending. Within two judicial days of the defendant's return the court shall hold a hearing to determine whether the defendant is entitled to be admitted to bail or released upon his own recognizance pending conclusion of the proceedings.

SEC. 9. Section 1373 of the Penal Code is amended to read:

1373. The expense of sending the defendant to the state hospital or other facility, and of bringing him back, are chargeable to the county in which the indictment was found or information filed; but the county may recover them from the estate of the defendant, if he has any, or from a relative, bound to provide for and maintain him.

SEC. 10. Section 1374 of the Penal Code is amended to read:

1374. If the superintendent of a state hospital or other facility to which the defendant is committed is of the opinion that the defendant is not a menace to the health and safety of others, he may allow the defendant to be treated as an outpatient.

Notice of intent to place the defendant on outpatient status shall be provided to the court, district attorney, and attorney of record at least 15 days in advance. The court may hold a hearing and (1) approve or disapprove of the plan or (2) take no action, in which case the plan shall be deemed to have been approved.

SEC. 11. Section 1375.5 is added to the Penal Code, to read:

1375.5. Time spent by a defendant in a hospital or other facility as a result of a commitment therein as a mentally incompetent

pursuant to this chapter shall be credited on the term of any imprisonment, if any, for which the defendant is sentenced in the criminal case which was suspended pursuant to Section 1370.

As used in this section, "time spent in a hospital or other facility" includes days a defendant is treated as an outpatient pursuant to Section 1374.

SEC. 12. Section 5008 of the Welfare and Institutions Code, as amended by Chapter 1593 of the Statutes of 1971, is amended to read:

5008. Unless the context otherwise requires, the following definitions shall govern the construction of this part:

(a) "Evaluation" consists of multidisciplinary professional analyses of a person's medical, psychological, social, financial, and legal conditions as may appear to constitute a problem. Persons providing evaluation services shall be properly qualified professionals and may be full-time employees of an agency providing evaluation services or may be part-time employees or may be employed on a contractual basis;

(b) "Court-ordered evaluation" means an evaluation ordered by a superior court pursuant to Article 2 (commencing with Section 5200) or by a court pursuant to Article 3 (commencing with Section 5225) of Chapter 2 of this part;

(c) "Intensive treatment" consists of such hospital and other services as may be indicated. Intensive treatment shall be provided by properly qualified professionals and carried out in facilities qualifying for reimbursement under the California medical assistance program set forth in Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of this code, or under Title XVIII of the Federal Social Security Act and regulations thereunder. Intensive treatment may be provided in hospitals of the United States government by properly qualified professionals. Nothing in this part shall be construed to prohibit an intensive treatment facility from also providing 72-hour treatment and evaluation;

(d) "Referral" is referral of persons by each agency or facility providing intensive treatment or evaluation services to other agencies or individuals. The purpose of referral shall be to provide for continuity of care, and may include, but need not be limited to, informing the person of available services, making appointments on the person's behalf, discussing the person's problem with the agency or individual to which the person has been referred, appraising the outcome of referrals, and arranging for personal escort and transportation when necessary. Referral shall be considered complete when the agency or individual to whom the person has been referred accepts responsibility for providing the necessary services. All persons shall be advised of available precare services which prevent initial recourse to hospital treatment or aftercare services which support adjustment to community living following hospital treatment. Such services may be provided through county welfare departments, State Department of Health, Short-Doyle programs or other local agencies.

Each agency or facility providing evaluation services shall maintain a current and comprehensive file of all community services, both public and private. Such files shall contain current agreements with agencies or individuals accepting referrals, as well as appraisals of the results of past referrals;

(e) "Crisis intervention" consists of an interview or series of interviews within a brief period of time, conducted by qualified professionals, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the person or the family. The interview or interviews may be conducted in the home of the person or family, or on an inpatient or outpatient basis with such therapy, or other services, as may be appropriate. Crisis intervention may, as appropriate, include suicide prevention, psychiatric, welfare, psychological, legal, or other social services;

(f) "Prepetition screening" is a screening of all petitions for court-ordered evaluation as provided in Article 2 (commencing with Section 5200) of Chapter 2, consisting of a professional review of all petitions; an interview with the petitioner and, whenever possible, the person alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled, to assess the problem and explain the petition; when indicated, efforts to persuade the person to receive, on a voluntary basis, comprehensive evaluation, crisis intervention, referral, and other services specified in this part;

(g) "Conservatorship investigation" means investigation by an agency appointed or designated by the governing body of cases in which conservatorship is recommended pursuant to Chapter 3 (commencing with Section 5350) of this part;

(h) For purposes of Article 1 (commencing with Section 5150), Article 2 (commencing with Section 5200), and Article 4 (commencing with Section 5250) of Chapter 2 of this part, and for the purposes of Chapter 3 (commencing with Section 5350) of this part, "gravely disabled" means:

(1) A condition in which a person, as a result of a mental disorder, is unable to provide for his basic personal needs for food, clothing, or shelter; or

(2) A condition in which a person, has been found mentally incompetent under Section 1370 of the Penal Code and all of the following facts exist:

(i) The indictment or information pending against the defendant at the time of commitment charges a felony involving death, great bodily harm, or a serious threat to the physical well-being of another person.

(ii) The indictment or information has not been dismissed.

(iii) As a result of mental disorder, the person is unable to understand the nature and purpose of the proceedings taken against him and to assist counsel in the conduct of his defense in a rational manner.

For purposes of Article 3 (commencing with Section 5225) and

Article 4 (commencing with Section 5250), of Chapter 2 of this part, and for the purposes of Chapter 3 (commencing with Section 5350) of this part, "gravely disabled" means a condition in which a person, as a result of impairment by chronic alcoholism, is unable to provide for his basic personal needs for food, clothing, or shelter.

A person of any age may be "gravely disabled" under this definition, but the term does not include mentally retarded persons;

(i) "Peace officer" means each of the persons specified in Sections 830.1 and 830.2 of the Penal Code;

(j) "Postcertification treatment" means an additional period of treatment pursuant to Article 6 (commencing with Section 5300) of Chapter 2 of this part;

(k) "Court," unless otherwise specified, means a court of record or a justice court.

SEC. 13. Section 5369 is added to the Welfare and Institutions Code, to read:

5369. When a conservatee who has criminal charges pending against him and has been found mentally incompetent under Section 1370 of the Penal Code recovers his mental competence, the conservator shall certify that fact to the court, sheriff, and district attorney of the county in which the criminal charges are pending and to the defendant's attorney of record.

The court shall order the sheriff to immediately return the defendant to the court in which the criminal charges are pending. Within two judicial days of the defendant's return, the court shall hold a hearing to determine whether the defendant is entitled to be admitted to bail or released upon his own recognizance pending conclusion of criminal proceedings.

SEC. 14. Section 5370 is added to the Welfare and Institutions Code, to read:

5370. Notwithstanding any other provision of law, a conservatorship proceeding may be initiated pursuant to this chapter for any person who has been charged with an offense, regardless of whether action is pending or has been initiated pursuant to Section 1370 of the Penal Code.

SEC. 15. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities by this act are such that related costs are incurred as a part of their normal operating procedures.

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

The California Supreme Court held in the case of In re Davis, 8 Cal. 3d 798, that current statutory provisions regarding the suspension of criminal proceedings due to defendant's mental incapacity can operate to violate certain of defendant's constitutional rights. In

order to bring California's statutory provisions into accord with this decision, and to eliminate uncertainty among all persons concerned regarding court procedures, it is necessary that this act take effect at the earliest possible time.

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## CHAPTER 1512

*An act to amend Sections 7609, 7615, and 7616 of the Business and Professions Code, relating to funeral directors.*

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

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

SECTION 1. Section 7609 of the Business and Professions Code is amended to read:

7609. This chapter does not apply to, or in any way interfere with, the duties of any officer of any public institution or of any duly accredited medical college, nor does it apply to any hospital licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, anyone engaged only in the furnishing of burial receptacles, or anyone engaged in the operation of a cemetery solely for the interment of human dead.

SEC. 2. Section 7615 of the Business and Professions Code is amended to read:

7615. A funeral director is a person, partnership, association, corporation or other organization engaged in or conducting, or holding himself or itself out as engaged in any of the following:

(a) Preparing for the transportation or burial or disposal, or directing and supervising for transportation or burial or disposal of dead human bodies.

(b) Maintaining an establishment for the preparation for the transportation or disposition or for the care of dead human bodies.

(c) Using, in connection with his or its name or funeral establishment, the words "funeral director," or "undertaker," or "mortician," or any other title implying that he or it is engaged as a funeral director.

SEC. 3. Section 7616 of the Business and Professions Code is amended to read:

7616. A funeral establishment is a place of business conducted in a building or separate portion of a building having a specific street address or location and devoted exclusively to such activities as are incident, convenient, or related to the preparation and arrangements, financial and otherwise, for the funeral, transportation, burial or other disposition of human dead bodies and including, but not limited to, any of the following:

(a) A suitable room for the storage of dead human bodies, or

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(b) A preparation room equipped with a sanitary flooring and necessary drainage and ventilation and containing necessary instruments and supplies for the preparation, sanitation, or embalming of human dead bodies for burial or transportation.

Except as provided in Section 7609 of this code, and except accredited embalming schools and colleges engaged in teaching students the art of embalming, no person shall operate or maintain or hold himself out as operating or maintaining any of the facilities specified in subdivision (b) of this section, unless he is licensed as a funeral director.

Nothing in this section shall be construed to require a funeral establishment to conduct its business or financial transactions at the same location as its preparation or storage of dead human bodies.

Nothing in this chapter shall be deemed to render unlawful the conduct of any ambulance service from the same premises as those on which a funeral establishment is conducted, including the maintenance in connection with the funeral establishment of garages for the ambulances and living quarters for ambulance drivers.

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## CHAPTER 1513

*An act to add Article 2 (commencing with Section 2670) to Chapter 4 of Title 1 of Part 3 of the Penal Code, relating to treatment of confined persons.*

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

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

SECTION 1. Article 2 (commencing with Section 2670) is added to Chapter 4 of Title 1 of Part 3 of the Penal Code, to read:

### Article 2. Organic Therapy

2670. It is hereby recognized and declared that all persons, including all persons involuntarily confined, have a fundamental right against enforced interference with their thought processes, states of mind, and patterns of mentation through the use of organic therapies; that this fundamental right requires that no person with the capacity for informed consent who refuses organic therapy shall be compelled to undergo such therapy; and that in order to justify the use of organic therapy upon a person who lacks the capacity for informed consent, other than psychosurgery as referred to in subdivision (c) of Section 2670.5 which is not to be administered to such persons, the state shall establish that the organic therapy would be beneficial to the person, that there is a compelling interest in

administering such therapy, and that there are no less onerous alternatives to such therapy.

2670.5. (a) No person confined or detained under Title 1 (commencing with Section 2000) and Title 2 (commencing with Section 3200) shall be administered or subjected to any organic therapy as defined in subdivision (c) without his informed consent, provided that:

(1) If the person gives his informed consent to organic therapy, it shall be administered only if there has been compliance with Sections 2675 through 2680, inclusive.

(2) If the person lacks the capacity for informed consent to organic therapy other than psychosurgery as referred to in subdivision (c), in order to proceed with such therapy, the warden or superintendent shall secure an order from the superior court to authorize the administration of such therapy in accordance with Sections 2675 through 2680.

(b) No person confined or detained under Title 1 (commencing with Section 2000) or Title 2 (commencing with Section 3200) who lacks the capacity for informed consent shall be administered or subjected to psychosurgery as referred to in subdivision (c).

(c) The term organic therapy refers to:

(1) Psychosurgery, including lobotomy, stereotactic surgery, electronic, chemical or other destruction of brain tissues, or implantation of electrodes into brain tissue.

(2) Shock therapy, including but not limited to any convulsive therapy and insulin shock treatments.

(3) The use of any drugs, electric shocks, electronic stimulation of the brain, or infliction of physical pain when used as an aversive or reinforcing stimulus in a program of aversive, classical, or operant conditioning.

(d) A person does not waive his right to refuse any organic therapy by having previously given his informed consent to such therapy, and he may withdraw his consent at any time.

If required by sound medical-psychiatric practice, the attending physician shall, after the person withdraws his previously given informed consent, gradually phase the person out of the therapy if sudden cessation would create a serious risk of mental or physical harm to the person.

(e) Nothing in this article shall be construed to prevent the attending physician from administering nonorganic therapies such as psychotherapy, psychoanalysis, group therapy, milieu therapy, or other therapies or programs involving communication or interaction among physicians, patients, and others, with or without the use of drugs when used for purposes other than described in paragraph (3) of subdivision (c).

(f) Nothing in this article shall be construed to prevent the administration of drugs not connected with a program of conditioning and intended to cause negative physical reactions to ingestion of alcohol or drugs.

2671. (a) Notwithstanding Section 2670.5, if a confined person has inflicted or attempted to inflict substantial physical harm upon the person of another or himself, or presents, as a result of mental disorder, an imminent threat of substantial harm to others or himself, the attending physician may in such emergency employ or authorize for no longer than seven days in any three-month period the immediate use of shock treatments in order to alleviate such danger.

(b) Notwithstanding Section 2670.5, if a confined person gives his informed consent to a program of shock therapy for a period not to exceed three months, the attending physician may administer such therapy for a period not to exceed three months in any one-year period without prior judicial authorization.

2672. (a) For purposes of this article, "informed consent" means that a person must knowingly and intelligently, without duress or coercion, and clearly and explicitly manifest his consent to the proposed organic therapy to the attending physician.

(b) A person confined shall not be deemed incapable of informed consent solely by virtue of being diagnosed as a mentally ill, disordered, abnormal or mentally defective person.

(c) A person confined shall be deemed incapable of informed consent if such person cannot understand, or knowingly and intelligently act upon, the information specified in Section 2673.

(d) A person confined shall be deemed incapable of informed consent if for any reason he cannot manifest his consent to the attending physician.

2673. (a) For purposes of this article, "informed consent" requires that the attending physician directly communicate with the person and clearly and explicitly provide all the following information prior to the person's decision:

(1) The nature and seriousness of the person's illness, disorder or defect.

(2) The nature of the proposed organic therapy and its intended duration.

(3) The likelihood of improvement or deterioration, temporary or permanent, without the administration of the proposed organic therapy.

(4) The likelihood and degree of improvement, remission, control, or cure resulting from the administration of such organic therapy, and the likelihood, nature, and extent of changes in and intrusions upon the person's personality and patterns of behavior and thought or mentation and the degree to which these changes may be irreversible. This information shall indicate the probable duration and intensity of such therapy and whether such therapy may have to be continued indefinitely for optimum therapeutic benefit.

(5) The likelihood, nature, extent, and duration of side effects of the proposed organic therapy, and how and to what extent they may be controlled, if at all.

(6) The uncertainty of the benefits and hazards of the proposed organic therapy because of the lack of sufficient data available to the



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medical profession, or any other reason for such uncertainty.

(7) The reasonable alternative organic therapy or psychotherapeutic modality of therapy, or nonorganic behavior modification programs, and why the organic therapy recommended is the therapy of choice. These alternatives shall be described and explained to the person in the manner specified in this section.

(8) Whether the proposed therapy is generally regarded as sound by the medical profession, or is considered experimental.

2674. A written manifestation of informed consent shall be obtained in all cases by the attending physician and shall be preserved and available to the person, his attorney, his guardian, or his conservator.

2675. (a) If the proposed organic therapy is not prohibited by subdivision (a) or (b) of Section 2670.5, then in order to administer such therapy the warden or superintendent of the institution in which the person is confined shall petition the superior court of the county in which the person is confined for an order authorizing such organic therapy.

(b) The petition shall summarize the facts which the attending physician is required to communicate to the person pursuant to Section 2673, and shall state whether the person has the capacity for informed consent, and, if so, whether the person has given his informed consent to the proposed therapy. The petition shall clearly specify what organic therapy the institution proposes to administer to the person. The petition shall specify what mental illness, disorder, abnormality, or defect justifies the administration of such therapy. Copies of the petition shall be personally served upon the person and served upon his attorney, guardian or conservator on the same day as it is filed with the clerk of the superior court.

(c) The person confined, or his attorney, guardian or conservator may file a response to such petition for organic therapy. Said response shall be filed no later than 10 days after service of the said petition unless the court grants a continuance not to exceed 10 additional days, and shall be served on the warden or superintendent on the same day it is filed.

2676. (a) Any person, or his attorney, guardian or conservator may file a petition with the superior court of the county in which he is confined for an order to prohibit the administration upon him of an organic therapy. The filing of such a petition shall constitute a refusal of consent or withdrawal of any prior consent to an organic therapy. The clerk of the court shall serve a copy of such petition, on the same day it is filed, upon the warden or superintendent.

(b) The warden or superintendent shall file a response to such petition to prohibit the enforced administration of any organic therapy. Such response shall be filed no later than 10 days after the filing of the petition, unless the court grants a continuance not to exceed 10 additional days, and shall be personally served upon the person and served upon his attorney, guardian or conservator on the same day as it is filed with the clerk of the superior court. Such

response shall not constitute a petition for an order to proceed with any organic therapy pursuant to Section 2675, which shall be the exclusive procedure for authorization to administer any organic therapy.

2677. At the time of filing of a petition pursuant to Section 2676 by the person, or pursuant to Section 2675 by the warden or superintendent, the court shall appoint the public defender or other attorney to represent the person unless the person is financially able to provide his own attorney. The attorney shall advise the person of his rights in relation to the proceeding in question and shall represent him before the court.

The court shall also appoint an independent medical expert on the person's behalf to examine the person's medical, mental, or emotional condition and to testify thereon, unless the person is financially able to obtain such expert testimony; provided that, if the person has given his informed consent to the proposed organic therapy, other than psychosurgery as referred to in subdivision (c) of Section 2670.5, and his attorney concurs in the proposed administration of such organic therapy, the court may waive the requirement that such an independent medical expert be appointed.

2678. The court shall conduct the proceedings within 10 judicial days from the filing of the petition described in Section 2675 or 2676, whichever is filed earlier, unless the warden or superintendent's attorney or the person's attorney requests a continuance, which may be for a maximum of 10 additional judicial days. The court shall conduct the proceedings in accordance with constitutional guarantees of due process of law and the procedures under Section 13 of Article I of the California Constitution.

2679. (a) The court shall determine whether the state has proven, by clear and convincing evidence, that the confined person has the capacity for informed consent and has manifested his informed consent.

(b) If the court has determined that the person lacks the capacity for informed consent, the court shall determine by clear and convincing evidence that such therapy, other than psychosurgery as referred to in subdivision (c) of Section 2670.5, would be beneficial; that there is a compelling interest justifying the use of the organic therapy upon the person; that there are no less onerous alternatives to such organic therapy; and that such organic therapy is in accordance with sound medical-psychiatric practice. If the court so determines, then the court shall authorize the administration of the organic therapy for a period not to exceed six months.

(c) If the court has determined that the person has the capacity for informed consent and has manifested his informed consent to organic therapy, the court shall determine by clear and convincing evidence that such therapy would be beneficial; that there is a compelling interest justifying the use of the organic therapy upon the person; that there are no less onerous alternatives to such organic therapy; and that such organic therapy is in accordance with sound

medical-psychiatric practice. If the court so determines then the court shall authorize the administration of the organic therapy for a period not to exceed six months.

2680. (a) If it is determined by the attending physician that a confined person should be administered organic therapy, such person shall be advised and informed of his rights under this article, and he shall be provided a copy of this article.

(b) All provisions of this article shall apply to prisoners confined under the provisions of this part in public or private hospitals, sanitariums, and similar facilities, and to the personnel of such facilities.

(c) A person shall be entitled to communicate in writing and by visiting with his parents, guardian, or conservator regarding any proposed administration of any organic therapy. Such communication shall not be censored. Such person shall be entitled to communicate in writing with his attorney pursuant to Section 2600 of the Penal Code.

(d) Nothing in this article shall prohibit the attending physician from terminating organic therapy prior to the period authorized for such therapy by the court, pursuant to Section 2679.

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

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## CHAPTER 1514

*An act relating to the acquisition of lands for the state park system, and in this connection to amend the Budget Act of 1974 (Chapter 375, Statutes of 1974) by adding Section 2.8H thereto, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 2.8H is added to the Budget Act of 1974 (Chapter 375, Statutes of 1974), to read:

Sec. 2.8H. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal years. All such appropriations shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

CAPITAL OUTLAY

Resources

410.3H —For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivision (e) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 ..... 1,000,000

Schedule:

(a) Morro Bay State Park, approximately 710 acres adjacent to state-owned wet lands in the Morro Bay estuary, land acquisition ..... 1,000,000

provided, that none of the funds which are appropriated by this item for the projects set forth herein shall be available for expenditure unless and until such projects are recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.

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

The present provisions of the Budget Act of 1974 do not make provision for land acquisition for the greatly needed expansion of Morro Bay State Park. If the appropriation is not available for expenditure at the earliest possible date, the expansion of this important unit of the state park system will be delayed. Furthermore, the properties to be acquired with the funds appropriated by this act are in the possession of private owners and are under immediate threat of subdivision development which, if permitted, would adversely affect, if not destroy, the pristine nature of the Morro Bay estuary which acts as a nursery area for the marine life that populates the central California coast fishing grounds. It is, thus, necessary that this act take immediate effect.

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## CHAPTER 1515

*An act making an appropriation for the acquisition of lands for the state park system, and in this connection to amend and supplement the Budget Act of 1974 (Chapter 375, Statutes of 1974) by adding Section 2.8C thereto, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. There is hereby appropriated from the General Fund to the Department of Parks and Recreation the sum of two million five hundred thousand dollars ($2,500,000) for the acquisition of Los Liones Canyon and other lands adjacent to Topanga Canyon State Park in the Santa Monica Mountains for the state park system. Such acquisition shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

SEC. 2. Section 2.8C is added to the Budget Act of 1974 (Chapter 375, Statutes of 1974), to read:

## STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1974 PROGRAM

Sec. 2.8C. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1974–75, 1975–76, 1976–77 fiscal years. Such appropriations shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

### CAPITAL OUTLAY

#### RESOURCES

410.10C—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivision (e) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76, 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 ..... 2,500,000

Schedule:

(a) Topanga Canyon State Park expansion, land acquisition 2,500,000

provided, that funds appropriated by this item shall be available only to reimburse the General Fund for expenditure of any moneys for the acquisition of Los Liones Canyon and other lands adjacent to Topanga Canyon State Park for the state park system made pursuant to Assembly Bill No. 2920 of the 1974–75 Regular Session of the Legislature; and, provided further, that the acquisition of lands in Los Liones Canyon and other lands adjacent to Topanga Canyon State Park shall have been recommended by the State

Park and Recreation Commission and reviewed by the Secretary of the Resources Agency prior to such General Fund expenditure.

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

The subject property has been placed under the control of the Trust for Public Land with a mortgage due date of December 1, 1974. If the land is not acquired by the state by that date, the present mortgageholder will foreclose and valuable park land will be lost to the state. It is, thus, necessary that this act take immediate effect.

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## CHAPTER 1516

*An act to amend Section 6947 of the Business and Professions Code, to amend Sections 2984.4, 3065a, 3152, and 4380 of, and to repeal Section 1812 of, the Civil Code, to amend Sections 682a, 688, 690, 690.6, 690.21, 690.24, 921, and 1174 of, to add Section 684.2 to, to add Title 6.5 (commencing with Section 481.010) to Part 2 of, to add a heading for Title 7 (commencing with Section 500) to Part 2 of, to add Chapter 1 (commencing with Section 500) to Title 7 of Part 2 of, to repeal the heading for Title 7 (commencing with Section 477) of Part 2 of, to repeal Chapter 1 (commencing with Section 477) of Title 7 of Part 2 of, and to repeal Chapter 4 (commencing with Section 537) of Title 7 of Part 2 of, the Code of Civil Procedure, to amend Sections 13524 and 21112 of the Education Code, to amend Sections 1650 and 3144 of, and to repeal Section 11208 of, the Financial Code, to amend Section 281 of the Food and Agricultural Code, to repeal Section 7203 of, and to add Section 7203 to, the Government Code, to amend Sections 495.1 and 495.5 of, and to repeal Section 495.2 of, the Harbors and Navigation Code, to amend Section 11501 of the Health and Safety Code, to amend Sections 300, 404, 5600, and 5601 of the Labor Code, to amend Section 1208 of the Penal Code, to amend Sections 6713, 7864, 8972, 11472, 12680, 18833, 26251, 30302, and 32352 of the Revenue and Taxation Code, to amend Section 71689.5 of the Water Code, and to amend Sections 1834 and 17409 of the Welfare and Institutions Code, relating to attachment.*

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

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

SECTION 1. Section 6947 of the Business and Professions Code is amended to read:

6947. Nothing in this chapter shall be deemed to authorize a

collection agency licensee to perform any act or acts, either directly or indirectly, constituting the practice of law.

No suit may be instituted on behalf of a collection agency licensee in any court on any claim assigned to it in its own name as the real party in interest unless it appears by a duly authorized and licensed attorney at law.

A collection agency may not appear as an assignee party in any proceeding involving claim and delivery, replevin, or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien. Nothing herein contained shall prohibit a licensee from making an oral or written demand for the return or surrender of personal property or from having property attached in an action at law pursuant to the provisions of Title 6.5 (commencing with Section 481.010) of Part 2 of the Code of Civil Procedure, or from enforcing a judgment carrying it into execution.

No licensee or employee shall:

(a) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency or to receive compensation therefrom.

(b) Publish or post, or cause to be published or posted, any list of debtors, commonly known as "deadbeat" lists, except that this subdivision shall not be construed to prohibit the confidential distribution of trade lists containing debtor information.

(c) Collect or attempt to collect by the use of any methods contrary to the postal laws and regulations of the United States.

(d) Commingle the money of his customers with his own, except insofar as may be authorized by rules and regulations established hereunder.

(e) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(f) Print, publish or otherwise prepare for distribution for the use of, or sell or offer to sell or furnish or offer to furnish to, any person any system of collection letters, demand forms or other printed matter upon his stationery, or upon stationery upon which the licensee's name appears in such manner as to indicate that a demand is being made by the licensee for the payment of any sum or sums due or asserted to be due, where such forms containing such message are to be sold or furnished to any person to be used by such person at any address different from the address of the licensee as shown on the face of the license.

(g) Distribute collection letters, demand forms, or other printed matter which are made to be similar to or resemble governmental forms or documents, or legal forms used in civil or criminal proceedings.

(h) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof, nor agree to do so for the purpose of solicitation of claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under the order of a court of competent jurisdiction.

(i) Use any name while engaged in the collection of claims, other than his true name, except under conditions prescribed by rules and regulations adopted by the director.

(j) Engage in any unfair or misleading practices or resort to any illegal means or methods of collection.

(k) Use profanity, obscenity, or vulgarity, while engaged in the collection of claims.

SEC. 2. Section 1812 of the Civil Code is repealed.

SEC. 3. Section 2984.4 of the Civil Code is amended to read:

2984.4. An action on a contract under the provisions of this chapter shall be tried in the county in which the contract was in fact signed by the buyer, in the county in which the buyer resided at the time the contract was entered into, in the county in which the buyer resides at the commencement of the action or in the county in which the motor vehicle purchased pursuant to such contract is permanently garaged.

If within any such county there is a municipal or justice court, having jurisdiction of the subject matter, established in the judicial district in which the contract was in fact signed by the buyer, or in which the buyer resided at the time the contract was entered into, or in which the buyer resides at the commencement of the action, or in which the motor vehicle purchased pursuant to such contract is permanently garaged, such court is the proper court for the trial of the action. Otherwise, any municipal or justice court in such county, having jurisdiction of the subject matter, is the proper court for the trial of the action.

In any action subject to the provisions of this section, concurrently with the filing of the complaint, the plaintiff shall file an affidavit stating facts showing that the action has been commenced in a county or judicial district described in this section as a proper place for the trial of the action. Such facts may be stated in a verified complaint and shall not be stated on information or belief. When such affidavit is filed with the complaint, a copy thereof shall be served with the summons. If a plaintiff fails to file the affidavit or state facts in a verified complaint required by this section, no further proceedings shall be had, but the court shall, upon its own motion or upon motion of any party, dismiss any such action without prejudice; however, the court may, on such terms as may be just, permit the affidavit to be filed subsequent to the filing of the complaint and a copy of such affidavit shall be served on the defendant. The time to answer or otherwise plead shall date from such service.

SEC. 4. Section 3065a of the Civil Code is amended to read:

3065a. The lien created by the last preceding section shall

continue in force for a period of 30 days from the time the person claiming such lien shall have ceased to do or perform the work or render the service for which said lien is claimed, while such logs, lumber or other manufactured timber products are in the county in which such labor was performed or service rendered, and said lien shall cease at the expiration of the said 30 days unless the claimant thereof, or his assignee or successor in interest, brings suit to foreclose the same, in which case the lien continues in force until the said lien foreclosure suit is finally determined and closed, and in case such proceeding be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution. If any part of the property on which the lien existed is removed from the said county, the lien continues on the balance remaining in the county to the full extent of the claim.

The plaintiff in any such lien foreclosure suit may have the logs, lumber and other manufactured timber products upon which such lien subsists attached, as provided in this code and the Code of Civil Procedure.

Any number of persons claiming liens under this and the next preceding section may join in the same action and when separate actions are commenced, the court may consolidate them. Whenever upon the sale of the property subject to the liens provided for in this and the next preceding section, under the judgment or decree of foreclosure of such lien or liens, there is a deficiency of proceeds, the proceeds shall be divided pro rata among the lien claimants whose liens are established, regardless of the order in which the liens were created or the order in which the suits to foreclose same were commenced, and judgment for the deficiency may be docketed against the party personally liable therefor and his sureties, in like manner and with like effect as in actions for the foreclosure of mortgages.

Nothing contained in this or the next preceding section shall be construed to impair or affect the right of any person to whom any debt may be due for work done, or for the use of livestock, machinery or appliances, to maintain a personal action to recover said debt against the person liable therefor, or his sureties, either in connection with the lien suit or in a separate action, and the person bringing such personal action may take out a separate attachment therefor, notwithstanding his lien or the amount of his debt, and in his affidavit to procure an attachment he shall state that the attachment is made pursuant to this section, and the judgment, if any, obtained by the plaintiff in such personal action shall not be construed to impair or merge any lien held by said plaintiff under this or the next preceding section; provided, only, that any money collected on said judgment shall be credited on the amount of such lien in any action brought to enforce the same, in accordance with the provisions of this section.

SEC. 5. Section 3152 of the Civil Code is amended to read:

3152. Nothing contained in this title shall be construed to impair or affect the right of any claimant to maintain a personal action to

recover his debt against the person liable therefor either in a separate action or in the action to foreclose his lien, nor any right he may have to the issuance of a writ of attachment or execution. In his application for a writ of attachment he shall refer to this section. Any lien held by the plaintiff under this chapter shall not affect his right to procure an attachment. The judgment, if any, obtained by the plaintiff in such personal action, or personal judgment obtained in such mechanic's lien action, shall not impair or merge any lien held by the plaintiff under this chapter, but any money collected on such judgment shall be credited on the amount of such lien.

SEC. 6. Section 4380 of the Civil Code is amended to read:

4380. Any judgment, order, or decree of the court made or entered pursuant to this part may be enforced by the court by execution, the appointment of a receiver, contempt, or by such other order or orders as the court in its discretion may from time to time deem necessary.

SEC. 7. The heading for Title 7 (commencing with Section 477) of Part 2 of the Code of Civil Procedure is repealed.

SEC. 8. Chapter 1 (commencing with Section 477) of Title 7 of Part 2 of the Code of Civil Procedure is repealed.

SEC. 9. Title 6.5 (commencing with Section 481.010) is added to Part 2 of the Code of Civil Procedure, to read:

## TITLE 6.5. ATTACHMENT

### CHAPTER 1. WORDS AND PHRASES DEFINED

481.010. Unless the provision or context otherwise requires, the definitions in this chapter govern the construction of this title.

481.020. "Account debtor" means the person who is obligated on an account receivable, chattel paper, or chose in action.

481.030. "Account receivable" means any right to payment which has been earned for goods sold or leased or for services rendered which is not evidenced by a negotiable instrument, a security, or chattel paper.

481.040. "Chattel paper" means a writing or writings which evidence both a monetary obligation and a security interest in or a lease of specific goods. When a transaction is evidenced both by such a security agreement or a lease and by an instrument or a series of instruments, the group of writings taken together constitutes chattel paper. As used in this section, "instrument" means a negotiable instrument, or a security, or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in the ordinary course of business transferred by delivery with any necessary indorsement or assignment.

481.050. "Chose in action" means any right to payment which arises out of the conduct of any trade, business, or profession and which (a) is not conditioned upon further performance by the

defendant or upon any event other than the passage of time, (b) is not an account receivable, (c) is not a deposit account, and (d) is not evidenced by a negotiable instrument, security, chattel paper, or judgment. The term includes an interest in or a claim under an insurance policy.

481.060. "Complaint" includes a cross-complaint.

481.070. "Defendant" includes a cross-defendant.

481.080. "Deposit account" means any of the following:

(a) An account in any "bank" described in Section 102 of the Financial Code.

(b) An account in any state or federal savings and loan association. As used in this paragraph, "account" includes investment certificate, share account, and withdrawable share.

(c) An account for funds received from a member of a credit union.

481.090. "Document" means a "document of title" as defined by subdivision (15) of Section 1201 of the Commercial Code.

481.100. "Equipment" means tangible personal property in the possession of the defendant and used or bought for use primarily in the defendant's trade, business, or profession if it is not included in the definitions of inventory or farm products.

481.110. "Farm products" means crops or livestock or supplies used or produced in farming operations or products of crops or livestock in their unmanufactured states (such as ginned cotton, wool clip, maple syrup, honey, milk, and eggs), while in the possession of a defendant engaged in raising, fattening, grazing, or other farming operations. If tangible personal property is a farm product, it is neither equipment nor inventory.

481.120. "Inventory" means tangible personal property in the possession of a defendant that (a) is held by the defendant for sale or lease or to be furnished under contracts of service or (b) is raw materials, work in process, or materials used or consumed in his trade, business, or profession. Inventory of a person is not to be classified as his equipment.

481.140. "Levying officer" means the sheriff, constable, or marshal who is directed to execute a writ or order issued under this title.

481.150. "Motor vehicle" means a "motor vehicle" as defined by Section 415 of the Vehicle Code.

481.160. "Negotiable instrument" means a "negotiable instrument" as defined by Section 3104 of the Commercial Code.

481.170. "Person" includes an individual, a corporation, a partnership or other unincorporated association, and a public entity.

481.180. "Plaintiff" means a person who files a complaint or cross-complaint.

481.190. A claim has "probable validity" where it is more likely than not that the plaintiff will obtain a judgment against the defendant on that claim.

481.200. "Public entity" includes the state, the Regents of the

University of California, a county, a city, district, public authority, public agency, and any other political subdivision or public corporation in the state.

481.210. "Security" means a "security" as defined by Section 8102 of the Commercial Code.

481.220. "Security agreement" means a "security agreement" as defined by Section 9105 of the Commercial Code.

481.230. "Vessel" means a numbered vessel as that term is used in Division 3.5 (commencing with Section 9840) of the Vehicle Code.

## CHAPTER 2. GENERAL PROVISIONS

482.010. This title shall be known and may be cited as "The Attachment Law."

482.020. Nothing in this title precludes the granting of relief pursuant to Chapter 3 (commencing with Section 525) of Title 7.

482.030. (a) The Judicial Council may provide by rule for the practice and procedure in proceedings under this title.

(b) The Judicial Council shall prescribe the form of the applications, notices, orders, and other documents required by this title.

482.040. The facts stated in each affidavit filed pursuant to this title shall be set forth with particularity. Except where matters are specifically permitted by this title to be shown by information and belief, each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently to the facts stated therein. As to matters shown by information and belief, the affidavit shall state the facts on which the affiant's belief is based, showing the nature of his information and the reliability of his informant. The affiant may be any person, whether or not a party to the action, who has knowledge of the facts. A verified complaint that satisfies the requirements of this section may be used in lieu of or in addition to an affidavit.

482.050. (a) If the plaintiff so requests in writing at the time he files his complaint, the clerk of the court with whom the complaint is filed shall not make available to the public the records and documents in such action before either (1) 30 days after the filing of the complaint or (2) the filing pursuant to this title of the return of service of the notice of hearing and any temporary protective order, or of the writ of attachment if issued without notice, whichever event occurs first.

(b) Notwithstanding subdivision (a), the clerk of the court shall make the entire file in the action available for inspection at any time to any party named in the complaint or to his attorney.

(c) The request by plaintiff that the fact of filing of a complaint or application for relief not be made public may take the form of a notation to that effect, made by rubber stamp or other suitable means, at the top of the first page of the complaint filed with the clerk.

482.070. If the person to be served has not appeared in the action, service under this title shall be accomplished in the manner provided for the service of summons and complaint by Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5. If the person to be served has appeared in the action, service shall be accomplished in the manner provided by Chapter 5 (commencing with Section 1010) of Title 14.

482.080. If a writ of attachment is issued, the court may also issue an order directing the defendant to transfer possession of the property sought to be attached to the levying officer. Such order shall contain a notice to the defendant that failure to turn over possession of such property to the levying officer may subject the defendant to being held in contempt of court or arrest.

482.090. (a) Several writs in the same form may be issued simultaneously or from time to time upon the same undertaking, whether or not any writ previously issued has been returned.

(b) After the return of the writ of attachment, or upon the filing by the plaintiff of an affidavit setting forth the loss of the writ of attachment, the clerk, upon demand of the plaintiff at any time before judgment, may issue an alias writ which shall be in the same form as the original without requirement of a new undertaking.

(c) The date of issuance of a writ of attachment shall be deemed to be the date the writ is first issued.

## CHAPTER 3. ACTIONS IN WHICH ATTACHMENT AUTHORIZED

483.010. (a) Except as otherwise provided by statute, an attachment may be issued only in an action against a defendant engaged in a trade, business, or profession on a claim or claims for money in which the total sum claimed is a fixed or readily ascertainable amount not less than five hundred dollars ($500) exclusive of costs, interest, and attorney's fees. Each claim shall be based upon a contract, express or implied.

(b) An attachment may not be issued if the claim is secured by any interest in real or personal property arising from agreement, statute, or other rule of law (including any mortgage or deed of trust of realty, any security interest subject to Division 9 (commencing with Section 9101) of the Commercial Code, and any statutory, common law, or equitable lien). However, an attachment may be issued (1) where the claim was originally so secured but, without any act of the plaintiff or the person to whom the security was given, such security has become valueless or (2) where the claim was secured by a nonconsensual possessory lien but such lien has been relinquished by the surrender of the possession of the property.

(c) An attachment may not be issued where the claim is based on the sale or lease or a license to use property, the furnishing of services, or the loan of money and the property sold or leased, or licensed for use, the services furnished, or the money loaned was

used primarily for personal, family, or household purposes.

(d) An attachment may be issued pursuant to subdivision (a) whether or not other forms of relief are demanded.

## CHAPTER 4. NOTICED HEARING PROCEDURE FOR OBTAINING WRIT OF ATTACHMENT

### Article 1. Right to Attach Order; Issuance of Writ of Attachment

484.010. Upon the filing of the complaint or at any time thereafter, the plaintiff may apply pursuant to this article for a right to attach order and a writ of attachment by filing an application for the order and writ with the court in which the action is brought.

484.020. The application shall be executed under oath and shall include all of the following:

(a) A statement showing that the attachment is sought to secure the recovery on a claim upon which an attachment may be issued.

(b) A statement of the amount the plaintiff seeks to recover from the defendant (the amount of defendant's indebtedness over and above all claims which would diminish the amount of the plaintiff's recovery) or, if an attachment is sought for only a part thereof, such partial amount.

(c) A statement that the attachment is not sought for a purpose other than the recovery on the claim upon which the attachment is based.

(d) A statement that the applicant has no information or belief that the claim is discharged in a proceeding under the National Bankruptcy Act or that the prosecution of the action is stayed in a proceeding under the National Bankruptcy Act.

(e) A description of the property to be attached under the writ of attachment and a statement that the plaintiff is informed and believes that such property is subject to attachment. Where the defendant is a corporation, a reference to "all corporate property which is subject to attachment pursuant to subdivision (a) of Code of Civil Procedure Section 487.010" satisfies the requirements of this subdivision. Where the defendant is a partnership, a reference to "all partnership property which is subject to attachment pursuant to subdivision (b) of Code of Civil Procedure Section 487.010" satisfies the requirements of this subdivision. Where the defendant is an individual, the description of the property shall be reasonably adequate to permit the defendant to identify the specific property sought to be attached.

484.030. The application shall be supported by an affidavit showing that the plaintiff on the facts presented would be entitled to a judgment on the claim upon which the attachment is based.

484.040. No order or writ shall be issued under this article except after a hearing. At least 20 days prior to the hearing, the defendant shall be served with all of the following:

(a) A copy of the summons and complaint.

(b) A notice of application and hearing.

(c) A copy of the application and of any affidavit in support of the application.

484.050. The notice of application and hearing shall inform the defendant of all of the following:

(a) A hearing will be held at a place and at a time, to be specified in the notice, on plaintiff's application for a right to attach order and a writ of attachment.

(b) The order will be issued if the court finds that the plaintiff's claim is probably valid and the other requirements for issuing the order are established. The hearing is not for the purpose of determining whether the claim is actually valid. The determination of the actual validity of the claim will be made in subsequent proceedings in the action and will not be affected by the decisions at the hearing on the application for the order.

(c) If the right to attach order is issued, a writ of attachment will be issued to attach the property described in the plaintiff's application unless the court determines that such property is exempt from attachment. However, the order will not be limited to the property described in the application but may later be extended to any nonexempt property of the defendant.

(d) If the defendant desires to oppose the issuance of the order, he shall file with the court a notice of opposition and supporting affidavit as required by Section 484.060 not later than five days prior to the date set for hearing.

(e) If the defendant claims that the property described in the application, or a portion thereof, is exempt from attachment, he shall include such claim in the notice of opposition filed pursuant to Section 484.060 or file a separate claim of exemption with respect to the property as provided in Section 484.070. If he does not do so, the claim of exemption will be barred in the absence of a showing of a change in circumstances occurring after the hearing.

(f) The defendant may obtain a determination at the hearing whether property not described in the application is exempt from attachment, but the failure to claim that property not so described is exempt from attachment will not preclude him from making a claim of exemption with respect to such property at a later time.

(g) Either the defendant or his attorney or both of them may be present at the hearing.

(h) The notice shall contain the following statement: "You may seek the advice of an attorney as to any matter connected with the plaintiff's application. Such attorney should be consulted promptly so that he may assist you before the time set for hearing."

484.060. (a) If the defendant desires to oppose the issuance of the right to attach order sought by plaintiff, he shall file and serve upon the plaintiff no later than five days prior to the date set for the hearing a notice of opposition. The notice shall state the grounds on which the defendant opposes the issuance of the order and shall be accompanied by an affidavit supporting any factual issues raised and

points and authorities supporting any legal issues raised. If the defendant fails to file a notice of opposition within the time prescribed, he shall not be permitted to oppose the issuance of the order.

(b) If a defendant filing a notice of opposition desires to make any claim of exemption as provided in Section 484.070, he may include such claim in the notice of opposition filed pursuant to this section.

484.070. (a) If the defendant claims that the property described in the plaintiff's application, or a portion of such property, is exempt from attachment, the defendant shall claim such exemption as provided in this section. If he fails to do so, he may not later claim such exemption unless he shows that he did not have a right to the exemption at the time the plaintiff filed his application and that the right to the exemption is the result of a change in circumstances occurring after that time.

(b) If the defendant desires to claim at the hearing that property not described in the plaintiff's application is exempt from attachment, in whole or in part, the defendant shall claim such exemption as provided in this section. Failure to make such claim does not preclude the defendant from later claiming the exemption. If the claim is made as provided in this section but the defendant fails to prove that the property is exempt from attachment, he may not later claim that the property, or a portion thereof, is exempt unless he shows that the right to the exemption is the result of a change in circumstances occurring after the hearing.

(c) The claim of exemption shall:

(1) Describe the property claimed to be exempt.

(2) Specify the statute section supporting the claim.

(d) The claim of exemption shall be accompanied by an affidavit supporting any factual issues raised by the claim and points and authorities supporting any legal issues raised.

(e) The claim of exemption, together with any supporting affidavit and points and authorities, shall be filed and served on the plaintiff not less than five days before the date set for the hearing.

(f) If the plaintiff desires to oppose the claim of exemption, he shall file and serve on the defendant, not less than two days before the date set for the hearing, a notice of opposition to the claim of exemption, accompanied by an affidavit supporting any factual issues raised and points and authorities supporting any legal issues raised. If the plaintiff does not file and serve a notice of opposition as provided in this subdivision, no writ of attachment shall be issued as to the property claimed to be exempt. If all of the property described in the plaintiff's application is claimed to be exempt and the plaintiff does not file and serve a notice of opposition as provided in this subdivision, no hearing shall be held and no right to attach order or writ of attachment shall be issued.

(g) If the plaintiff files and serves a notice of opposition to the claim as provided in this section, the defendant has the burden of proving that the property is exempt from attachment.

484.080. (a) At the time set for the hearing, the plaintiff shall be ready to proceed. If the plaintiff is not ready, or if he has failed to comply with Section 484.040, the court may either deny the application for the order or, for good cause shown, grant the plaintiff a continuance for a reasonable period. If such a continuance is granted, the effective period of any protective order issued pursuant to Chapter 6 (commencing with Section 486.010) may be extended by the court for a period ending not more than 10 days after the new hearing date if the plaintiff shows a continuing need for such protective order.

(b) The court may, in its discretion and for good cause shown, grant the defendant a continuance for a reasonable period to enable him to oppose the issuance of the right to attach order. If such a continuance is granted, the court shall extend the effective period of any protective order issued pursuant to Chapter 6 (commencing with Section 486.010) for a period ending not more than 10 days after the new hearing date unless the defendant shows pursuant to Section 486.100 that the protective order should be modified or vacated.

484.090. (a) At the hearing, the court shall consider the showing made by the parties appearing and shall issue a right to attach order if it finds all of the following:

(1) The claim upon which the attachment is based is one upon which an attachment may be issued.

(2) The plaintiff has established the probable validity of the claim upon which the attachment is based.

(3) The attachment is not sought for a purpose other than the recovery on the claim upon which the attachment is based.

(b) If, in addition to the findings required by subdivision (a), the court finds that the defendant has failed to prove that all the property sought to be attached is exempt from attachment and the plaintiff has provided the undertaking required by Article 2 (commencing with Section 489.210) of Chapter 9, it shall issue a writ of attachment. The writ of attachment shall state the amount to be secured by the attachment and describe the property to be levied upon.

(c) If the court determines that property of the defendant is exempt from attachment, in whole or in part, the right to attach order shall describe such property and prohibit attachment of such property.

(d) The court's determinations shall be made upon the basis of the pleadings and other papers in the record; but, upon good cause shown, the court may receive and consider at the hearing additional evidence, oral or documentary, and additional points and authorities, or it may continue the hearing for the production of such additional evidence or points and authorities.

484.100. The court's determinations under this chapter shall have no effect on the determination of any issues in the action other than issues relevant to proceedings under this chapter nor shall they affect the rights of the defendant in any other action arising out of the same

claim. The court's determinations under this chapter shall not be given in evidence nor referred to at the trial of any such action.

484.110. Neither the failure of the defendant to oppose the issuance of a right to attach order under this chapter nor the defendant's failure to rebut any evidence produced by the plaintiff in connection with proceedings under this chapter shall constitute a waiver of any defense to plaintiff's claim in the action or any other action or have any effect on the right of the defendant to produce or exclude evidence at the trial of any such action.

## Article 2. Noticed Hearing Procedure for Obtaining Additional Writs

484.310. At any time after a right to attach order has been issued under Article 1 (commencing with Section 484.010) or after the court has found pursuant to Section 485.240 that the plaintiff is entitled to a right to attach order, the plaintiff may apply for a writ of attachment under this article by filing an application with the court in which the action is brought.

484.320. The application shall be executed under oath and shall include all of the following:

(a) A statement that the plaintiff has been issued a right to attach order under Article 1 (commencing with Section 484.010) or that the court has found pursuant to Section 485.240 that the plaintiff is entitled to a right to attach order.

(b) A statement of the amount the plaintiff seeks to recover from the defendant (the amount of defendant's indebtedness over and above all claims which would diminish the amount of the plaintiff's recovery) or, if an attachment is sought for only a part thereof, such partial amount.

(c) A description of the property to be attached under the writ of attachment and a statement that the plaintiff is informed and believes that such property is subject to attachment. The description shall satisfy the requirements of Section 484.020.

(d) A statement that the applicant has no information or belief that the claim is discharged in a proceeding under the National Bankruptcy Act or that the prosecution of the action is stayed in a proceeding under the National Bankruptcy Act.

484.330. No writ of attachment shall be issued under this article except after a hearing. At least 20 days prior to the hearing, the defendant shall be served with both of the following:

(a) A notice of application and hearing.

(b) A copy of the application.

484.340. The notice of application and hearing shall inform the defendant of all of the following:

(a) The plaintiff has applied for a writ of attachment to attach the property described in the application.

(b) A hearing will be held at a place and at a time, to be specified in the notice, to determine whether the plaintiff is entitled to the

writ.

(c) A writ of attachment will be issued to attach the property described in the plaintiff's application unless the court determines that such property is exempt from attachment.

(d) If the defendant claims that the property described in the application, or a portion thereof, is exempt from attachment, he shall file with the court a claim of exemption with respect to the property as provided in Section 484.350 not later than five days prior to the date set for hearing. If he does not do so, the claim of exemption will be barred in the absence of a showing of a change in circumstances occurring after the hearing.

(e) Either the defendant or his attorney or both of them may be present at the hearing.

(f) The notice shall contain the following statement: "You may seek the advice of an attorney as to any matter connected with the plaintiff's application. Such attorney should be consulted promptly so that he may assist you before the time set for hearing."

484.350. (a) If the defendant claims that the property described in the plaintiff's application, or a portion of such property, is exempt from attachment, the defendant shall claim such exemption as provided in this section. If he fails to do so, he may not later claim such exemption unless he shows that he did not have a right to the exemption at the time the plaintiff filed his application and that the right to the exemption is the result of a change in circumstances occurring after that time.

(b) The claim of exemption shall:

(1) Describe the property claimed to be exempt.

(2) Specify the statute section supporting the claim.

(c) The claim of exemption shall be accompanied by an affidavit supporting any factual issues raised by the claim and points and authorities supporting any legal issues raised.

(d) The claim of exemption, together with any supporting affidavit and points and authorities, shall be filed and served on the plaintiff not less than five days before the date set for the hearing.

484.360. (a) If the defendant files and serves a claim of exemption and the plaintiff desires to oppose the claim, he shall file and serve on the defendant, not less than two days before the date set for the hearing, a notice of opposition to the claim of exemption, accompanied by an affidavit supporting any factual issues raised and points and authorities supporting any legal issues raised.

(b) If the defendant files and serves a claim of exemption and supporting affidavit as provided in Section 484.350 and the plaintiff does not file and serve a notice of opposition as provided in this section, no writ of attachment shall be issued as to the property claimed to be exempt. If all of the property described in the plaintiff's application is claimed to be exempt and the plaintiff does not file and serve a notice of opposition as provided in this section, no hearing shall be held and no writ of attachment shall be issued.

(c) If the plaintiff files and serves a notice of opposition to the

claim as provided in this section, the defendant has the burden of proving that the property is exempt from attachment.

484.370. The hearing shall be conducted in the manner prescribed in Section 484.090 and the court shall issue a writ of attachment, which shall state the amount to be secured by the attachment and describe the property to be levied upon, if it finds all of the following:

(a) A right to attach order has been issued in the action pursuant to Article 1 (commencing with Section 484.010) or the court has found pursuant to Section 485.240 that the plaintiff is entitled to a right to attach order.

(b) The defendant has failed to prove that the property sought to be attached, or the portion thereof described in the writ, is exempt from attachment.

(c) The plaintiff has provided the undertaking required by Article 2 (commencing with Section 489.210) of Chapter 9.

### Article 3. Ex Parte Procedure for Obtaining Additional Writs

484.510. (a) At any time after a right to attach order has been issued under Article 1 (commencing with Section 484.010) or after the court has found pursuant to Section 485.240 that the plaintiff is entitled to a right to attach order, the plaintiff may apply for a writ of attachment under this article by filing an application which meets the requirements of Section 484.320 with the court in which the action is brought.

(b) The application shall be accompanied by an affidavit showing that the property sought to be attached is not exempt from attachment. Such affidavit may be based on the affiant's information and belief.

484.520. The court shall examine the application and supporting affidavit and shall issue the writ of attachment, which shall state the amount to be secured by the attachment and describe the property to be levied upon, if it finds all of the following:

(a) A right to attach order has been issued in the action pursuant to Article 1 (commencing with Section 484.010) or the court has found pursuant to Section 485.240 that the plaintiff is entitled to a right to attach order.

(b) The affidavit accompanying the application shows that the property sought to be attached, or the portion thereof described in the writ, is not exempt from attachment.

(c) The plaintiff has provided the undertaking required by Article 2 (commencing with Section 489.210) of Chapter 9.

484.530. (a) If a writ of attachment is issued under this article, the defendant may claim an exemption as to the property levied upon by following the procedure set forth in Section 690.50. For this purpose, references in Section 690.50 to "the debtor" shall be deemed references to the defendant, and references in Section

690.50 to "the creditor" shall be deemed references to the plaintiff.

(b) Notwithstanding subdivision (a), a claim of exemption shall be denied if such claim has been denied earlier in the action and there is no change in circumstances affecting such claim.

## CHAPTER 5. EX PARTE HEARING PROCEDURE FOR OBTAINING WRIT OF ATTACHMENT

### Article 1. Great or Irreparable Injury Requirement

485.010. (a) Except as otherwise provided by statute, no right to attach order or writ of attachment may be issued pursuant to this chapter unless it appears from facts shown by affidavit that great or irreparable injury would result to the plaintiff if issuance of the order were delayed until the matter could be heard on notice.

(b) The requirement of subdivision (a) is satisfied if any of the following are shown:

(1) Under the circumstances of the case, it may be inferred that there is a danger that the property sought to be attached would be concealed, substantially impaired in value, or otherwise made unavailable to levy if issuance of the order were delayed until the matter could be heard on notice.

(2) A bulk sales notice has been recorded and published pursuant to Division 6 (commencing with Section 6101) of the Commercial Code with respect to a bulk transfer by the defendant.

(3) An escrow has been opened pursuant to the provisions of Section 24074 of the Business and Professions Code with respect to the sale by the defendant of a liquor license.

(4) Any other circumstance showing that great or irreparable injury would result to the plaintiff if issuance of the order were delayed until the matter could be heard on notice.

(c) A writ issued solely on a showing under paragraph (2) of subdivision (b) shall be limited to the property covered by the bulk sales notice or the proceeds of the sale of such property. In addition to any other service required by this title, such writ shall be served by the levying officer on the transferee or auctioneer identified by the bulk sales notice not more than five days after the levy of such writ. A writ issued solely on a showing under paragraph (3) of subdivision (b) shall be limited to the proceeds of the sale of the license.

### Article 2. Order Determining Right to Attach; Issuance of Writ of Attachment

485.210. (a) Upon the filing of the complaint or at any time thereafter, the plaintiff may apply pursuant to this article for a right to attach order and a writ of attachment by filing an application for the order and writ with the court in which the action is brought.

(b) The application shall satisfy the requirements of Section

484.020 and, in addition, shall include a statement showing that the requirement of Section 485.010 is satisfied.

(c) The application shall be supported by an affidavit showing all of the following:

(1) The plaintiff on the facts presented would be entitled to a judgment on the claim upon which the attachment is based.

(2) The plaintiff would suffer great or irreparable injury (within the meaning of Section 485.010) if issuance of the order were delayed until the matter could be heard on notice.

(3) The property sought to be attached is not exempt from attachment.

(d) An affidavit in support of the showing required by paragraph (3) of subdivision (c) may be based on the affiant's information and belief.

485.220. (a) The court shall examine the application and supporting affidavit and, except as provided in Section 486.030, shall issue a right to attach order and writ of attachment if it finds all of the following:

(1) The claim upon which the attachment is based is one upon which an attachment may be issued.

(2) The plaintiff has established the probable validity of the claim upon which the attachment is based.

(3) The attachment is not sought for a purpose other than the recovery upon the claim upon which the attachment is based.

(4) The affidavit accompanying the application shows that the property sought to be attached, or the portion thereof specified in the writ, is not exempt from attachment.

(5) The plaintiff will suffer great or irreparable injury (within the meaning of Section 485.010) if issuance of the order is delayed until the matter can be heard on notice.

(6) The plaintiff has provided the undertaking required by Article 2 (commencing with Section 489.210) of Chapter 9.

(b) The writ of attachment shall state the amount to be secured by the attachment and describe the property to be levied upon.

(c) If the court finds that the application and supporting affidavit do not satisfy the requirements of Section 485.010, it shall so state and deny the order. If denial is solely on the ground that Section 485.010 is not satisfied, the court shall so state and such denial does not preclude the plaintiff from applying for a right to attach order and writ of attachment under Chapter 4 (commencing with Section 484.010) with the same affidavits and supporting papers.

485.230. If a writ of attachment is issued under this chapter, the defendant may claim the exemptions provided by Section 487.020 by following the procedure set forth in Section 690.50. For this purpose, references in Section 690.50 to "the debtor" shall be deemed references to the defendant, and references in Section 690.50 to "the creditor" shall be deemed references to the plaintiff.

485.240. (a) Any defendant whose property has been attached pursuant to a writ issued under this chapter may apply for an order

that the right to attach order be set aside, the writ of attachment quashed, and any property levied upon pursuant to the writ be released. Such application shall be made by filing with the court and serving on the plaintiff a notice of motion.

(b) The notice of motion shall state the grounds on which the motion is based and shall be accompanied by an affidavit supporting any factual issues raised and points and authorities supporting any legal issues raised. It shall not be grounds to set aside an order that the plaintiff would not have suffered great or irreparable injury (within the meaning of Section 485.010) if issuance of the order had been delayed until the matter could have been heard on notice.

(c) At the hearing on the motion, the court shall determine whether the plaintiff is entitled to the right to attach order. If the court finds that the plaintiff is not entitled to the right to attach order, it shall order the right to attach order set aside, the writ of attachment quashed, and any property levied on pursuant to the writ released. If the court finds that the plaintiff is entitled to the right to attach order, thereafter the plaintiff may apply for additional writs pursuant to Article 2 (commencing with Section 484.310) or Article 3 (commencing with Section 484.510) of Chapter 4.

(d) The court's determinations shall be made upon the basis of the pleadings and other papers in the record; but, upon good cause shown, the court may receive and consider at the hearing additional evidence, oral or documentary, and additional points and authorities, or it may continue the hearing for the production of such additional evidence or points and authorities.

(e) The hearing provided for in this section shall take precedence over all other civil matters on the calendar of that day except older matters of the same character.

### Article 3. Procedure for Obtaining Additional Writs

485.510. At any time after a right to attach order and writ of attachment have been issued under Article 2 (commencing with Section 485.210), the plaintiff may apply for an additional writ of attachment under this article by filing an application with the court in which the action is brought.

485.520. The application shall be executed under oath and shall include all of the following:

(a) A statement that the plaintiff has been issued a right to attach order and writ of attachment pursuant to Article 2 (commencing with Section 485.210) in the action.

(b) A statement of the amount the plaintiff seeks to recover from the defendant (amount of defendant's indebtedness over and above all claims which would diminish the amount of the plaintiff's recovery) or, if an attachment is sought for only a part thereof, such partial amount.

(c) A description of the property to be attached under the writ of attachment and a statement that the plaintiff is informed and

believes that such property is not exempt from attachment. The description shall satisfy the requirements of Section 484.020.

(d) A statement showing that the requirement of Section 485.010 has been satisfied.

485.530. (a) The application shall be supported by an affidavit showing both of the following:

(1) The plaintiff would suffer great or irreparable injury (within the meaning of Section 485.010) if the issuance of the order were delayed until the matter could be heard on notice.

(2) The property sought to be attached is not exempt from attachment.

(b) The affidavit in support of the showing required by paragraph (2) of subdivision (a) may be based on the affiant's information and belief.

485.540. The court shall examine the application and supporting affidavit and shall issue the writ of attachment, which shall state the amount to be secured by the attachment and describe the property to be levied upon, if it finds all of the following:

(a) A right to attach order has been issued in the action pursuant to Article 2 (commencing with Section 485.210).

(b) The affidavit accompanying the application shows that the property sought to be attached, or the portion thereof specified in the writ, is not exempt from attachment.

(c) The plaintiff will suffer great or irreparable injury (within the meaning of Section 485.010) if issuance of the order is delayed until the matter can be heard on notice.

(d) The plaintiff has provided the undertaking required by Article 2 (commencing with Section 489.210) of Chapter 9.

## CHAPTER 6. TEMPORARY PROTECTIVE ORDER

486.010. (a) At the time of applying for a right to attach order under Chapter 4 (commencing with Section 484.010), the plaintiff may apply pursuant to this chapter for a temporary protective order by filing an application for the order with the court in which the action is brought.

(b) The application shall state what relief is requested and shall be supported by an affidavit, which may be based on information and belief, showing that the plaintiff would suffer great or irreparable injury (within the meaning of Section 485.010) if the temporary protective order were not issued.

486.020. The court shall examine the application, supporting affidavit, and other papers on record and shall issue a temporary protective order if it finds all of the following:

(a) The claim upon which the application for attachment is based is one upon which an attachment may be issued.

(b) The plaintiff has established the probable validity of the claim upon which the application for the attachment is based.

(c) The order is not sought for a purpose other than the recovery

upon the claim upon which the application for the attachment is based.

(d) The plaintiff will suffer great or irreparable injury (within the meaning of Section 485.010) if the temporary protective order is not issued.

(e) The plaintiff has provided the undertaking required by Article 2 (commencing with Section 489.210) of Chapter 9.

486.030. (a) In any case where the plaintiff has applied for a right to attach order and writ of attachment under Chapter 5 (commencing with Section 485.010), the court may in its discretion deny the application for the order and writ and issue instead a temporary protective order under this chapter if it determines that the requirements of Section 485.220 are satisfied but that the issuance of the temporary protective order instead of the right to attach order and writ would be in the interest of justice and equity to the parties, taking into account the effect on the defendant of issuing a writ of attachment ex parte, the effect on the plaintiff of issuing the temporary protective order instead of the writ, and other factors that bear on equity and justice under the circumstances of the particular case.

(b) If the court issues a temporary protective order under this section, the plaintiff's application for a right to attach order and writ shall be treated as an application for a right to attach order and writ under Article 1 (commencing with Section 484.010) of Chapter 4 and the plaintiff shall comply with the requirements of service provided in Section 484.040.

486.040. The temporary protective order issued under this chapter shall contain such provisions as the court determines would be in the interest of justice and equity to the parties, taking into account the effects on both the defendant and the plaintiff under the circumstances of the particular case.

486.050. (a) Except as otherwise provided in subdivision (b) and in Sections 486.040 and 486.060, the temporary protective order may prohibit any transfer by the defendant of any of his property in this state subject to the levy of a writ of attachment.

(b) If the property is farm products held for sale or is inventory, the order may not prohibit the defendant from transferring the property in the ordinary course of business, but the order may impose appropriate restrictions on the disposition of the proceeds from such transfer.

486.060. Notwithstanding Section 486.050, the temporary protective order issued under this chapter shall permit the defendant to issue any number of checks:

(a) In an aggregate amount of not more than one thousand dollars ($1,000) against any of his deposit accounts in this state for any purpose.

(b) In any amount so long as the aggregate amount remaining on deposit in this state is more than the amount of the plaintiff's claim.

(c) In any amount in payment of any payroll expense (including

taxes and premiums for workmen's compensation and unemployment insurance) falling due in the ordinary course of business prior to the levy of a writ of attachment.

(d) In any amount in payment for goods thereafter delivered to the defendant C.O.D. for use in his trade, business, or profession.

(e) In any amount in payment of taxes if penalties will accrue for any delay in payment.

(f) In any amount in payment of reasonable legal fees and reasonable costs and expenses required for the representation of the defendant in the action.

486.070. Except as otherwise provided by Section 486.110, a temporary protective order issued under this chapter binds only the defendant.

486.080. The temporary protective order shall be served on the defendant together with the documents referred to in Section 484.040.

486.090. Except as otherwise provided in Sections 484.080, 486.110, and 489.320, the temporary protective order shall expire at the earliest of the following times:

(a) Forty days after the issuance of the order or, if an earlier date is prescribed by the court in the order, on such earlier date.

(b) As to specific property described in the order, when a levy of attachment upon that property is made by the plaintiff.

486.100. Upon ex parte application of the defendant or, if the court so orders, after a noticed hearing, the court may modify or vacate the temporary protective order if it determines that such action would be in the interest of justice and equity to the parties, taking into account the effect on the defendant of the continuance of the original order, the effect on the plaintiff of modifying or vacating the order, and any other factors.

486.110. (a) The service upon the defendant of a temporary protective order pursuant to Section 486.080 creates a lien upon any property, or the proceeds thereof, which is described in the order, is owned by the defendant at the time of such service, and is subject to the levy of a writ of attachment pursuant to this title. The lien is not valid as against a bona fide purchaser or encumbrancer for present value or a transferee in the ordinary course of business.

(b) The lien terminates upon the date of expiration of the order except with respect to property upon which a writ of attachment issued upon application of the plaintiff has been levied during that period. The levy of a writ of attachment perfects the lien created by the service of the temporary protective order.

## CHAPTER 7. PROPERTY SUBJECT TO ATTACHMENT

487.010. The following property is subject to attachment:

(a) Where the defendant is a corporation, all corporate property for which a method of levy is provided by Article 2 (commencing with Section 488.310) of Chapter 8.

(b) Where the defendant is a partnership, all partnership property for which a method of levy is provided by Article 2 (commencing with Section 488.310) of Chapter 8.

(c) Where the defendant is an individual engaged in a trade, business, or profession, all of his real property and all of the following property:

(1) Accounts receivable, chattel paper, and choses in action except any such individual claim with a principal balance of less than one hundred fifty dollars ($150).

(2) Deposit accounts except the first one thousand dollars ($1,000) deposited in any single financial institution or branch thereof; but, if the defendant has more than one deposit account, the court, upon application of the plaintiff, may direct that the writ of attachment be levied on balances of less than one thousand dollars ($1,000) if an aggregate of one thousand dollars ($1,000) in all such accounts remains free of levy.

(3) Equipment.

(4) Farm products.

(5) Inventory.

(6) Judgments arising out of the conduct of the trade, business, or profession.

(7) Money on the premises where the trade, business, or profession is conducted.

(8) Negotiable documents.

(9) Negotiable instruments.

(10) Securities.

(d) Where the defendant is an individual who is a partner and is sued for his individual liability as a partner of a partnership which is engaged in a trade, business, or profession, all of the defendant's real property and all of his property which is of a type described in subdivision (c) and which is used or held for use in the partnership's trade, business, or profession.

487.020. Notwithstanding Section 487.010, the following property is exempt from attachment:

(a) All property exempt from execution.

(b) Property which is necessary for the support of an individual defendant and members of his household.

(c) All compensation paid or payable by an employer to an employee for personal services performed by such employee whether denominated as wages, salary, commission, bonus, or otherwise.

(d) All property not subject to attachment pursuant to Section 487.010.

## CHAPTER 8. LEVY PROCEDURES; LIEN OF ATTACHMENT; MANAGEMENT AND DISPOSITION OF ATTACHED PROPERTY

### Article 1. General Provisions

488.010. (a) The writ of attachment shall identify the defendant whose property is to be attached. If the writ of attachment does not describe the property or interest therein in a manner adequate to permit the levying officer to execute the writ, the plaintiff shall give to the levying officer instructions in writing, signed by the plaintiff or his attorney of record, which contain a description of such property adequate to permit the levying officer to execute the writ.

(b) Where the property sought to be attached is real property standing in the name of a third person, whether alone or together with the defendant, the writ of attachment shall identify such third person.

488.020. The notice of attachment shall inform the person who is served with the attachment of all of the following:

(a) The capacity in which he has been served.

(b) The specific property which is sought to be attached.

(c) His rights under the attachment, including the right to make a third-party claim pursuant to Section 689.

(d) His duties under the attachment.

488.030. (a) A writ of attachment shall be directed to a levying officer in the county in which property of the defendant described in the writ may be located.

(b) Upon the receipt of written instructions from the plaintiff, or his attorney of record, the levying officer to whom the writ is directed and delivered shall execute the same without delay in the manner provided in this chapter.

(c) Where a copy of the summons and complaint has not previously been served on the defendant, the plaintiff or his attorney of record shall instruct the levying officer to make such service at the same time he serves the defendant with a copy of the writ of attachment.

488.040. (a) Service of a writ and a notice of attachment upon (1) a bank, (2) a savings and loan association, (3) a credit union, (4) a title insurance company or underwritten title company (as defined in Section 12402 of the Insurance Code), or (5) an industrial loan company (as defined in Section 18003 of the Financial Code) shall be made at the office or branch thereof which has actual possession of the property levied upon or at which the deposit account levied upon is carried and shall be made upon the officer, manager, or other person in charge of such office or branch at the time of service.

(b) Except as provided in subdivision (a), service of a writ and a notice of attachment shall be made upon a person upon whom summons may be served.

488.045. Except as otherwise provided by statute, where a levying officer is directed to take property into custody, he may do so either

by removing the property to a place of safekeeping or by installing a keeper.

488.050. As a prerequisite to the taking of possession of property by the levying officer under this chapter, whether by keeper or otherwise, the plaintiff shall be required to deposit with the levying officer a sum of money sufficient to pay the expenses of taking and keeping safely such property for a period not to exceed 15 days. In the event that further detention of the property is required, the levying officer shall, from time to time, make written demand upon the plaintiff or his attorney of record for further deposits to cover estimated expenses for periods not to exceed 90 days each. Such demand shall be served as provided in Section 1011 or by depositing such notice in the post office in a sealed envelope, as first-class registered mail, postage prepaid, addressed to the person on whom it is served at his last known office or place of residence. In the event that the money so demanded is not paid within the time specified in the demand, the levying officer shall release the property to the defendant in the manner provided in Section 488.560.

488.060. (a) The levying officer is not liable for failure to take or hold property unless the plaintiff has fully complied with the provisions of Section 488.050.

(b) The levying officer is not liable either to the plaintiff or the defendant for loss by fire, theft, injury, or damage of any kind to personal property while in the possession of the levying officer either in a warehouse or in the custody of a keeper or en route to or from a warehouse unless the levying officer is negligent in his care or handling of the property.

488.070. The levying officer shall return the writ to the clerk of the court from which the writ issued with a certificate of his proceedings endorsed thereon or attached thereto. Such return shall be made promptly in accordance with the instructions given to the officer at the time the writ is delivered to him but in no event later than 60 days after the officer receives the writ.

488.080. (a) The levying officer shall make a full inventory of property attached and return such inventory with the writ as provided in Section 488.070.

(b) The levying officer, at the time of service, shall request any person who retains property in his possession or any account debtor or judgment debtor levied upon to give him a memorandum, describing the property or debt and stating its value or the amount owing, within 10 days after such service. If the person fails to give such memorandum within the time specified, the levying officer shall state such fact at the time he makes his return pursuant to Section 488.070. A person failing to give such memorandum within the time specified may be required to pay the costs of any proceedings taken for the purpose of obtaining the information required by such memorandum.

488.090. A third person shall claim an interest in personal property attached in the manner provided for third-party claims

after levy under execution.

Article 2. Method of Levy on Particular Types of Property

488.310. (a) To attach an interest in real property, the levying officer shall record with the office of the county recorder of the county where the property is located a copy of the writ and the notice of attachment.

(b) Where, on the date of recording, the property stands in the name of a third person, either alone or together with the defendant, the recorder shall index such attachment when recorded in the names of both the defendant and such third person.

(c) Promptly after recording and in no event more than 15 days after the date of recording, the levying officer shall mail a copy of the writ and the notice to the defendant and to any third person in whose name the property stands on the date of recording. Such copies shall be mailed to the address of the defendant and any third person as shown by the records of the office of the tax assessor of the county where the property is located.

(d) Promptly after recording and in no event more than 15 days after the date of recording, the levying officer shall serve an occupant of the property with a copy of the writ and the notice of attachment or, if there is no occupant on the property at the time service is attempted, the levying officer shall post a copy of the writ and notice in a conspicuous place on the property attached. Service upon the occupant may be made by leaving the copy of the writ and notice with the occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the property at the time service is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the property described in the writ consists of more than one distinct lot, parcel, or governmental subdivision and any of such lots, parcels, or governmental subdivisions lie with relation to any of the others so as to form one or more continuous, unbroken tracts, only one service or posting need be made under this subdivision as to each such continuous, unbroken tract.

(e) A failure to send the notices required by subdivision (c) or to post or serve notice pursuant to subdivision (d) shall not affect the lien created pursuant to subdivision (a).

488.320. (a) Except as otherwise provided by this article, to attach tangible personal property in the possession of the defendant, the levying officer shall take such property into custody.

(b) At the time of levy or promptly thereafter, the levying officer shall serve the defendant with a copy of the writ and the notice of attachment. A failure to serve the defendant pursuant to this subdivision shall not affect the lien created pursuant to subdivision (a).

488.330. (a) Except as otherwise provided in this article, to attach tangible personal property belonging to the defendant but in

the possession of another person, the levying officer shall personally serve upon such person a copy of the writ and the notice of attachment.

(b) At any time, upon the demand of such third person, the levying officer shall take such property into custody, by keeper or otherwise. In such case, the levying officer shall make demand on the plaintiff for expenses in the manner provided in Section 488.050; and, if the money so demanded is not paid within the time specified in the demand, the levying officer shall release the property to the person from whom it was taken in the manner provided in Section 488.560.

(c) Promptly after levy and in no event more than 45 days after levy, the levying officer shall serve the defendant with a copy of the writ and the notice of attachment. A failure to serve the defendant pursuant to this subdivision shall not affect the lien created pursuant to subdivision (a).

(d) Where goods are subject to a negotiable document, such goods may not be attached but the negotiable document may be attached in the manner provided by Section 488.400.

488.340. (a) Except as provided by Section 488.350, to attach equipment of a going business, the levying officer shall file with the office of the Secretary of State a notice, in the form prescribed by the Secretary of State, which shall contain all of the following:

(1) The name and mailing address, if known, of both the plaintiff and the defendant in the described action.

(2) A description of the specific property attached.

(3) A statement that the plaintiff in the action has acquired an attachment lien in the specified property of the defendant.

(b) Promptly after filing and in no event more than 45 days after filing, the levying officer shall serve the defendant with a copy of the writ and the notice of attachment. A failure to serve the defendant pursuant to this subdivision shall not affect the lien created pursuant to subdivision (a).

(c) The fee for filing and indexing each notice of attachment, notice of extension, or notice of release in the office of the Secretary of State is three dollars ($3).

(d) Upon the request of any person, the Secretary of State shall issue his certificate showing whether there is on file, on the date and hour stated therein, any notice of attachment, naming a particular person, and if a notice is on file, giving the date and hour of filing of each notice and the name of the plaintiff. The fee for the certificate issued by the Secretary of State is two dollars ($2). A combined certificate may be issued pursuant to Section 7203 of the Government Code. Upon request, the Secretary of State shall furnish a copy of any notice of attachment or notice affecting a notice of attachment for a fee of one dollar ($1) per page.

488.350. (a) To attach a motor vehicle or vessel for which a certificate of ownership has been issued by the Department of Motor Vehicles and which is equipment of a going business, the levying

officer shall file with the Department of Motor Vehicles a notice which shall contain all of the following:

(1) The name and mailing address, if known, of both the plaintiff and the defendant in the described action.

(2) A description of the vehicle or vessel attached.

(3) A statement that the plaintiff in the action has acquired an attachment lien in such vehicle or vessel.

(b) Promptly after filing and in no event more than 45 days after the date of filing pursuant to this section, the levying officer shall serve the defendant with a copy of the writ and the notice of attachment.

(c) Promptly after filing and in no event more than 30 days after the date of filing pursuant to this section, the levying officer shall determine from the department the name and address of the legal owner, if any, of the vehicle or vessel as shown by the records of the department on the date of filing and shall serve such legal owner with a copy of the writ and the notice of attachment.

(d) The lien of attachment acquired pursuant to levy under this section does not affect the rights of a person who is a bona fide purchaser of the vehicle or vessel and obtains possession of both the vehicle or vessel and its certificate of ownership.

(e) A failure to serve the defendant pursuant to subdivision (b) or the legal owner pursuant to subdivision (c) shall not affect the lien created pursuant to subdivision (a).

(f) The fee for filing and indexing each notice of attachment, notice of extension, or notice of release with the Department of Motor Vehicles is three dollars ($3). Upon the request of any person, the Department of Motor Vehicles shall issue its certificate showing whether there is on file, on the date and hour stated therein, any notice of attachment, naming a particular person, and if a notice is on file, giving the date and hour of filing of each notice and the name of the plaintiff. The fee for the certificate issued by the department is two dollars ($2). Upon request, the department shall furnish a copy of any notice of attachment or notice affecting a notice of attachment for a fee of one dollar ($1) per page.

488.360. (a) To attach farm products or inventory of a going business, if the defendant consents, the levying officer shall place a keeper in charge of such property for a period not to exceed 10 days. During such period, the defendant may continue to operate his farm or business at his own expense provided all sales are final and are for cash or the equivalent of cash. For the purposes of this subdivision, payment by check or by a credit card issued by a person other than the defendant shall be deemed the equivalent of a cash payment. The levying officer shall incur no liability for accepting payment in the form of a cash equivalent. The proceeds from all sales shall be given to the keeper for the purposes of the levy unless otherwise authorized by the plaintiff. If the defendant does not consent or, in any event, after the end of such 10-day period, the levying officer shall take such property into his exclusive custody unless other



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disposition is made by the parties to the action. At the time of levy or promptly thereafter, the levying officer shall serve the defendant with a copy of the writ and the notice of attachment.

(b) Where property is levied upon pursuant to subdivision (a), the defendant may apply for an order pursuant to this subdivision for the release of property essential for the support of the defendant and his family. Such application shall be made by filing with the court and serving on the plaintiff a notice of motion. Service on the plaintiff shall be made not less than three days prior to the date set for hearing. The hearing shall be held not more than five days after the filing of the motion, unless for good cause, the court orders otherwise. The notice of motion shall state the relief requested and shall be accompanied by an affidavit supporting any factual issues raised and points and authorities supporting any legal issues raised. At the hearing on the motion, the defendant has the burden of showing that the property, or a portion thereof, attached pursuant to subdivision (a) and the proceeds therefrom are essential for the support of himself and his family. Upon such showing, the court shall order the removal of the keeper and return the defendant to possession of such property as is essential for the support of himself and his family and may make such further order as the court deems appropriate to protect the plaintiff against frustration of the collection of his claim. Such order may permit the plaintiff to levy by filing pursuant to subdivision (c) and may provide reasonable restrictions on the disposition of the property previously levied upon.

(c) Notwithstanding the provisions of subdivision (a), upon the election and the instructions of the plaintiff, the levying officer shall attach farm products or inventory of a going business by filing a notice in the form prescribed by the Secretary of State which indicates that the plaintiff has acquired an attachment lien on the farm products or inventory of the defendant. When the property is crops or timber to be cut, the notice shall be recorded in the office of the county recorder in the county where the land on which the crops are growing or on which the timber is standing is located. Where, on the date of recording, the land on which the crops are growing or on which the timber is standing stands in the name of a third person, either alone or together with the defendant, the recorder shall index such attachment when recorded in the names of both the defendant and such third person. In all other cases, the notice shall be filed in the office of the Secretary of State. The fee for filing and indexing each notice of attachment, notice of extension, or notice of release in the office of the Secretary of State is three dollars ($3). Upon the request of any person, the Secretary of State shall issue his certificate showing whether there is on file, on the date and hour stated therein, any notice of attachment, naming a particular person, and if a notice is on file, giving the date and hour of filing of each notice and the name of the plaintiff. The fee for the certificate issued by the Secretary of State is two dollars ($2). A combined certificate may be issued pursuant to Section 7203 of the

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Government Code. Upon request, the Secretary of State shall furnish a copy of any notice of attachment or notice affecting a notice of attachment for a fee of one dollar ($1) per page. A lien acquired pursuant to this subdivision shall provide the plaintiff the same rights and priorities in the attached property and proceeds of the attached property as those of a secured party with a perfected security interest in collateral where the filed financing statement covering the original collateral also covers proceeds. Promptly after filing and in no event more than 15 days after the date of filing pursuant to this subdivision, the levying officer shall serve the defendant with a copy of the writ and the notice of attachment.

(d) A failure to serve the defendant pursuant to subdivision (a) or (c) shall not affect the lien created pursuant to either subdivision.

488.370. (a) To attach an account receivable or a chose in action, the levying officer shall serve the account debtor or, in the case of an interest in or a claim under an insurance policy, the insurer with a copy of the writ and the notice of attachment.

(b) Promptly after service on the account debtor or insurer and in no event more than 45 days after the date of service on the account debtor or insurer, the levying officer shall serve the defendant and any other person identified in writing by the account debtor or insurer as an obligee with a copy of the writ and the notice of attachment. The levying officer shall incur no liability for serving any person identified by the account debtor or insurer as an obligee. A failure to serve the defendant or other obligees pursuant to this subdivision shall not affect the lien created pursuant to subdivision (a).

488.380. (a) To attach chattel paper, the levying officer shall (1) serve the person in possession of such chattel paper with a copy of the writ and the notice of attachment and (2) if the chattel paper is in the possession of the defendant, take the chattel paper into custody.

(b) If the chattel paper is not in the possession of the defendant, promptly after levy and in no event more than 45 days after levy, the levying officer shall serve the defendant with a copy of the writ and the notice of attachment.

(c) Promptly after the attachment of the chattel paper and in no event more than 45 days after the chattel paper is attached, the levying officer shall serve the account debtor obligated on the attached chattel paper with a copy of the writ and the notice of attachment. Until such service is completed, the attachment shall in no way affect the rights and duties of the account debtor. After such service is completed, the account debtor shall make any payments required under the chattel paper to the levying officer.

(d) A failure to serve the defendant pursuant to subdivision (b) or the account debtor pursuant to subdivision (c) shall not affect the lien created pursuant to subdivision (a).

(e) Any payments required by the chattel paper and made by the account debtor to the person in possession of the chattel paper after

levy shall be delivered by such person to the levying officer to be held pursuant to the attachment.

488.390. (a) Except where the account is represented by a negotiable instrument, to attach a deposit account, the levying officer shall serve the financial institution holding such account with a copy of the writ and the notice of attachment.

(b) Promptly after the attachment of the deposit account and in no event more than 45 days after the deposit account is attached, the levying officer shall serve the defendant, and any other person in whose name the account is held, with a copy of the writ and the notice of attachment. A failure to serve the defendant or other persons pursuant to this subdivision shall not affect the lien created pursuant to subdivision (a).

(c) While the attachment is in force, the financial institution shall not be liable to any person by reason of any of the following:

(1) Its compliance with the levy.

(2) The nonpayment of any check or other order for the payment of money drawn or presented against the account.

(3) The refusal to pay any withdrawal in respect to the account.

488.400. (a) To attach a negotiable instrument, a negotiable document, or money not placed in a deposit account, the levying officer shall (1) serve the person in possession of such instrument, document, or money with a copy of the writ and the notice of attachment and (2) if the property is in the possession of the defendant, take the instrument, document, or money into custody.

(b) If the instrument, document, or money is not in the possession of the defendant, promptly after levy and in no event more than 45 days after levy, the levying officer shall serve the defendant with a copy of the writ and the notice of attachment.

(c) Promptly after the negotiable instrument or document is attached and in no event more than 45 days after the negotiable instrument or document is attached, the levying officer shall serve any person obligated under the instrument or document with a copy of the writ and the notice of attachment. Until an obligor is served as required by this subdivision, payments made in good faith by him to the previous holder of the instrument shall be applied to the discharge of his obligation.

(d) A failure to serve the defendant pursuant to subdivision (b) or an obligor pursuant to subdivision (c) shall not affect the lien created pursuant to subdivision (a).

488.410. (a) To attach a security in the possession of the defendant, the levying officer shall take the security into custody. At the time of levy, the levying officer shall serve the defendant with a copy of the writ and the notice of attachment.

(b) To attach a security which (1) is held in escrow pursuant to the provisions of the Corporate Securities Law or (2) has been surrendered to the issuer, the levying officer shall serve the person in possession of such security with a copy of the writ and the notice of attachment. Promptly after levy and in no event more than 45 days

after levy, the levying officer shall serve the defendant with a copy of the writ and the notice of attachment.

(c) A failure to serve the defendant pursuant to subdivision (a) or (b) shall not affect the lien created pursuant to either subdivision.

(d) In those cases not provided for by subdivisions (a) and (b), the plaintiff's relief shall be governed by subdivision (2) of Section 8317 of the Commercial Code.

488.420. (a) To attach a judgment owing to the defendant, the levying officer shall (1) file in the action in which the judgment was entered a copy of the writ and the notice of attachment and (2) serve a copy of the writ and the notice upon the judgment debtor in such action.

(b) Promptly after levy and in no event more than 45 days after levy, the levying officer shall serve the defendant with a copy of the writ and the notice of attachment. A failure to serve the defendant pursuant to this subdivision shall not affect the lien created pursuant to subdivision (a).

(c) No judgment owing to the defendant shall be attached until after its entry as a final judgment and the time for appeal from such judgment has expired or, if an appeal is filed, until such appeal is finally determined.

488.430. (a) To attach the interest of a defendant in personal property belonging to the estate of a decedent, whether by testate or intestate succession, the levying officer shall (1) file a copy of the writ and the notice of attachment in the office of the clerk of the court in which the estate is being administered and (2) serve the personal representative of the decedent with a copy of the writ and the notice.

(b) Promptly after levy and in no event more than 45 days after levy, the levying officer shall serve the defendant with a copy of the writ and the notice of attachment. A failure to serve the defendant pursuant to this subdivision shall not affect the lien created pursuant to subdivision (a).

(c) The personal representative shall report such attachment to the court when any petition for distribution is filed.

(d) Such attachment shall not impair the powers of the representative over the property for the purposes of administration.

(e) If a decree orders distribution to the defendant, delivery of the property shall be ordered to the officer making the levy subject to the claim of the defendant or any person claiming under him. The property shall not be delivered to the officer making the levy until the decree distributing the interest has become final.

### Article 3. Lien of Attachment; Management and Disposition of Attached Property

488.500. (a) The levy of a writ of attachment creates a lien on the property levied upon which is valid against all subsequent transferees of the property.

(b) The lien of attachment on real property levied upon pursuant to Section 488.310 becomes effective on the date of recording pursuant to that section.

(c) The lien of attachment on property levied upon pursuant to Section 488.320 (tangible personalty in possession of defendant), 488.360(a) (inventory and farm products, alternate method), 488.380(a)(2) (chattel paper in possession of defendant), 488.400(a)(2) (negotiable instruments, documents, or money in possession of defendant), or 488.410(a) (securities in possession of defendant) becomes effective on the date the levying officer takes custody of the property pursuant to such provision.

(d) The lien of attachment on property levied upon pursuant to Section 488.340 (equipment, other than motor vehicles, of a going business), 488.350 (motor vehicles and vessels which are equipment of a going business), or 488.360(c) (farm products and inventory, alternate method) becomes effective on the date of filing pursuant to such provision.

(e) The lien of attachment on property levied upon pursuant to Section 488.330 (tangible personalty in possession of third person), 488.380(a)(1) (chattel paper in possession of third person), 488.390 (deposit accounts), 488.400(a)(1) (negotiable instruments, documents, or money in possession of third person), or 488.410(b) (securities in possession of certain third persons) becomes effective on the date of service on the person in possession of such property.

(f) The lien of attachment on property levied upon pursuant to Section 488.370 (accounts receivable, choses in action) becomes effective on the date of service on the account debtor or insurer.

(g) The lien of attachment on a judgment levied upon pursuant to Section 488.420 becomes effective on the date of service on the judgment debtor.

(h) The lien of attachment on property levied upon pursuant to Section 488.430 becomes effective on the date of filing pursuant to that section.

(i) Notwithstanding subdivisions (b) through (h), inclusive, and except as otherwise provided by Section 486.110, where a temporary protective order has been issued pursuant to Chapter 6 (commencing with Section 486.010), the lien of attachment on property described in such order and subsequently attached is effective from the date of service of such order.

488.510. (a) Unless sooner released or discharged, any attachment shall cease to be of any force or effect, and the property levied upon shall be released from the operation of such attachment at the expiration of three years from the date of issuance of the writ of attachment under which such levy was made.

(b) Notwithstanding subdivision (a), upon motion of the plaintiff, made not less than 10 or more than 60 days before the expiration of the three-year period and upon notice of not less than five days to the defendant whose property is attached, the court in which the action is pending may, by order filed prior to the expiration of the

period and for good cause, extend the time of such attachment for a period not exceeding one year from the date on which the attachment would otherwise expire.

(c) The levying officer shall serve notice of such order upon any person holding property pursuant to an attachment and shall record or file such notice in any office where the writ and notice of attachment are recorded or filed prior to the expiration of the period described in subdivision (a) or any extension thereof. Where the attached property is real property, the plaintiff or his attorney, instead of the levying officer, may record the required notice.

(d) Any attachment may be extended from time to time in the manner herein prescribed, but the aggregate period of such extensions shall not exceed five years.

488.520. (a) When a check, draft, money order, or other order for the withdrawal of money from a banking corporation or association, the United States, any state, or any public entity within any state, payable to the defendant on demand, comes into the possession of a levying officer under a writ of attachment, the officer shall promptly endorse and present it for payment.

(b) The levying officer shall endorse the check, draft, money order, or other order by writing the name of the defendant thereon and the name and official title of the levying officer and giving the title of the court and the cause in which the writ was issued. Such endorsement shall constitute a valid endorsement. No banking corporation or association or public entity on which the check, draft, money order, or other order is drawn shall incur any liability to any person by reason of paying to the officer the check, draft, money order, or other order by reason of such endorsement. No levying officer shall incur any liability by reason of his endorsing, presenting, and obtaining payment of the check, draft, money order, or other order. The funds or credit resulting from the payment of the check, draft, money order, or other order shall be held by the levying officer subject to the levy of the writ of attachment.

(c) If it appears from the face of the check, draft, money order, or other order that it has been tendered to the defendant in satisfaction of a claim or demand and endorsement thereof shall be considered a release and satisfaction by defendant of such claim or demand, the officer making the levy shall not endorse the check, draft, money order, or other order unless the defendant has first endorsed it to the officer making the levy. If the defendant does not endorse the check, draft, money order, or other order to the officer making the levy, the officer shall hold it subject to the levy and shall incur no liability to the defendant or to any other person for delay in presenting it for payment.

488.530. (a) Whenever property is or may be attached, upon application of either party or any third person whose interest has been determined pursuant to Section 689, after reasonable notice to the other parties and upon a showing that the property is perishable or will greatly deteriorate or depreciate in value or for some other

reason that the interests of the parties will be best served thereby, the court may order that such property be sold or may appoint a receiver or direct the levying officer to take charge of, cultivate, care for, preserve, collect, harvest, pack, or sell such property.

(b) Any sale of such property shall be made in the same manner that property is sold on execution and the proceeds shall be deposited in the court to abide the judgment in the action.

(c) Where a receiver is appointed, the court shall fix the daily fee of such receiver and may order the plaintiff to pay such fee and expenses of the receiver in advance or may direct that the whole or any part of such fee and expenses be paid from the proceeds of any sale of such property.

(d) Except as otherwise provided in this section, the provisions of Chapter 5 (commencing with Section 564) and Chapter 5A (commencing with Section 571) of Title 7 govern the appointment, qualifications, powers, rights, and duties of a receiver appointed under this section.

488.540. Where an account receivable, chattel paper, chose in action, negotiable instrument, or judgment is attached, the account debtor or obligor may pay the amount owing on such obligation to the levying officer. The receipt of such officer is a sufficient discharge for the amount paid.

488.550. (a) As used in this section, "obligor" means a person who has in his possession personal property belonging to the defendant, an account debtor of the defendant, or a person obligated to the defendant on a negotiable instrument.

(b) An obligor is liable to the plaintiff for the value of the defendant's interest in the property held by the obligor or for the amount owed to the defendant at the time of service of the copy of the writ and notice of attachment upon him. Such liability continues until the attachment is released or discharged or until the property is delivered or payment of the amount owed is made to the levying officer.

(c) If the obligor's liability still continues under subdivision (b) and if the obligor admits his possession of property belonging to the defendant or his indebtedness to the defendant, the plaintiff may bring an action to enforce the obligor's liability at any time. If a garnishee or obligor denies, in whole or in part, his possession of property belonging to the defendant or his indebtedness to the defendant, or if a garnishee fails to provide the memorandum required by Section 488.080, the plaintiff may bring an action against the garnishee or obligor only if the obligor's liability still continues under subdivision (b) and if at the time the action is brought the defendant could have maintained such action. The defendant shall be joined in any action under this subdivision brought by the plaintiff against a garnishee or obligor. The period between the date of the service of the copy of the writ and the notice of attachment and the date that a garnishee provides the memorandum required by Section 488.080 is not part of the time limited for the commencement of an

action.

488.560. (a) The levying officer shall release an attachment whenever he receives a written direction to that effect from the plaintiff, or a certified copy of an order of the court in which the action is pending, discharging or dissolving the attachment or releasing the property.

(b) Where the property to be released has been taken into custody, it shall be delivered to the person from whom it was taken unless otherwise ordered by the court. If such person cannot be found within the county where the property was levied upon, the levying officer shall retain the property but give reasonable notice to such person as to where he may secure its possession. If, after 30 days from the giving of such notice, such person has not claimed the property, the levying officer shall sell such property in the same manner that property is sold on execution and deposit the proceeds, after first deducting his costs and expenses, in the court to abide the judgment in the action.

(c) Where the property to be released has not been taken into custody, the levying officer shall release the attachment by issuing a written release addressed to the person served with the copy of the writ and notice and, where the writ and notice were recorded or filed, by recording or filing such written release in the same office. Where the attached property is real property, the plaintiff or his attorney, instead of the levying officer, may record the release.

(d) There shall be no liability for persons acting in conformity with the release of the levying officer or for such officers releasing such attachments in accordance with this section.

488.570. If the defendant recovers judgment against the plaintiff and no timely motion for vacation of judgment or for judgment notwithstanding the verdict or for a new trial is filed and served and is pending and no appeal is perfected and undertaking executed and filed as provided in Section 921, any undertaking received from the defendant in the action, all the proceeds of sales and money collected by the levying officer, and all the property attached remaining in such officer's hands shall be delivered to the person from whom it was collected or taken, unless otherwise ordered by the court; and the court shall order the discharge of any attachment made in the action and the release of any property held thereunder.

## CHAPTER 9. UNDERTAKINGS

### Article 1. General Provisions

489.010. Unless expressly provided by statute, the provisions of this article apply only to undertakings required in this title.

489.020. As used in this article:

(a) "Beneficiary" means the person to be benefited by an undertaking.

(b) "Principal" means the person who files an undertaking.

489.030. An undertaking may be waived in writing by the beneficiary.

489.040. An undertaking shall be executed by two or more sureties.

489.050. Where the amount of an undertaking depends upon the value of property, the undertaking shall include the principal's estimate of the market value of such property.

489.060. (a) All undertakings shall be presented to a proper court for approval and upon approval shall be filed with the court in which the action is pending. An undertaking becomes effective upon filing.

(b) Nothing in this chapter shall be construed to preclude approval of an undertaking in an amount larger than that required.

489.070. The beneficiary may object to an undertaking on either or both of the following grounds:

(a) The sureties are insufficient.

(b) The amount of the undertaking is insufficient.

489.080. (a) Any objection to an undertaking shall be made by a noticed motion. The notice of motion shall specify the precise ground for the objection.

(b) Where the objection is made on the ground that the market value of the property on which the amount of the undertaking depends exceeds the value estimated in the undertaking, the notice of motion shall state the beneficiary's estimate of the market value of the property.

489.090. (a) Unless the parties otherwise agree, the hearing on an objection shall be held not less than two nor more than five days after service of notice of motion.

(b) The hearing shall be conducted in such manner as the court determines is proper. The court may permit witnesses to attend and evidence to be procured and introduced in the same manner as in the trial of a civil case. The court may appoint one or more disinterested persons to appraise property for the purpose of ascertaining its value.

(c) If the court determines that the undertaking is insufficient, it shall specify in what respect it is insufficient and shall order that an undertaking with sufficient sureties and in a sufficient amount be filed within five days. If the order is not complied with, all rights obtained by filing the original undertaking immediately cease.

(d) Where the court determines an undertaking is insufficient, the undertaking shall remain in effect until an undertaking with sufficient sureties and in a sufficient amount is filed in its place.

(e) Where the court determines an undertaking is sufficient, no future objection may be made to the undertaking except upon a showing of changed circumstances.

489.100. Where an objection to an undertaking is made on the ground that the market value of property on which the amount of the undertaking depends exceeds the value estimated in the undertaking, the principal may accept the beneficiary's estimated

value of the property and file at once an increased undertaking based upon such estimate. In such case, no hearing shall be held on the objection, and the beneficiary is bound by his estimate of the value of the property in any hearing on the sufficiency of an undertaking filed by the principal in the action.

489.110. Notwithstanding Section 2845 of the Civil Code, a judgment of liability on an undertaking shall be in favor of the beneficiary and against the sureties and may be enforced by the beneficiary directly against the sureties. The liability of a surety is limited to the amount of the undertaking. Nothing in this section affects any right of subrogation of a surety against his principal.

489.120. A motion to enforce liability on an undertaking shall not be filed or notice served until after entry of the final judgment in the action in which the undertaking is given and the time for appeal from such judgment has expired or, if an appeal is filed, until such appeal is finally determined. The motion may not be filed or notice served more than one year after the later of the preceding dates.

### Article 2. Undertakings to Obtain Writ of Attachment or Protective Order

489.210. Before issuance of a writ of attachment or a protective order, the court shall require that the plaintiff have filed an undertaking to pay the defendant any amount the defendant may recover for any wrongful attachment by the plaintiff in the action.

489.220. (a) Except as provided in subdivision (b), the amount of an undertaking filed pursuant to this article shall be two thousand five hundred dollars ($2,500) in an action in the municipal court and seven thousand five hundred dollars ($7,500) in an action in the superior court.

(b) If, upon objection to the undertaking, the court determines that the probable recovery for wrongful attachment exceeds the amount of the undertaking, it shall order the amount of the undertaking increased to the amount it determines to be the probable recovery for wrongful attachment if it is ultimately determined that the attachment was wrongful.

489.230. (a) The notice of levy of the writ of attachment shall include a statement, in a form adopted by the Judicial Council, advising the defendant that the undertaking has been filed and informing him of his right to object to the undertaking on the grounds provided in Section 489.070.

(b) A protective order shall include a statement comparable to the one required by subdivision (a), the content of which shall be prescribed by rule adopted by the Judicial Council.

489.240. (a) In addition to any other provision of law, the provisions of this section shall be complied with where any of the following personal property is sought to be attached:

(1) A deposit account, or interest therein, not standing in the name of the defendant alone.

(2) Property in a safe-deposit vault or box maintained by a bank, trust company, savings and loan association, or other corporation authorized and empowered to conduct a safe-deposit business and rented by it to a person other than a defendant.

(b) The amount of an undertaking filed to obtain a writ of attachment of property described in subdivision (a) shall be an amount not less than twice the amount sought to be recovered by the plaintiff in the action in which the writ is sought. The undertaking shall secure the payment of any recovery for wrongful attachment by any person, other than the defendant whose interest is sought to be attached, rightfully entitled to such property (which person need not be named specifically in the undertaking but may be referred to generally in the same manner as in this sentence).

(c) Objections to the undertaking may be made by any person claiming to be the rightful owner of the property sought to be levied upon.

## Article 3. Undertaking to Obtain Release of Attachment or Protective Order

489.310. (a) Upon reasonable notice to the plaintiff, a defendant whose property has been or is subject to being attached and who has appeared in the action may apply to the court in which the action is pending, or, if a writ of attachment is levied in another county, to a court in such county having jurisdiction in cases involving the amount specified in the writ, for an order permitting him to substitute an undertaking in lieu of any property which has been or is subject to being attached.

(b) The application shall include a statement, executed under oath, describing the character of the defendant's title to the property and the manner in which he acquired such title.

(c) Before making such order, the court shall require the defendant to file with the court in which the application is made an undertaking to pay the plaintiff the value of the property released not exceeding the amount of any judgment recovered by the plaintiff in the action against such defendant. The amount of the undertaking filed pursuant to this section shall be equal to the lesser of (1) the value of the property attached or prevented from being attached or (2) the amount specified by the writ to be secured by the attachment. The court shall issue such order upon being satisfied that a sufficient undertaking has been filed.

(d) Where an action is against more than one defendant, any defendant may make such application. The filing of an undertaking by such defendant shall not subject him to any demand against any other defendant; however, the levying officer shall not be prevented thereby from attaching, or be obliged to release from attachment, any property of any other defendant. Where two or more defendants have an interest in the same property, a joint application and undertaking shall be filed to secure the release of such property.

489.320. (a) Upon reasonable notice to the plaintiff, a defendant who has been served with a temporary protective order and who has appeared in the action may apply to the court in which the action is pending for an order terminating the temporary protective order.

(b) Before making an order terminating the temporary protective order, the court shall require the defendant to file an undertaking to pay the plaintiff the amount of any judgment recovered by the plaintiff in the action against such defendant. The amount of the undertaking filed pursuant to this section shall be equal to the amount of the plaintiff's claim. The court shall issue the order terminating the temporary protective order upon being satisfied that a sufficient undertaking has been filed.

(c) Where an action is against more than one defendant, any defendant may make such application. The filing of an undertaking by such defendant shall not subject him to any demand against any other defendant; however, the levying officer shall not be prevented thereby from attaching, or be obliged to release from attachment, any property of any other defendant. Where two or more defendants have an interest in the same property, a joint application and undertaking shall be filed to secure the release of such property.

## Article 4. Undertaking on Appeal

489.410. (a) At any time after entry of judgment in favor of the defendant and before perfection of an appeal under Section 921, upon motion of the defendant, the trial court may order an increase in the amount of the original undertaking on attachment in such amount, if any, as is justified by the detriment reasonably to be anticipated by continuing the attachment. Unless such undertaking is filed within 10 days after such order, the attachment shall be set aside and the property released therefrom.

(b) If an order increasing the undertaking is made, the amount of the undertaking on appeal required by Section 921 shall be the same as the amount fixed by the trial court in such order.

(c) Neither the pendency nor granting of a motion timely filed and served by the plaintiff for vacation of judgment or for judgment notwithstanding the verdict or for new trial shall continue an attachment in force unless an undertaking is given by the plaintiff to pay all costs and damages sustained by continuing the attachment. The undertaking may be included in the undertaking specified in Section 921. If not so included, the same procedure shall apply as in case of an undertaking pursuant to Section 921.

489.420. Where a defendant appeals and the enforcement of the judgment against him is stayed by the filing of a sufficient undertaking on appeal as provided by this code, all property of such defendant which has been attached in the action shall be released from the attachment upon the justification of the defendant's sureties, or written waiver thereof, or upon the failure of the respondent to object to such sureties within five days after written

notice of the filing of the undertaking.

## CHAPTER 10. LIABILITY FOR WRONGFUL ATTACHMENT

490.010. A wrongful attachment consists of any of the following:

(a) The levy of a writ of attachment or the service of a protective order in an action in which attachment is not authorized, except that it is not a wrongful attachment if both of the following are established:

(1) The levy was not authorized solely because of the prohibition of subdivision (c) of Section 483.010.

(2) The person who sold or leased, or licensed for use, the property, furnished the services, or loaned the money reasonably believed that it would not be used primarily for personal, family, or household purposes.

(b) The levy of a writ of attachment or the service of a protective order in an action in which the plaintiff does not recover judgment.

(c) The levy of a writ of attachment obtained pursuant to Article 3 (commencing with Section 484.510) of Chapter 4 or Chapter 5 (commencing with Section 485.010) on property exempt from attachment except where the plaintiff shows that he reasonably believed that the property attached was not exempt from attachment.

(d) The levy of a writ of attachment on property of a person other than the person against whom the writ was issued except that it is not a wrongful attachment if all of the following exist:

(1) The property levied on is required by law to be registered or recorded in the name of the owner.

(2) It appeared that, at the time of the levy, the person against whom the writ was issued was such registered or record owner.

(3) The plaintiff made the levy in good faith and in reliance on the registered or recorded ownership.

490.020. (a) The liability of a plaintiff for causing a wrongful attachment includes both of the following:

(1) All damages proximately caused to the defendant or any other person by the wrongful attachment.

(2) All costs and expenses, including attorney's fees, reasonably expended in defeating the attachment.

(b) The liability of a plaintiff for wrongful attachment pursuant to Section 490.010 is limited by the amount of the undertaking.

490.030. (a) A defendant may recover damages for wrongful attachment by motion made in the trial court without necessity of an independent action.

(b) A motion under this section shall not be filed or notice served on the plaintiff until after entry of the final judgment in the action for which damages are sought and the time for appeal from such judgment has expired or, if an appeal is filed, until such appeal is finally determined. The motion may not be filed or notice served

more than one year after the later of the preceding dates.

(c) The defendant may join in such motion the sureties on an undertaking for wrongful attachment liability, and any judgment of liability shall bind the plaintiff and sureties jointly and severally, but the liability of a surety is limited to the amount of the undertaking.

(d) The procedure for recovery of wrongful attachment damages on motion of the defendant shall be as provided in Section 1058a for recovery on an undertaking.

490.040. The amount of any recovery for wrongful attachment shall be offset insofar as possible against any unsatisfied amounts owed to the plaintiff by the defendant on the judgment in the action for which wrongful attachment damages are awarded.

490.050. A person not originally a party to an action whose property is attached is entitled to intervene in the action and to recover damages for wrongful attachment to the same extent and in the same manner as a defendant in the action. For this purpose, the person whose property is attached shall be deemed to be the beneficiary of the undertaking for the attachment of such property and shall have all rights of the beneficiary, including the right to recover such damages by using the procedure provided by Section 490.030.

490.060. Nothing in this chapter limits the right to recover for damages caused by an attachment or protective order on any common law theory of recovery.

## CHAPTER 11. EXAMINATION OF THIRD PERSON INDEBTED TO DEFENDANT; ADDITIONAL WITNESSES

491.010. (a) Any person owing debts to the defendant, or having in his possession or under his control any personal property belonging to the defendant, may be required to appear before the court and be examined on oath regarding such property.

(b) If the person ordered to appear pursuant to this section fails to appear, and if the order requiring his appearance has been served by a sheriff or some person specially appointed by the court in the order, the court may, pursuant to a warrant, have such person brought before the court to answer for such failure to appear.

(c) After such examination, if the person admits that he is indebted to the defendant, or that he holds property belonging to the defendant, the court may order that such debt or property belonging to the defendant be attached in the manner and under the conditions provided by this title and that any amount owing be paid to the levying officer. If the person admits that he holds property which belongs to the defendant and in which he claims no interest, the court may order that such property be delivered to the levying officer on such terms as may be just.

491.020. No person shall be required to appear pursuant to Section 491.010 outside of the county in which he resides or in which he has a place of business unless the distance to the place of hearing

is less than 150 miles from his place of residence or place of business.

491.030. (a) When the third person does not reside or have a place of business in the county where the action is pending, an order for his examination, authorized by Section 491.010, may be made by any court of similar jurisdiction of the county where the third person resides or has a place of business or, if no court of similar jurisdiction is in the county, by a court of higher jurisdiction therein, upon filing with the clerk of the court a certified copy of the complaint in the pending action and an affidavit showing that the third person resides or has a place of business in the county where that court is located and does not reside or have a place of business in the county where the action is pending.

(b) The fee for filing pursuant to this section shall be four dollars ($4) when filing is in a municipal court and five dollars ($5) when filing is in a superior court.

491.040. In any proceeding for the examination of a third person under this chapter, witnesses, including the defendant, may be required to appear and testify as to matters relating to the examination of the third person in the same manner as upon the trial of an issue.

## CHAPTER 12. NONRESIDENT ATTACHMENT

492.010. Notwithstanding subdivision (a) of Section 483.010, an attachment may be issued in any action for the recovery of money brought against any of the following:

(a) An individual who does not reside in this state.

(b) A foreign corporation not qualified to do business in this state under the provisions of Chapter 3 (commencing with Section 6403) of Part 11 of Division 1 of Title 1 of the Corporations Code.

(c) A foreign partnership which has not filed a designation pursuant to Section 15700 of the Corporations Code.

492.020. (a) Upon the filing of the complaint or at any time thereafter, the plaintiff may apply pursuant to this chapter for a right to attach order and a writ of attachment by filing an application for the order and writ with the court in which the action is brought.

(b) The application shall satisfy the requirements of Section 484.020 and shall be supported by an affidavit showing all of the following:

(1) The action is one described in Section 492.010 and is brought against a defendant described in Section 492.010.

(2) The plaintiff on the facts presented would be entitled to a judgment on the claim upon which the attachment is based.

(3) The property sought to be attached is subject to attachment pursuant to Section 492.040.

(c) The affidavit in support of the showing required by paragraph (3) of subdivision (b) may be based on the affiant's information and belief.

492.030. (a) The court shall examine the application and

supporting affidavit and shall issue a right to attach order and writ of attachment if it finds all of the following:

(1) The claim upon which the attachment is based is one upon which an attachment may be issued.

(2) The plaintiff has established the probable validity of the claim upon which the attachment is based.

(3) The defendant is one described in Section 492.010.

(4) The attachment is not sought for a purpose other than the recovery on the claim upon which the attachment is based.

(5) The affidavit accompanying the application shows that the property sought to be attached, or the portion thereof specified in the writ, is subject to attachment pursuant to Section 492.040.

(6) The plaintiff has provided the undertaking required by Article 2 (commencing with Section 489.210) of Chapter 9.

(b) The writ of attachment shall state the amount to be secured by the attachment and describe the property to be levied upon.

(c) If the court finds that the application and supporting affidavit do not satisfy the requirements of this chapter, it shall so state and deny the order. If denial is solely on the ground that the defendant is not one described in Section 492.010, the judicial officer shall so state and such denial does not preclude the plaintiff from applying for a right to attach order and writ of attachment under Chapter 4 (commencing with Section 484.010) with the same affidavits and supporting papers.

492.040. Notwithstanding Sections 487.010 and 487.020, a writ of attachment issued under this chapter may be levied upon any property of a defendant for which a method of levy is provided by Article 2 (commencing with Section 488.310) of Chapter 8. However, after the defendant has filed a general appearance in the action, only nonexempt property of the defendant may be levied upon and property previously levied upon which is exempt under Section 487.020 shall be released upon order of the court.

492.050. (a) Any defendant whose property has been attached pursuant to a writ issued under this chapter may apply for an order that the right to attach order be set aside, the writ of attachment quashed, and any property levied upon pursuant to the writ released. Such application shall be made by filing with the court and serving on the plaintiff a notice of motion.

(b) The notice of motion shall state the grounds on which the motion is based and shall be accompanied by an affidavit supporting any factual issues raised and points and authorities supporting any legal issues raised.

(c) If the defendant has filed a general appearance in the action, the right to attach order shall be set aside unless the plaintiff shows that his right to attach is authorized by a provision other than Section 492.010.

(d) At the hearing on the motion, the court shall determine whether the plaintiff is entitled to a right to attach order. If the court finds that the plaintiff is not entitled to a right to attach order, it shall

order the right to attach order set aside, the writ of attachment quashed, and any property levied upon pursuant to the writ released. If the court finds that the plaintiff is entitled to a right to attach order, the attachment shall continue in effect except as provided in Section 492.040 and, thereafter, the plaintiff may apply for additional writs pursuant to Article 2 (commencing with Section 484.310) or Article 3 (commencing with Section 484.510) of Chapter 4.

(e) The court's determination shall be made upon the basis of the pleadings and other papers in the record; but, upon good cause shown, the court may receive and consider at the hearing additional evidence, oral or documentary, and additional points and authorities, or it may continue the hearing for the production of such additional evidence or points and authorities.

(f) The hearing provided for in this section shall take precedence over all other civil matters on the calendar of that day except older matters of the same character.

492.060. At any time after a right to attach order and writ of attachment have been issued under this chapter and before the hearing provided by Section 492.050, the plaintiff may apply for an additional writ of attachment under this chapter as provided in Sections 492.060 to 492.090, inclusive. The application shall be filed with the court in which the action is brought.

492.070. The application shall be executed under oath and shall include all of the following:

(a) A statement that the plaintiff has been issued a right to attach order and writ of attachment pursuant to Section 492.030.

(b) A statement of the amount the plaintiff seeks to recover from the defendant or, if an attachment is sought for only a part thereof, such partial amount.

(c) A description of the property to be attached under the writ of attachment and a statement that the plaintiff is informed and believes that such property is subject to attachment pursuant to Section 492.040. The description shall satisfy the requirements of Section 484.020.

492.090. The court shall examine the application and supporting affidavit and shall issue the writ of attachment, which shall state the amount to be secured by the attachment and describe the property to be levied upon, if it finds all of the following:

(a) A right to attach order has been issued in the action pursuant to Section 492.030.

(b) The affidavit accompanying the application shows that the property sought to be attached, or the portion thereof specified in the writ, is subject to attachment pursuant to Section 492.040.

(c) The plaintiff has provided the undertaking required by Article 2 (commencing with Section 489.210) of Chapter 9.

SEC. 10. A new heading for Title 7 (commencing with Section 500) is added to Part 2 of the Code of Civil Procedure, to read:

## TITLE 7. OTHER PROVISIONAL REMEDIES IN CIVIL ACTIONS

SEC. 11. Chapter 1 (commencing with Section 500) is added to Title 7 of Part 2 of the Code of Civil Procedure, to read:

### CHAPTER 1. GENERAL PROVISIONS

500. Except as otherwise expressly provided, the provisional remedies, deposit in court, injunction and receivers, may not be had in justice courts.

501. A person may not be imprisoned in a civil action for debt or tort, whether before or after judgment. Nothing in this section affects any power a court may have to imprison a person who violates a court order.

SEC. 12. Chapter 4 (commencing with Section 537) of Title 7 of Part 2 of the Code of Civil Procedure is repealed.

SEC. 13. Section 682a of the Code of Civil Procedure is amended to read:

682a. If the debt, credit, or other personal property sought to be levied upon is (a) any bank account, or interest therein, not standing in the name of the judgment debtor or judgment debtors or standing in the name of such judgment debtor or judgment debtors and one or more other persons who are not judgment debtors, or (b) any savings and loan association share, investment certificate, or account, or interest therein, not standing in the name of the judgment debtor or judgment debtors or standing in the name of such judgment debtor or judgment debtors and in one or more other persons who are not judgment debtors, or (c) property in a safe-deposit vault or box maintained by a bank, trust company, savings and loan association, or other corporation authorized and empowered to conduct a safe-deposit business and rented by it to a person or persons other than such judgment debtor or judgment debtors or rented by it to one or more such judgment debtors and to one or more other persons who are not judgment debtors, the following provisions of this section also shall be complied with; otherwise the levy shall not be effectual for any purpose and shall be disregarded. The plaintiff shall provide and concurrently with the levy the sheriff, constable, or marshal shall deliver to such bank, trust company, savings and loan association, or safe-deposit corporation a bond in an amount not less than twice the amount of the judgment indemnifying the person or persons, other than the judgment debtor or judgment debtors whose interest is sought to be levied upon, rightfully entitled to such debt, credit, or other personal property (which person or persons need not be named specifically in said bond but may be referred to generally in the same manner as in this sentence), against actual damage by reason of the taking of such debt, credit, or other personal property and assuring to such person or persons the return thereof to him or them upon proof of his or

their right thereto. Upon delivery to it of the aforesaid bond such bank, trust company, savings and loan association, or safe-deposit corporation shall immediately notify the person in whose name such account stands, other than the judgment debtor, or the person to whom such safe-deposit box is rented, other than the judgment debtor, by registered mail addressed to the last address of such person known to such bank, trust company, savings and loan association or safe-deposit corporation of the fact of the service of said writ and of the delivery to it of said bond. From the time of said levy and the delivery to it of said bond such bank, trust company, savings and loan association or safe-deposit corporation shall not honor a check or other order for the payment of money drawn against the account or other credit so levied upon, such savings and loan association shall not permit withdrawals in respect of the share, investment certificate, or account so levied upon, and such bank, trust company, savings and loan association or safe-deposit corporation shall not permit the removal of any of the contents of the safe-deposit vault or box levied upon for a period of fifteen (15) days from the mailing of said notice or until the levy is sooner released. After fifteen (15) days from the making of said levy and the delivery of said bond, if no proceedings excepting to the sufficiency of the sureties have been commenced, or if such proceedings have been commenced, when the sureties have justified, said bank, trust company, savings and loan association or safe-deposit corporation shall comply with the levy, unless it has been sooner released, and shall not be liable to any person by reason of such compliance or by reason of the nonpayment of any check or other order for the payment of money drawn against the account or other credit so levied upon and presented while the levy is in force or by reason, while the levy is in force, of refusal to pay any withdrawal in respect of the share, investment certificate or account so levied upon, or by reason of the removal, pursuant to the levy, of any of the contents of such safe-deposit vault or box or by reason of the refusal of such bank, trust company, savings and loan association, or safe-deposit corporation to permit access to such safe-deposit vault or box by the renter thereof. The bond described above shall be executed by the judgment creditor or judgment creditors with two or more sufficient sureties. Exceptions to the sufficiency of the sureties may be taken by any person claiming to be the rightful owner of the debt, credit, or other personal property levied upon, in the same manner as upon an undertaking on attachment and when excepted to the sureties must justify in the same manner as upon an undertaking on attachment. The bank, trust company, savings and loan association, or safe-deposit corporation to whom any such bond is delivered shall deliver it as directed by the obligees thereof. Before giving access to any safe-deposit vault or box the bank, trust company, savings and loan association, or safe-deposit corporation may demand payment to it of all costs and expenses of opening the safe-deposit vault or box and all costs and expenses of repairing any damage to the safe-deposit

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vault or box caused by the opening thereof.

SEC. 14. Section 684.2 is added to the Code of Civil Procedure, to read:

684.2. (a) Where an attachment has previously been issued, and a judgment is recovered in the action in favor of the plaintiff, and an execution is issued thereon and delivered to the sheriff, constable, or marshal, he shall satisfy the judgment out of any property attached by him which is still subject to such attachment. He shall pay to the plaintiff the proceeds of all sales of perishable property sold by him, or of any money collected by him, or so much as is necessary to satisfy the judgment; and, if any balance remains due, he shall levy on and sell under the execution so much of the property, real or personal, as is necessary to satisfy the balance if enough for that purpose remain in his hands. Notices of the sales shall be given and the sales conducted as in other cases of sales on execution.

(b) If, after selling the property attached by him remaining in his hands, deducting his fees, and applying the proceeds, together with the money collected by him, to the payment of the judgment, any balance remains due, the sheriff, constable, or marshal shall proceed to collect such balance as upon an execution in other cases. When the judgment has been paid, the sheriff, constable, or marshal shall release any attached property unapplied on the judgment in the manner provided by Section 488.560.

SEC. 15. Section 688 of the Code of Civil Procedure is amended to read:

688. (a) All goods, chattels, moneys or other property, both real and personal, or any interest therein, of the judgment debtor, not exempt by law, and all property and rights of property levied upon under attachment in the action, are subject to execution.

(b) All property subject to execution may be levied upon or released from levy in like manner as like property may be levied upon or released from attachment, except that tangible personal property in the possession of the judgment debtor shall always be levied upon in the manner provided by Section 488.320. Notwithstanding the provisions of Title 6.5 (commencing with Section 481.010), service on the judgment debtor of a copy of the writ of execution shall be made either by personal delivery or by mail to the judgment debtor at the address furnished by the judgment creditor. To levy upon any property or debt owed to the judgment debtor which is subject to execution but for which a method of levy of attachment is not provided, the levying officer shall serve upon the person in possession of such property or owing such debt, or his agent (1) a copy of the writ of execution and (2) a notice that such property or debt is levied upon in pursuance of such writ.

(c) Until a levy, no property shall be affected by issuance of a writ of execution or its delivery to the levying officer.

(d) No levy shall bind any property for a longer period than one year from the date of the issuance of the execution, except a levy on the interests or claims of heirs, devisees, or legatees in or to assets of

deceased persons remaining in the hands of executors or administrators thereof prior to distribution and payment. However, an alias execution may be issued on said judgment and levied on any property not exempt from execution.

(e) Notwithstanding subdivision (a), no cause of action nor judgment as such, nor license issued by this state to engage in any business, profession, or activity, shall be subject to levy or sale on execution.

SEC. 15.5. Section 688 of the Code of Civil Procedure is amended to read:

688. (a) Except as provided in Chapter 2.5 (commencing with Section 723.010), all goods, chattels, moneys or other property, both real and personal, or any interest therein, of the judgment debtor, not exempt by law, and all property and rights of property levied upon under attachment in the action, are subject to execution.

(b) All property subject to execution may be levied upon or released from levy in like manner as like property may be levied upon or released from attachment, except that tangible personal property in the possession of the judgment debtor shall always be levied upon in the manner provided by Section 488.320. Notwithstanding the provisions of Title 6.5 (commencing with Section 481.010), service on the judgment debtor of a copy of the writ of execution shall be made either by personal delivery or by mail to the judgment debtor at the address furnished by the judgment creditor. To levy upon any property or debt owned to the judgment debtor which is subject to execution but for which a method of levy of attachment is not provided, the levying officer shall serve upon the person in possession of such property or owing such debt, or his agent (1) a copy of the writ of execution and (2) a notice that such property or debt is levied upon in pursuance of such writ.

(c) Until a levy, no property shall be affected by issuance of a writ of execution or its delivery to the levying officer.

(d) No levy shall bind any property for a longer period than one year from the date of the issuance of the execution, except a levy on the interests or claims of heirs, devisees, or legatees in or to assets of deceased persons remaining in the hands of executors or administrators thereof prior to distribution and payment. However, an alias execution may be issued on said judgment and levied on any property not exempt from execution.

(e) Notwithstanding subdivision (a), no cause of action nor judgment as such, nor license issued by this state to engage in any business, profession, or activity, shall be subject to levy or sale on execution.

SEC. 16. Section 690 of the Code of Civil Procedure is amended to read:

690. (a) Except as otherwise specifically provided, the property mentioned in Sections 690.1 to 690.29, inclusive, is exempt from execution when claim for exemption is made to the same by the

judgment debtor or defendant as hereinafter in Section 690.50 provided.

(b) Whenever it is specifically provided in Sections 690.1 to 690.29, inclusive, that the filing of a claim of exemption is not required, the property so mentioned in each such section shall not be subject to levy of attachment or execution in any manner.

(c) As used in Sections 690.1 to 690.29, inclusive, "debtor" means debtor, claimant, defendant, cross-defendant, or judgment debtor.

(d) As used in Sections 690.1 to 690.29, inclusive, "creditor" means the plaintiff or the person in whose favor the writ runs.

SEC. 17. Section 690.6 of the Code of Civil Procedure is amended to read:

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

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

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

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

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

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

SEC. 17.5. Section 690.6 of the Code of Civil Procedure, as amended by Chapter 43 of the Statutes of 1972, is repealed.

SEC. 18. Section 690.21 of the Code of Civil Procedure is amended to read:

690.21. The funds of any person confined in any prison or facility under the jurisdiction of the Department of Corrections or the Youth Authority or confined in any county or city jail, road camp, industrial farm, or other local correctional facility, held in trust for him, or to his credit, in an inmate's trust account or similar account by the state, county, or city, or any agency thereof, not to exceed the sum of forty dollars ($40), shall be exempt from execution without filing a claim for exemption as provided in Section 690.50.

SEC. 19. Section 690.24 of the Code of Civil Procedure is amended to read:

690.24. All lots of land, not exceeding one-quarter of an acre in size, owned, used, or occupied by any person, or by any person in joint tenancy or tenancy in common with any other person or persons, in any graveyard, cemetery, or other place for the sole purpose of burying the dead, together with the railing or fencing enclosing the same, and all gravestones, tombstones, monuments, and other appropriate improvements thereon erected, are exempt from levy and forced sale by virtue of any writ, order, judgment, or decree, or by any legal process whatever. In cases of religious or benevolent associations or corporations, the amount of land so exempt may extend to not exceeding five acres.

Not more than one lot owned, used, or occupied by any such person or by any person in joint tenancy or tenancy in common with any other person or persons or such association or corporation in any one cemetery, graveyard or other place is exempted by this section.

This section does not apply to land held by any person or persons, association, or corporation for the purpose of sale or disposition as burial lots or otherwise.

No property dedicated as a cemetery by a cemetery authority shall be subject to execution because of debts due from an individual owner of an interment plot.

All money payable or to become payable as the purchase price or on account of the purchase price of unused cemetery lands, or lands from which all remains have been removed, is not subject to execution if used for the purpose enumerated in Section 7925 of the Health and Safety Code.

SEC. 20. Section 921 of the Code of Civil Procedure is amended to read:

921. An appeal by a party who has levied an attachment shall not continue in force the attachment, unless an undertaking be executed and filed on the part of the appellant that the appellant will pay all costs and damages which the respondent may sustain by reason of the attachment, in case the order of the court below be sustained in favor of the respondent; and unless, within five days after written notice of the entry of the order appealed from, such appeal shall be perfected. The amount of the undertaking on appeal required by this section shall be such amount as is fixed by the trial court on motion of the respondent as provided in Section 489.410 and if no such order shall have been made, the undertaking shall be in double the amount of the debt claimed by the appellant. If the respondent is not satisfied with the undertaking in double the amount of the debt or the amount fixed by order under Section 489.410, the trial court upon motion of the respondent made within 60 days after perfecting the appeal may order an increase in the amount of the undertaking in such amount as is justified by the detriment reasonably to be anticipated by continuing the attachment. If such an order be made, the attachment shall be discharged and the property released therefrom, unless the undertaking shall be executed and filed within 10 days after the order is made. The sureties on any undertaking

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required for the purpose of continuing an attachment may be required to justify as provided in Section 922 and if they fail to do so, the order of attachment shall be discharged.

SEC. 21. Section 1174 of the Code of Civil Procedure as amended by Chapter 331 of the Statutes of 1974 is amended to read:

1174. (a) If upon the trial, the verdict of the jury, or, if the case be tried without a jury, the findings of the court be in favor of the plaintiff and against the defendant, judgment shall be entered for the restitution of the premises; and if the proceedings be for an unlawful detainer after neglect, or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of such lease or agreement if the notice required by Section 1161 of the code states the election of the landlord to declare the forfeiture thereof, but if such notice does not so state such election, the lease or agreement shall not be forfeited.

(b) The jury or the court, if the proceedings be tried without a jury, shall also assess the damages occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent. If the defendant is found guilty of forcible entry, or forcible or unlawful detainer, and malice is shown, the plaintiff may be awarded either damages and rent found due or punitive damages in an amount which does not exceed three times the amount of damages and rent found due. The trier of fact shall determine whether damages and rent found due or punitive damages shall be awarded, and judgment shall be entered accordingly.

(c) When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable has not by its terms expired, and the notice required by Section 1161 has not stated the election of the landlord to declare the forfeiture thereof, the court may, and, if the lease or agreement is in writing, is for a term of more than one year, and does not contain a forfeiture clause, shall order that execution upon the judgment shall not be issued until the expiration of five days after the entry of the judgment, within which time the tenant, or any subtenant, or any mortgagee of the term, or any other party interested in its continuance, may pay into the court, for the landlord, the amount found due as rent, with interest thereon, and the amount of the damages found by the jury or the court for the unlawful detainer, and the costs of the proceedings, and thereupon the judgment shall be satisfied and the tenant be restored to his estate.

But if payment as here provided be not made within five days, the judgment may be enforced for its full amount, and for the possession of the premises. In all other cases the judgment may be enforced immediately.

(d) A plaintiff, having obtained a writ of restitution of the premises pursuant to an action for unlawful detainer, shall be

entitled to have the premises restored to him by officers charged with the enforcement of such writs. Promptly upon payment of reasonable costs of service, the enforcing officer shall serve an occupant or post a copy of the writ in the same manner as upon levy of writ of attachment pursuant to subdivision (d) of Section 488.310. In addition, where the copy is posted on the property, another copy of the writ shall thereafter be mailed to the defendant at his business or residence address last known to the plaintiff or his attorney or, if no such address is known, at the premises. The writ of restitution of the premises shall include a statement that personal property remaining on the premises at the time of its restitution to the landlord will be sold or otherwise disposed of in accordance with Section 1174 of the Code of Civil Procedure unless the tenant or the owner pays the landlord the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the premises are restored to the landlord. If the tenant does not vacate the premises within five days from the date of service, or, if the copy of the writ is posted, within five days from the date of mailing of the additional notice, the enforcing officer shall remove the tenant from the premises and place the plaintiff in possession thereof. It shall be the duty of the party delivering the writ to the officer for execution to furnish the information required by the officer to comply with this section.

(e) Personal property remaining on the premises which the landlord reasonably believes to have been lost shall be disposed of pursuant to Article 1 (commencing with Section 2080) of Chapter 4 of Title 6 of Part 4 of Division 3 of the Civil Code. The landlord is not liable to the owner of any property which he disposes of in this manner. If the appropriate police or sheriff's department refuses to accept such property, it shall be deemed not to have been lost for the purposes of this subdivision.

(f) The landlord shall give notice pursuant to Section 1983 of the Civil Code to any person (other than the tenant) reasonably believed by the landlord to be the owner of personal property remaining on the premises.

(g) The landlord shall store the personal property in a place of safekeeping until it is either released pursuant to subdivision (h) or disposed of pursuant to subdivision (i).

(h) The landlord shall release the personal property to the tenant or, at the landlord's option, to a person reasonably believed by the landlord to be its owner if such tenant or other person pays the costs of storage as provided in Section 1990 of the Civil Code and claims the property not later than the date specified in the writ of restitution before which the tenant must make his claim or the date specified in the notice before which a person other than the tenant must make his claim.

(i) Personal property not released pursuant to subdivision (h) shall be disposed of pursuant to Section 1988 of the Civil Code.

(j) Where the landlord releases personal property to the tenant

pursuant to subdivision (h), the landlord is not liable with respect to that property to any person.

(k) Where the landlord releases personal property pursuant to subdivision (h) to a person (other than the tenant) reasonably believed by the landlord to be its owner, the landlord is not liable with respect to that property to:

(1) The tenant or to any person to whom notice was given pursuant to subdivision (f); or

(2) Any other person, unless such person proves that, prior to releasing the property, the landlord believed or reasonably should have believed that such person had an interest in the property and also that the landlord knew or should have known upon reasonable investigation the address of such person.

(*l*) Where personal property is disposed of pursuant to Section 1988 of the Civil Code, the landlord is not liable with respect to that property to:

(1) The tenant or to any person to whom notice was given pursuant to subdivision (f); or

(2) Any other person, unless such person proves that, prior to disposing of the property pursuant to Section 1988 of the Civil Code, the landlord believed or reasonably should have believed that such person had an interest in the property and also that the landlord knew or should have known upon reasonable investigation the address of such person.

(m) For the purposes of subdivisions (e), (f), (h), (k), and (*l*), the terms "owner," "premises," and "reasonable belief" have the same meaning as provided in Section 1980 of the Civil Code.

SEC. 22. Section 13524 of the Education Code is amended to read:

13524. When the payroll form of warrant is used the name of each employee shall be listed.

SEC. 23. Section 21112 of the Education Code is amended to read:

21112. Each payroll order drawn pursuant to this article (commencing at Section 21101) shall be drawn, approved, and issued in the same manner and shall contain the same minimum content as prescribed for single orders. Each payroll order shall list the names of all employees in whose favor the order is drawn and shall state the amount of money due each.

SEC. 24. Section 1650 of the Financial Code, as added by Chapter 136 of the Statutes of 1974, is amended to read:

1650. Notice to a bank operating a safety deposit department or to a company conducting a safety deposit business of an adverse claim (the person making the adverse claim being hereinafter in this section called "adverse claimant") to any personal property in a safety deposit box maintained by a bank or company and rented to any person, or to any personal property held by the bank or company in safekeeping or storage for any person shall be disregarded, and the bank or company, notwithstanding such notice, shall permit access to the box to the person to whom it is rented or shall deliver the contents thereof to or on the order of the person or shall deliver the

property held in storage or safekeeping to or on the order of the person for whom it is held, without any liability on the part of the bank or company; subject, however, to the exceptions provided in subdivisions (a) and (b) of this section:

(a) If an adverse claimant delivers to the bank at the office at which the safety deposit is maintained or the property is held his affidavit stating that of his own knowledge the person in whose name the box stands or for whom the property is held is a fiduciary for the adverse claimant and that he has reason to believe such fiduciary is about to misappropriate the contents of the box or the property, and stating the facts upon which such claim of fiduciary relationship and such belief are founded, the bank or company shall refuse access to the safety deposit box or refuse to deliver the personal property for a period of not more than three (3) court days (including the day of delivery) from the date that the bank or company received the adverse claimant's affidavit, without liability on its part and without liability for the sufficiency or truth of the facts alleged in the affidavit.

(b) If at any time, either before, after, or in the absence of the filing of an affidavit by the adverse claimant, the adverse claimant procures and serves upon the bank or company at the office at which the safety deposit box is maintained or the property is held a restraining order, injunction, or other appropriate order against the bank or company from a court of competent jurisdiction in an action in which the adverse claimant and all persons in whose names said box stands or for whom the property is held are parties, the bank or company shall comply with such order or injunction, without liability on its part.

(c) The provisions of this section shall be applicable even though the name of the person appearing on the bank's or company's books as the renter of the box or as the depositor of the property held in storage or safekeeping is modified by a qualifying or descriptive term such as "agent", "trustee", or other word or phrase indicating that the person may not be the owner in his own right of the contents of the box or of the property held in storage or safekeeping.

Before giving access to any safe-deposit box, the bank or company may demand payment to it of all costs and expenses of opening the safe-deposit box and all costs and expenses of repairing any damage to the safe-deposit box caused by the opening thereof.

SEC. 25. Section 3144 of the Financial Code is amended to read:

3144. The superintendent may maintain actions in this state, or in any other state or country to enforce and collect any sums or amounts due and payable and remaining unpaid upon any assessments from any stockholder or stockholders failing to pay the assessment in full. In any such action the superintendent may join as defendants one or more stockholders. Notwithstanding Section 483.010 of the Code of Civil Procedure, in any such action a writ of attachment may be issued in the manner provided by Title 6.5 (commencing with Section 481.010) of Part 2 of the Code of Civil Procedure but the superintendent shall not be required to post an

undertaking or pay filing fees or other court costs.

SEC. 26. Section 11208 of the Financial Code is repealed.

SEC. 27. Section 281 of the Food and Agricultural Code is amended to read:

281. The director may direct suit in the name of the people of the state, as plaintiff, to be brought for the recovery of any license or other fee against any person required to take out a license or pay any fee pursuant to this code that fails, neglects, or refuses to take out such license or pay such fee, or that, without such license or payment of such fee, carries on or attempts to carry on the business or do any act for which such license or payment of such fee is required. Notwithstanding Section 483.010 of the Code of Civil Procedure, in such case a writ of attachment may be issued in the manner provided by Title 6.5 (commencing with Section 481.010) of Part 2 of the Code of Civil Procedure.

SEC. 28. Section 7203 of the Government Code is repealed.

SEC. 29. Section 7203 is added to the Government Code, to read:

7203. Upon request of any person, the Secretary of State shall issue a combined certificate showing the information as to financing statements as specified in Section 9407 of the Commercial Code, the information as to federal tax liens as specified in subdivision (d) of Section 7202 of this code, the information as to state tax liens as specified in Section 7226 and the information as to attachment liens specified in Section 488.340 of the Code of Civil Procedure. The fee for such a combined certificate is five dollars ($5).

When a certificate is requested from the Secretary of State as to a name which appears to be other than the name of an individual, the Secretary of State shall construe the request as one for a combined certificate pursuant to this section unless the request is specifically limited to a request for a certificate as to federal tax liens, state tax liens, or attachment liens.

When a certificate is requested from the Secretary of State as to a name which appears to be the name of an individual, the Secretary of State shall construe the request as one for a combined certificate pursuant to this section but omitting information as to federal tax liens, unless the request is specifically limited to a request for a certificate as to federal tax liens, state tax liens or attachment liens.

SEC. 29.1. Section 495.1 of the Harbors and Navigation Code is amended to read:

495.1. Notwithstanding Section 483.010 of the Code of Civil Procedure, the plaintiff, at the time of issuing the summons, or at any time afterwards, may have the vessel, with its tackle, appurtenances, appliances, furnishings, and furniture, attached as security for the satisfaction of any judgment that may be recovered in the action. A writ of attachment may be issued in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6.5 of Part 2 of the Code of Civil Procedure without the showing required by Section 485.010 of the Code of Civil Procedure.

SEC. 29.2. Section 495.2 of the Harbors and Navigation Code is

repealed.

SEC. 29.3. Section 495.5 of the Harbors and Navigation Code is amended to read:

495.5. The owner, or the master agent, or consignee of the vessel, may, on behalf of the owner, appear and answer or plead to the action; and may except to the sufficiency of the sureties on the undertaking filed on behalf of the plaintiff, and may require sureties to justify, as upon any other attachment.

SEC. 30. Section 11501 of the Health and Safety Code is amended to read:

11501. The State of California, or any political subdivision thereof, may maintain an action against any person or persons engaged in the unlawful sale of controlled substances for the recovery of any public funds paid over to such person or persons in the course of any investigation of violations of this division. All proceedings under this section shall be instituted in the superior court of the county where the funds were paid over, where the sale was made, or where the defendant resides. Notwithstanding Section 483.010 of the Code of Civil Procedure, in any action under this section, a writ of attachment may be issued, without the showing required by Section 485.010 of the Code of Civil Procedure, in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6.5 of Part 2 of the Code of Civil Procedure to attach any funds paid over or any other funds on the defendant's person at the time of his arrest.

SEC. 31. Section 300 of the Labor Code is amended to read:

300. No assignment of, or order for wages or salary, earned or to be earned, shall be valid unless:

(a) Such assignment is contained in a separate written instrument, signed by the person by whom the said wages or salary have been earned or are to be earned, and identifying specifically the transaction to which the assignment relates; and

(b) Where such assignment of, or order for wages or salary is made by a married person, the written consent of the husband or wife of the person making such assignment or order is attached to such assignment or order; and

(c) Where such assignment or order for wages or salary is made by a minor, the written consent of a parent or guardian of such minor is attached to such order or assignment; and

(d) Where such assignment of or order for wages or salary is made by a person who is unmarried or who is an adult or who is both unmarried and adult, a written statement by the person making such assignment or order, setting forth such facts, is attached to or included in such assignment or order;

(e) No other assignment or order exists in connection with the same transaction or series of transactions and a written statement by the person making such assignment or order to that effect, is attached thereto or included therein; and

(f) A copy of such an assignment or order and of the written statement provided for in subdivision (d) hereof, authenticated by

a notary public, shall have been filed with the employer, accompanied by an itemized statement of the amount then due to the assignee; provided, that at such time no other assignment or order for the payment of any wages or salary is subject to payment, and no levy on execution against said wages or salary is in force. Any valid assignment, when filed in accordance with the provisions contained herein, shall have priority with respect to any subsequently filed assignment or order or subsequent levy on execution. Any power of attorney to assign or collect wages or salary shall be revocable at any time by the maker thereof.

No assignment of, or order for wages or salary shall be valid unless at the time of the making thereof, such wages or salary have been earned, except for the necessities of life and then only to the person or persons furnishing such necessities of life directly and then only for the amount needed to furnish such necessities. Under any assignment of, or order for wages or salary to be earned, a sum not to exceed 50 per centum of the assignor's wages or salary, and not to exceed 25 per centum of the assignor's wages or salary, upon the showing that such wages or salary are necessary for the support of his mother, father, spouse, children or other members of his family, residing in this state and supported in whole or in part by his labor, shall be collectible from the assignor's employer at the time of each payment of such wages or salary.

The employer shall be entitled to rely upon the statements of fact in the written statement provided for in subdivisions (d) and (e) hereof, without the necessity of inquiring into the truth thereof, and the employer shall incur no liability whatsoever by reason of any payments made by him to an assignee under any assignment or order, in reliance upon the facts so stated.

No assignment of or order for wages or salary earned or to be earned shall be valid under any circumstances, if the wages or salary earned or to be earned are paid under a plan for payment at a central place or places established under the provisions of Section 204a of this code.

This section shall not apply to deductions which the employer may be requested by the employee to make for the payment of life, retirement, disability or unemployment insurance premiums, for the payment of taxes owing from the employee, for contribution to funds, plans or systems providing for death, retirement, disability, unemployment, or other benefits, for the payment for goods or services furnished by the employer to the employee or his family at the request of the employee, or for charitable, educational, patriotic or similar purposes.

SEC. 32. Section 404 of the Labor Code is amended to read:

404. Any money put up as a bond under Sections 401, 402 and 403 shall be:

(a) Exempt from execution except in an action between the employer and the employee or applicant, or their successors or assigns;

(b) Returned to the employee or applicant together with accrued interest thereon, immediately upon the return of the money or property entrusted to the employee or applicant and upon the fulfillment of the agreement, subject only to the deduction necessary to balance accounts between the employer and employee or applicant.

SEC. 33. Section 5600 of the Labor Code is amended to read:

5600. The appeals board may, upon the filing of an application by or on behalf of an injured employee, his dependents, or any other party in interest, direct the county clerk of any county to issue writs of attachment authorizing the sheriff to attach the property of the defendant as security for the payment of any compensation which may be awarded in any case:

(a) Mentioned in Section 415.50 of the Code of Civil Procedure, or

(b) Where the employer has failed to secure the payment of compensation as required by Article 1 of Chapter 4 of Part 1 of this division.

Such attachment shall be in an amount fixed by the appeals board, not exceeding the greatest probable award against the defendant in such matter.

SEC. 34. Section 5601 of the Labor Code is amended to read:

5601. The provisions of Title 6.5 (commencing with Section 481.010) of Part 2 of the Code of Civil Procedure, as far as applicable, shall govern the proceedings upon attachment, the appeals board being substituted therein for the proper court.

SEC. 35. Section 1208 of the Penal Code is amended to read:

1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with respect to employment or education in that county is no longer feasible.

Notwithstanding any other provision of law, the board of supervisors may by ordinance designate a facility for confinement of

prisoners classified for the work furlough program and designate the work furlough administrator as the custodian of the facility. The sheriff may transfer custody of such prisoners to the work furlough administrator to be confined in such facility for the period during which they are in the work furlough program.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, or committed under the terms of Section 6404 or 6406 of the Welfare and Institutions Code as a habit-forming drug addict, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself, unless the court at the time of sentencing or committing has ordered that such person not be granted work furloughs. The work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational program, the administrator shall arrange for a continuation of such employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment or education so secured must be suitable for the prisoner. Such employment or educational program, if such educational program includes earnings by the prisoner, must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the facility designated by the board of supervisors for work furlough confinement unless the work furlough administrator directs otherwise. If the prisoner is injured during a period of employment or education, the work furlough administrator shall have the authority to release him from the facility for continued medical treatment by private physicians or at medical facilities at the



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expense of the employer, workman's compensation insurer, or the prisoner. Such release shall not be construed as assumption of liability by the county or work furlough administrator for medical treatment obtained.

The work furlough administrator may release any prisoner classified for the work furlough program for a period not to exceed 72 hours for medical, dental, or psychiatric care, and for family emergencies or pressing business which would result in severe hardship if the release were not granted.

(e) The earnings of the prisoner may be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational and educational training and counseling; and psychological, drug abuse, alcoholic and other rehabilitative counseling; "educator" includes a person or institution providing such training or counseling.

(j) This section shall be known and may be cited as the "Cobey

Work Furlough Law."

SEC. 36. Section 6713 of the Revenue and Taxation Code is amended to read:

6713. In the action a writ of attachment may be issued in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6.5 of Part 2 of the Code of Civil Procedure without the showing required by Section 485.010 of the Code of Civil Procedure.

SEC. 37. Section 7864 of the Revenue and Taxation Code is amended to read:

7864. In the action a writ of attachment may be issued in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6.5 of Part 2 of the Code of Civil Procedure without the showing required by Section 485.010 of the Code of Civil Procedure.

SEC. 38. Section 8972 of the Revenue and Taxation Code is amended to read:

8972. In the action a writ of attachment may be issued in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6.5 of Part 2 of the Code of Civil Procedure without the showing required by Section 485.010 of the Code of Civil Procedure.

SEC. 39. Section 11472 of the Revenue and Taxation Code is amended to read:

11472. In the action a writ of attachment may be issued in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6.5 of Part 2 of the Code of Civil Procedure without the showing required by Section 485.010 of the Code of Civil Procedure.

SEC. 40. Section 12680 of the Revenue and Taxation Code is amended to read:

12680. A writ of attachment may be issued in the action in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6.5 of Part 2 of the Code of Civil Procedure without the showing required by Section 485.010 of the Code of Civil Procedure.

SEC. 41. Section 18833 of the Revenue and Taxation Code is amended to read:

18833. In the action a writ of attachment may be issued in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6.5 of Part 2 of the Code of Civil Procedure without the showing required by Section 485.010 of the Code of Civil Procedure.

SEC. 42. Section 26251 of the Revenue and Taxation Code is amended to read:

26251. At any time within six years after the determination of liability for any tax, penalties, and interest or within the period during which a lien is in force as the result of the recording of a certificate under Section 26161 or Section 26161.5, the Franchise Tax Board may bring an action in the courts of this state, of any other state, or of the United States in the name of the people of the State of California to collect the amount due, together with penalties, and interest. The Attorney General or counsel for the Franchise Tax Board shall prosecute the action. In such action a writ of attachment may be issued in the manner provided by Chapter 5 (commencing

with Section 485.010) of Title 6.5 of Part 2 of the Code of Civil Procedure without the showing required by Section 485.010 of the Code of Civil Procedure.

SEC. 43. Section 30302 of the Revenue and Taxation Code is amended to read:

30302. In the action a writ of attachment may be issued in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6.5 of Part 2 of the Code of Civil Procedure without the showing required by Section 485.010 of the Code of Civil Procedure.

SEC. 44. Section 32352 of the Revenue and Taxation Code is amended to read:

32352. In any suit brought to enforce the rights of the state with respect to taxes, a certificate by the board showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency of the amount of tax, interest, and penalty set forth therein, and of compliance by the board with all provisions of this part in relation to the computation and levy of the tax. In the action a writ of attachment may be issued in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6.5 of Part 2 of the Code of Civil Procedure without the showing required by Section 485.010 of the Code of Civil Procedure.

SEC. 45. Section 71689.5 of the Water Code is amended to read:

71689.5. The district may bring a suit in the court having jurisdiction against any producer of ground water from the ground water supplies within the district for the collection of any delinquent replenishment assessment, interest, or penalties. The court having jurisdiction of the suit may, in addition to any judgment, award interest and costs on any judgment as allowed by law.

SEC. 46. Section 1834 of the Welfare and Institutions Code is amended to read:

1834. The earnings of the ward shall be collected by the Youth Authority work furlough administrator, and it shall be the duty of the ward's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. When an employer transmits such earnings to the administrator pursuant to this section he shall have no liability to the ward for such earnings. From such earnings the administrator shall pay the ward's board and personal expenses, both inside and outside the detention facility, and shall deduct so much of the costs of administration of this article as is allocable to such ward. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the ward, pay, in whole or in part, the preexisting debts of the ward. Any balance shall be retained until the ward's discharge and thereupon shall be paid to him.

SEC. 47. Section 17409 of the Welfare and Institutions Code, as amended by Chapter 47 of the Statutes of 1974, is amended to read:

17409. There shall be exempt from the transfers and grants authorized by Section 17109 and from execution on claims under Section 17403 against property acquired by persons for the support of whom public moneys have been expended all of the following property:

(a) Cash to the amount of fifty dollars ($50).

(b) Personal effects and household furniture to the value of five hundred dollars ($500).

(c) An interment space, crypt, or niche intended for the interment of the applicant or recipient of aid.

(d) Funds placed in trust for funeral or burial expenses to the extent that such funds do not exceed the sum of five hundred dollars ($500).

(e) Insurance policies having an actual cash surrender value of not to exceed five hundred dollars ($500).

(f) Real or personal property of a recipient of public assistance, with respect to aid or county hospital care granted after May 21, 1963.

(g) For a period of six months from the date of receipt, the compensation received from a public entity which acquires for a public use a dwelling actually owned and occupied by the recipient. Such compensation shall be exempt in the amount, over and above all liens and encumbrances, provided by Section 1260 of the Civil Code.

(h) Relocation benefits for displacement from a dwelling actually owned or rented by the debtor received from a public entity pursuant to Chapter 16 (commencing with Section 7260), Division 7, Title 1 of the Government Code and from the federal government under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

No county shall withhold emergency medical or hospital care from any person pending his giving security for reimbursement to the county for the care or hospitalization to be provided to him.

SEC. 48. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 49. (a) This act becomes operative on January 1, 1976.

(b) Except as otherwise provided by rules adopted by the Judicial Council effective on or after January 1, 1976, this act shall not apply to any writ of attachment issued prior to January 1, 1976, and such writs of attachment shall continue to be governed in all respects by the provisions of Chapter 4 (commencing with Section 537) of Title 7 of Part 2 of the Code of Civil Procedure in effect on December 31, 1975.

SEC. 50. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because this act consists of technical changes to statutes enacted prior to January 1, 1973.

SEC. 51. It is the intent of the Legislature, if this bill and Assembly Bill No. 101 are both chaptered and become effective January 1, 1975, both bills amend Section 688 of the Code of Civil Procedure, and this bill is chaptered after Assembly Bill No. 101, that the amendments to Section 688 proposed by both bills be given effect and incorporated in Section 688 in the form set forth in Section 15.5 of this act. Therefore, Section 15.5 of this act shall become operative only if this bill and Assembly Bill No. 101 are both chaptered and become effective January 1, 1975, both amend Section 688, and this bill is chaptered after Assembly Bill No. 101, in which case Section 15 of this act shall not become operative.

SEC. 52. It is the intent of the Legislature, if this bill and Assembly Bill No. 101 are both chaptered and become effective January 1, 1975, and this bill is chaptered after Assembly Bill No. 101, that Section 690.6 of the Code of Civil Procedure shall be repealed as provided by Section 17.5 of this act. Therefore, Section 17.5 of this act shall become operative only if this bill and Assembly Bill No. 101 are both chaptered and become effective January 1, 1975, and this bill is chaptered after Assembly Bill No. 101, in which case Section 17 of this act shall not become operative.

SEC. 53. Section 1174 of the Code of Civil Procedure as amended by Chapter 331 of the Statutes of 1974 shall remain operative until January 1, 1976, and on such date shall cease to be operative.

SEC. 54. Notwithstanding Section 49 of this act, Section 47 of this act shall not become operative if Assembly Bill No. 3422 is chaptered and repeals Section 17409 of the Welfare and Institutions Code. If Section 47 of this act becomes operative: Section 17409 of the Welfare and Institutions Code as amended by Chapter 47 of the Statutes of 1974 shall remain operative until January 1, 1976, and on such date shall cease to be operative.

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## CHAPTER 1517

*An act relating to crippled children's services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. The State Department of Health shall contract with an independent agency by October 1, 1974, to make a comprehensive independent study, including a report with specific recommendations, to determine whether the services delivered under the Robert W. Crown Crippled Children Services Act (Article 2 (commencing with Section 248), Chapter 2, Division 1, Health and

Safety Code) are being provided in a manner that accomplishes the purposes of its provisions. The independent agency shall not be a state agency or an agency of the state, except that it may be the University of California. The study shall determine the extent that necessary medical services required by handicapped children are being received by such children whose parents are unable to pay for such services and whether the list of covered diseases should be expanded. The study shall include an evaluation of the adequacy of crippled children's services now available to eligible children who reside in rural and remote areas of the state, and shall specifically include recommendations as to the feasibility of providing program services on a decentralized basis through satellite clinical facilities. The report of the study, including specific recommendations, shall be completed and delivered to the State Department of Health and the Legislature by March 31, 1975.

SEC. 2. The sum of fifty-five thousand dollars ($55,000) is hereby appropriated from the General Fund to the State Department of Health for expenditure without regard to fiscal years for carrying out Section 1 of this act.

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

In order that studies can be made to explore alternatives for modifying, improving, and expanding crippled children's services it is necessary that this act take effect immediately.

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## CHAPTER 1518

*An act relating to the acquisition and development of lands for the state park system, and in this connection to amend and supplement the Budget Act of 1974 (Chapter 375, Statutes of 1974) by adding Section 2.8M thereto, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. The Department of Parks and Recreation may acquire beach properties on Palos Verdes Peninsula for the state park system.

SEC. 2. The acquisition made pursuant to Section 1 of this act shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

SEC. 3. Section 2.8M is added to the Budget Act of 1974 (Chapter

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375, Statutes of 1974), to read:

## STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1974 PROGRAM

Sec. 2.8M. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal years. All such appropriations shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

### CAPITAL OUTLAY

#### Resources

410.7M—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b) and (c) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 ..... 3,651,800

Schedule:

(a) Bolsa Chico State Beach, development ..... 3,133,000

(b) Henry Cowell Redwoods State Park, development ..... 518,800

provided that none of the funds which are appropriated by this item for the projects set forth herein shall be available for expenditure unless and until such projects have been recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.

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

In order for the provisions of this act to augment the Budget Act of 1974, and thereby enable the early development of greatly needed lands for park purposes, it is necessary that this act go into immediate effect.

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# CHAPTER 1519

*An act to amend Sections 6751.1, 6802.2, 6902.3, and 6903.2 of the Education Code, relating to special education.*

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

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

SECTION 1. Section 6751.1 of the Education Code is amended to read:

6751.1. The maximum size for the special educational programs for educationally handicapped pupils defined in Section 6751 shall be as follows:

(a) For special day classes the maximum enrollment shall be 12 pupils per class.

If after the beginning of the school year it is determined that classes are at maximum size, that additional pupils will be without schooling unless additional classes are established, and that additional qualified teachers are not available for employment, or additional classroom space is not available, a school district or a county superintendent of schools may, on forms provided for this purpose by the Department of Education, request permission of the Superintendent of Public Instruction to exceed the maximum class size for all or a part of the remainder of the school year. The Superintendent of Public Instruction may approve such request for all or a part of the remainder of the school year, provided the maximum size is not increased by more than two pupils above the maximum enrollment specified, and the requesting district has consulted with the specific teacher involved. Such approval, when based on a lack of additional classroom space, shall not be given for any school year commencing July 1, 1977, or thereafter.

(b) For learning disability groups the maximum enrollment shall be 32; however, participation in any given learning disability group shall be for at least 30 minutes and shall not exceed eight pupils at any one time.

The instruction provided by a full-time teacher, whether offered by a single teacher or two or more part-time teachers, shall result in not more than eight units of average daily attendance being credited as the result of such instruction.

SEC. 1.5. Section 6751.1 of the Education Code is amended to read:

6751.1. The maximum size for the special educational programs for educationally handicapped pupils defined in Section 6751 shall be as follows:

(a) For special day classes the maximum enrollment shall be 12 pupils per class.

If after the beginning of the school year it is determined that classes are at maximum size, that additional pupils will be without

schooling unless additional classes are established, and that additional qualified teachers are not available for employment, or additional classroom space is not available, a school district or a county superintendent of schools may, on forms provided for this purpose by the Department of Education, request permission of the Superintendent of Public Instruction to exceed the maximum class size for all or a part of the remainder of the school year. The Superintendent of Public Instruction may approve such request for all or a part of the remainder of the school year, provided the maximum size is not increased by more than two pupils above the maximum enrollment specified, and the requesting district has consulted with the specific teacher involved. Such approval, when based on a lack of additional classroom space, shall not be given for any school year commencing July 1, 1977, or thereafter.

(b) For classes for seriously emotionally disturbed pupils, as defined by the Superintendent of Public Instruction, conducted by a school district or county superintendent of schools for days in a school year which are in excess of the number of days in the school year on which the regular days of schools are convened, and qualifying for allowances pursuant to subdivision (2) (a) of Section 18102.9, the maximum enrollment shall be eight pupils.

(c) For learning disability groups the maximum enrollment shall be 32; however, participation in any given learning disability group shall be for at least 30 minutes and shall not exceed eight pupils at any one time.

The instruction provided by a full-time teacher, whether offered by a single teacher or two or more part-time teachers, shall result in not more than eight units of average daily attendance being credited as the result of such instruction.

SEC. 2. Section 6802.2 of the Education Code is amended to read:

6802.2. The maximum size for any special day class authorized by subdivision (a) of Section 6802.1 is as follows:

| Types of pupils in class | Ages 3 through 8 years | Ages 9 through 20 years |
|---|---|---|
| Deaf | 6 | 8 |
| Severely hard of hearing | 8 | 10 |
| Combination of deaf and severely hard of hearing | 6 | 8 |
| Blind | 8 | 10 |
| Partially seeing | 10 | 12 |
| Combination of blind and partially seeing | 8 | 10 |
| Orthopedic or other health impaired | 12 | 16 |
| Aphasic | 6 | 8 |
| Other physically handicapped | — | 20 |
| Deaf-blind multihandicapped | 3 | 5 |
| Other multihandicapped | 6 | 8 |

The State Board of Education may waive the maximum class size standards prescribed by this section whenever it approves a project submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper maximum class size standards.

If, after the beginning of the school year, it is determined that classes for a given category of physically handicapped pupils are at maximum size, that additional such pupils will be without schooling unless additional classes are established, and that additional qualified teachers are not available for employment, or additional classroom space is not available, a school district or a county superintendent of schools may request permission of the Superintendent of Public Instruction to exceed the maximum class size for the remainder of the school year, using the form provided for this purpose by the Department of Education. The superintendent may approve such request for the remainder of the school year, providing the maximum size is not increased by more than two pupils of that provided herein, and the requesting district has consulted with the specific teacher involved. Such approval, when based on a lack of additional classroom space, shall not be given for any school year commencing July 1, 1977, or thereafter.

SEC. 3. Section 6902.3 of the Education Code is amended to read:

6902.3. The maximum enrollment of pupils enrolled in special day classes as defined by subdivision (a) of Section 6902.2 shall be 18 pupils except that when the chronological age span is more than four years the appropriate maximum enrollment shall be 15 pupils.

The Superintendent of Public Instruction may waive the maximum class size standards prescribed by this section whenever it approves a project submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper class size standards.

If after the beginning of the school year it is determined that classes are at maximum size, that additional pupils will be without schooling unless additional classes are established, and that additional qualified teachers are not available for employment, or additional classroom space is not available, a school district or a county superintendent of schools may, on forms provided for this purpose by the Department of Education, request permission of the Superintendent of Public Instruction to exceed the maximum class size for all or a part of the remainder of the school year. The Superintendent of Public Instruction may approve such request for all or a part of the remainder of the school year, provided the maximum size is not increased by more than two pupils above the maximum enrollment specified, and the requesting district has consulted with the specific teacher involved. Such approval, when based on a lack of additional classroom space, shall not be given for any school year commencing July 1, 1977, or thereafter.

SEC. 4. Section 6903.2 of the Education Code is amended to read:

6903.2. The maximum enrollment of pupils in a special day class

(as defined by Section 6903.1) shall be 12 pupils.

The Superintendent of Public Instruction may waive the maximum class size standards prescribed by this section whenever he approves a project submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper class size standards.

If after the beginning of the school year it is determined that classes are at maximum size, that additional pupils will be without schooling unless additional classes are established, and that additional qualified teachers are not available for employment, or additional classroom space is not available, a school district or a county superintendent of schools may, on forms provided for this purpose by the Department of Education, request permission of the Superintendent of Public Instruction to exceed the maximum class size for all or a part of the remainder of the school year. The Superintendent of Public Instruction may approve such request for all or a part of the remainder of the school year, provided the maximum size is not increased by more than two pupils above the maximum enrollment specified, and the requesting district has consulted with the specific teacher involved. Such approval, when based on a lack of additional classroom space, shall not be given for any school year commencing July 1, 1977, or thereafter.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 3593 are both chaptered and become effective January 1, 1975, both bills amend Section 6751.1 of the Education Code, and this bill is chaptered after Assembly Bill No. 3593, that the amendments to Section 6751.1 proposed by both bills be given effect and incorporated in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 3593 are both chaptered and become effective January 1, 1975, both amend Section 6751.1 and this bill is chaptered after Assembly Bill No. 3593, in which case Section 1 of this act shall not become operative.

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## CHAPTER 1520

*An act to add Section 1748 to the Civil Code, relating to credit cards.*

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

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

SECTION 1. Section 1748 is added to the Civil Code, to read:

1748. Any provision in a contract between a card issuer and a retailer which has the effect of prohibiting the retailer from offering price discounts or from charging a different and lower price to

customers who pay for goods or services by cash instead of by credit card is contrary to public policy and void.

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## CHAPTER 1521

*An act making an appropriation for the acquisition of lands for the state park system, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. The sum of twenty-seven million eight hundred fifty thousand dollars ($27,850,000) is hereby reappropriated from the Bagley Conservation Fund, pursuant to the provisions of Item 383.5 of the Budget Act of 1974 (Ch. 375, Stats. 1974), in accordance with the following schedule:

| | |
|---|---|
| (a) Project planning and acquisition costs | 350,000 |
| (b) Augmentation for development cost increases for Bagley Conservation Fund projects | 1,000,000 |
| (c) Augmentation for land acquisition, condemnation proceedings for Bagley Conservation Fund projects | 1,650,000 |
| (d) Augmentation for land value increases, land acquisition, for Bagley Conservation Fund projects | 1,000,000 |
| (e) Opportunity purchases, land acquisition | 500,000 |
| (f) Bear Harbor project augmentation, land acquisition | 250,000 |
| (g) Usal Ranch project, augmentation, land acquisition | 500,000 |
| (h) Mendocino Headlands augmentation, land acquisition | 550,000 |
| (i) Van Damme Beach State Park, land acquisition | 280,000 |
| (j) Schooner Gulch project augmentation, land acquisition | 70,000 |
| (k) Elk Creek augmentation to previously funded project, land acquisition | 250,000 |
| (*l*) Fort Ross State Historical Monument augmentation, land acquisition | 750,000 |
| (m) Tomales Bay, land acquisition | 2,000,000 |
| (n) Inverness Ridge augmentation to previously funded project, land acquisition | 500,000 |
| (o) Suisun Marsh project, land acquisition | 2,000,000 |

provided, that the funds appropriated for this project shall be expended only to acquire land, the

acquisition of which has the approval of the Department of Fish and Game, and provided further that the money is matched equally by the Wildlife Conservation Board.

| | |
|---|---|
| (q) Corral Beach project, land acquisition | 2,000,000 |
| (r) Doheny State Beach, land acquisition | 750,000 |
| (s) Salt Point State Park, land acquisition | 1,100,000 |
| (t) Century Ranch extension, land acquisition | 7,000,000 |
| (u) Las Tunas Beach project, land acquisition | 250,000 |
| (v) Red Rock Canyon State Recreation Area, land acquisition | 450,000 |
| (w) Poppy Preserve project, land acquisition | 300,000 |
| (x) Torrey Pines State Reserve, land acquisition | 200,000 |
| (y) Prairie Creek-"Belotti Grove," land acquisition | 1,000,000 |
| (z) Benbow Dam, for development | 150,000 |
| (bb) Point Lobos State Reserve augmentation, land acquisition | 1,000,000 |
| (cc) Leo Carrillo State Beach Extension, land acquisition | 1,000,000 |
| (dd) Encinal Beach, land acquisition | 650,000 |
| (ee) El Presidio de Santa Barbara State Historic Park, land acquisition | 100,000 |

provided, that the Department of Parks and Recreation may sell or trade Santa Barbara County Tax Assessor's Lots No. 29-212-12 and No. 29-221-22, which lots are not immediately adjacent to the main area of the park, in order to acquire Lots No. 29-291-14 and No. 29-291-13, which contain important parts of the park; and, provided further, that the department may in turn exchange portions of Lot No. 29-291-14 which do not contain ruins belonging to the park for portions of Lot No. 29-291-17 which do contain portions of the ruins of the park.

| | |
|---|---|
| (ff) Las Tunas Beach project, land acquisition | 250,000 |

provided, that the funds appropriated in this subitem may only be expended for the purchase of that certain property lying between the presently state-owned Las Tunas State Beach and that property proposed to be purchased under subitem (u) of this act.

None of the funds appropriated by this section shall be expended on the purchase price of any real property unless and until the Attorney General certifies in writing that there is no evidence that any prescriptive right or claim in the property to be acquired exists, or that if such prescriptive right or claim does exist, the value of such right or claim has been reflected in the purchase price of such property.

SEC. 2. The acquisitions made pursuant to this act shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

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

In order for the provisions of this act to be able to augment the Budget Act for the current fiscal year, and thereby enable the early acquisition of greatly needed lands for the state park system, it is necessary that this act go into immediate effect.

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## CHAPTER 1522

*An act relating to parks and recreation, and in this connection to amend and supplement the Budget Act of 1974 (Chapter 375, Statutes of 1974) by adding Section 2.8A thereto, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Section 2.8A is added to the Budget Act of 1974 (Chapter 375, Statutes of 1974), to read:

### STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1974 PROGRAM

SEC. 2.8A. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years, contingent upon adoption of the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974. All such appropriations shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

LOCAL ASSISTANCE

Resources

| | |
|---|---|
| 412A—For grants to counties, cities, or cities and counties pursuant to Section 5096.85 (a) of the Public Resources Code, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 | 41,119,064 |

Schedule:

PROJECTS IN ALAMEDA COUNTY

| | |
|---|---|
| (1) City of Alameda, Washington Park Expansion, acquisition, development, or both | 289,919 |
| (2) City of Albany, Memorial Park Renovation Phase II, acquisition, development, or both | 70,155 |
| (3) City of Fremont, Central Park Sports Center, acquisition, development, or both | 328,500 |
| (4) Livermore Area Recreation and Park District, Ravenswood Site Development, acquisition, development, or both | 187,646 |
| (5) City of Oakland, Caldecott Park, acquisition, development, or both | 350,000 |
| (6) City of Oakland, Holy Redeemer Park, acquisition, development, or both | 519,690 |
| (7) City of Oakland, Shepherd Canyon Park, acquisition, development, or both | 150,000 |
| (8) City of Oakland, Ernie Raimondi Park, acquisition, development, or both | 80,000 |
| (9) City of Piedmont, Wetmore House, acquisition, development, or both | 20,000 |
| (10) City of Piedmont, Piedmont Park Children's Play Area and Sculpture Garden, acquisition, development, or both | 15,500 |
| (11) City of Pleasanton, Hansen Park Development, acquisition, development, or both | 20,000 |
| (12) City of Pleasanton, Pleasanton Bicycle Route, acquisition, development, or both | 16,000 |
| (13) City of Pleasanton, Amador Park Deep Water Pool, acquisition, development, or both | 90,000 |
| (14) City of Pleasanton, Amador Community Park Improvement, acquisition, development, or both | 9,948 |

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|---|---|
| (15) City of Pleasanton, Val Vista Park Development, acquisition, development, or both | 20,000 |
| (16) City of San Leandro, Marina Park Phases II and III, acquisition, development, or both | 253,151 |
| (17) Valley Community Services District, Dublin Sports Grounds, acquisition, development, or both | 84,525 |

PROJECTS IN ALPINE COUNTY

| | |
|---|---|
| (18) County of Alpine, Turtle Rock Park Stage II, acquisition, development or both | 50,000 |

PROJECTS IN CONTRA COSTA COUNTY

| | |
|---|---|
| (19) City of Antioch, Mira Vista Park, acquisition, development, or both | 112,570 |
| (20) City of Concord, Lime Ridge Regional Park, acquisition, development, or both | 600,000 |
| (21) County of Contra Costa, Orinda Community Park, acquisition, development, or both | 53,210 |
| (22) County of Contra Costa, Clyde Neighborhood Park, acquisition, development, or both | 2,500 |
| (23) County of Contra Costa, Montara Bay Park, acquisition, development, or both | 49,960 |
| (24) County of Contra Costa, John Marsh Home, acquisition, development, or both | 185,000 |
| (25) Delta Recreation District, Brentwood-Oakley Recreation Center Baseball Playground, acquisition, development, or both | 44,515 |
| (26) East Bay Municipal Utility District, San Pablo Reservoir Recreation Area Trail Development, acquisition, development, or both | 52,000 |

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|---|---|
| (27) East Bay Regional Park District, Lafayette-Moraga Regional Trailway, acquisition, development, or both | 150,760 |
| (28) City of El Cerrito, Wildcat Canyon Trail, acquisition, development, or both | 6,000 |
| (29) City of El Cerrito, Creek Side Park, acquisition, development, or both | 2,250 |
| (30) City of El Cerrito, Cerrito Vista Park, acquisition, development, or both | 70,000 |
| (31) City of Martinez, Waterfront Park Acquisition, acquisition, development, or both | 117,860 |
| (32) City of Pinole, Sobrante Ridge Park, acquisition, development, or both | 97,693 |
| (33) City of Pittsburg, Stoneman Rifle Range Park, acquisition, development, or both | 35,000 |
| (34) City of Pittsburg, Buchanan Park Acquisition, acquisition, development, or both | 23,550 |
| (35) City of Pittsburg, St. Peter Martyr Neighborhood Park, acquisition, development, or both | 25,000 |
| (36) Pleasant Hill Recreation and Park District, Paso Nogal Extension Land Acquisition, acquisition, development, or both | 121,660 |
| (37) City of Richmond, Hilltop Neighborhood Park, acquisition, development, or both | 74,500 |
| (38) Valley Community Services District, Montevideo Neighborhood Park, acquisition, development, or both | 25,410 |

PROJECTS IN EL DORADO COUNTY

| | |
|---|---|
| (39) City of South Lake Tahoe, Bijou Softball Field Development, acquisition, development, or both | 50,000 |

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|---|---|
| (40) City of South Lake Tahoe, Intermediate School Tennis Courts, acquisition, development, or both | 40,000 |

PROJECTS IN FRESNO COUNTY

| | |
|---|---|
| (41) City of Clovis, Clovis Neighborhood Park, acquisition, development, or both | 28,945 |
| (42) City of Clovis, Letterman Park, acquisition, development, or both | 5,950 |
| (43) City of Clovis, Jefferson School Park, acquisition, development, or both | 38,457 |
| (44) City of Fresno, Woodward Park, acquisition, development, or both | 742,389 |
| (45) City of Reedley, Camacho Park, acquisition, development, or both | 39,324 |
| (46) City of Reedley, Washington Park, acquisition, development, or both | 5,000 |
| (47) City of Sanger, Sanger City Park, acquisition, development, or both | 12,500 |
| (48) City of Sanger, Faller Avenue Park, acquisition, development, or both | 16,000 |
| (49) City of Sanger, Oak Park, acquisition, development, or both | 3,302 |
| (50) City of Sanger, Greenwood Park, acquisition, development, or both | 12,000 |

PROJECTS IN LASSEN COUNTY

| | |
|---|---|
| (51) County of Lassen, Lassen County Organized Group Recreation Area, acquisition, development, or both | 50,000 |

PROJECTS IN LOS ANGELES COUNTY

| | |
|---|---|
| (52) City of Alhambra, Alhambra Municipal Golf Course, acquisition, development, or both | 195,004 |
| (53) City of Arcadia, Longden Avenue Park, acquisition, development, or both | 51,942 |
| (54) City of Arcadia, Colorado Boulevard Park, acquisition, development, or both | 90,000 |
| (55) City of Avalon, Avalon School Tennis Courts, acquisition, development, or both | 10,000 |
| (56) City of Azusa, Northside Park, acquisition, development, or both | 71,826 |
| (57) City of Azusa, Pioneer Park, acquisition, development, or both | 8,000 |
| (58) City of Bell, Orchard and Gage, acquisition, development, or both | 67,815 |
| (59) City of Cerritos, DeVoss Park, acquisition, development, or both | 125,290 |
| (60) City of Claremont, Chaparral Park, acquisition, development, or both | 75,220 |
| (61) City of Commerce, Rosewood Park, acquisition, development, or both | 32,770 |
| (62) City of Cudahy, Wilcox Tot Lot, acquisition, development, or both | 23,683 |
| (63) City of Cudahy, Live Oak Tot Lot, acquisition, development, or both | 29,894 |
| (64) City of Culver City, Ron Smith Field, acquisition, development, or both | 119,086 |
| (65) City of Downey, Downey Southeast Park (Bellflower Boulevard), acquisition, development, or both | 285,041 |
| (66) City of Gardena, South Gardena Parksite, acquisition, development, or both | 141,948 |
| (67) City of Glendale, Scholl Canyon Park Stage II, acquisition, development, or both | 418,747 |

| | |
|---|---|
| (68) City of Glendora, Dawson Avenue Park, acquisition, development, or both | 103,125 |
| (69) City of Hawaiian Gardens, Clarkdale Park, acquisition, development, or both | 31,336 |
| (70) City of Hermosa Beach, Sixth and Prospect Park, acquisition, development, or both | 57,958 |
| (71) City of Huntington Park, Municipal Park Handball Courts, acquisition, development, or both | 50,600 |
| (72) City of Lakewood, San Gabriel River Parkway, acquisition, development, or both | 157,137 |
| (73) City of Lakewood, Palms Park, acquisition, development, or both | 102,535 |
| (74) City of La Verne, Las Flores Park Tennis Courts, acquisition, development, or both | 46,570 |
| (75) City of Lomita, Lomita Park, acquisition, development, or both | 61,399 |
| (76) City of Long Beach, Bluff Park Beach Front Property, acquisition, development, or both | 1,128,489 |
| (77) City of Los Angeles, Watts Mini-Park, acquisition, development, or both | 25,070 |
| (78) City of Los Angeles, La Tuna Canyon, acquisition, development, or both | 129,510 |
| (79) City of Los Angeles, Glassell Recreation Center, acquisition, development, or both | 733,697 |
| (80) City of Los Angeles, Lakeview Terrace Park, acquisition, development, or both | 367,408 |
| (81) City of Los Angeles, Florence-Vermont Area, acquisition, development, or both | 615,017 |
| (82) City of Los Angeles, El Sereno North, acquisition, development, or both | 755,275 |

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| | |
|---|---|
| (83) City of Los Angeles, Fairfax Area, acquisition, development, or both | 377,658 |
| (84) City of Los Angeles, Elysian Park, acquisition, development, or both | 890,139 |
| (85) City of Los Angeles, Knapp Ranch Park, acquisition, development, or both | 107,932 |
| (86) City of Los Angeles, Echo Park Area, acquisition, development, or both | 485,549 |
| (87) City of Los Angeles, Pico-Hauser Area, acquisition, development, or both | 636,596 |
| (88) City of Los Angeles, Laurel Canyon Park, acquisition, development, or both | 269,768 |
| (89) City of Los Angeles, La Brea Park, acquisition, development, or both | 1,996,017 |
| (90) City of Los Angeles, Santa Barbara-Western Area, acquisition, development, or both | 701,330 |
| (91) City of Los Angeles, Chase and Capistrano Park, acquisition, development, or both | 107,932 |
| (92) City of Los Angeles, Delano Park, acquisition, development, or both | 107,932 |
| (93) City of Los Angeles, Stoner Recreation Center, acquisition, development, or both | 53,986 |
| (94) City of Los Angeles, North Hollywood Recreation Center, acquisition, development, or both | 107,932 |
| (95) City of Los Angeles, Portsmouth Park, acquisition, development, or both | 53,986 |
| (96) City of Los Angeles, Banning Outdoor Pool, acquisition, development, or both | 323,713 |
| (97) City of Los Angeles, Mar Vista Recreation Center, acquisition, development, or both | 53,986 |

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|---|---|
| (98) County of Los Angeles, Westmont County Park, acquisition, development, or both | 386,418 |
| (99) County of Los Angeles, Veterans Memorial Park, acquisition, development, or both | 1,136,418 |
| (100) County of Los Angeles, Otterbein Regional Park, acquisition, development, or both | 1,000,000 |
| (101) County of Los Angeles, Montecito Hills Regional Park, acquisition, development, or both | 286,418 |
| (102) County of Los Angeles, Rowland Heights Park, acquisition, development, or both | 286,418 |
| (103) County of Los Angeles, Pan Pacific Park, acquisition, development, or both | 1,000,000 |
| (104) County of Los Angeles, Canyon Country County Park, acquisition, development, or both | 150,000 |
| (105) County of Los Angeles, Charmlee County Park, acquisition, development, or both | 401,418 |
| (106) County of Los Angeles, Baldwin Hills Regional Park, acquisition, development, or both | 900,000 |
| (107) County of Los Angeles, Puerco Beach, acquisition, development, or both | 345,000 |
| (108) County of Los Angeles, Escondido Beach, acquisition, development, or both | 185,000 |
| (109) County of Los Angeles, Portuguese Bend, acquisition, development, or both | 355,000 |
| (110) City of Lynwood, John Ham Park, acquisition, development, or both | 8,000 |
| (111) City of Lynwood, Lindbergh Park, acquisition, development, or both | 106,383 |

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|---|---|
| (112) City of Lynwood, Lynwood City Park, acquisition, development, or both | 12,000 |
| (113) City of Manhattan Beach, Polliwog Park, acquisition, development, or both | 110,748 |
| (114) City of Maywood, Maywood Park, acquisition, development, or both | 52,856 |
| (115) City of Montebello, Holifield Park, acquisition, development, or both | 143,831 |
| (116) City of Palmdale, McAdam Park, acquisition, development, or both | 30,256 |
| (117) City of Palos Verdes Estates, Palos Verdes Drive Riding and Hiking Trail, acquisition, development, or both | 44,191 |
| (118) City of Pasadena, Upper Arroyo Seco—Phase I, acquisition, development, or both | 55,462 |
| (119) City of Pasadena, Northwest Recreation Center, acquisition, development, or both | 300,000 |
| (120) City of Pico Rivera, Smith Park, acquisition, development, or both | 88,000 |
| (121) City of Pico Rivera, Rio Vista Park, acquisition, development, or both | 44,000 |
| (122) City of Redondo Beach, Redondo Beach Wilderness Park, acquisition, development, or both | 201,584 |
| (123) City of Rosemead, Garvey Park, acquisition, development, or both | 83,100 |
| (124) City of Rosemead, Rosemead Historical Park, acquisition, development, or both | 44,869 |
| (125) City of San Dimas, Freeway Park, acquisition, development, or both | 22,196 |
| (126) City of San Dimas, Marchant Park, acquisition, development, or both | 30,000 |

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|---|---|
| (127) City of Santa Fe Springs, Santa Fe Springs Park, acquisition, development, or both | 50,174 |
| (128) City of Santa Monica, Memorial Park, acquisition, development, or both | 70,000 |
| (129) City of Santa Monica, Los Amigos Park, acquisition, development, or both | 15,000 |
| (130) City of Santa Monica, North Campus Park, acquisition, development, or both | 179,019 |
| (131) City of Santa Monica, Marine Park, acquisition, development, or both | 28,000 |
| (132) City of Signal Hill, Hinshaw Park, acquisition, development, or both | 16,819 |
| (133) City of South El Monte, Community Center Expansion, acquisition, development, or both | 51,337 |
| (134) Southeast Recreation and Park District, Nottingham Park, acquisition, development, or both | 251,847 |
| (135) Southeast Recreation and Park District, Westside Park, acquisition, development, or both | 30,000 |
| (136) Southeast Recreation and Park District, Behringer Park, acquisition, development, or both | 75,000 |
| (137) Southeast Recreation and Park District, La Mirada Creek Park, acquisition, development, or both | 27,497 |
| (138) City of South Gate, Hollydale Park, acquisition, development, or both | 175,110 |
| (139) City of Temple City, Live Oak Park, acquisition, development, or both | 97,249 |
| (140) City of Walnut, Winnett Ranch Park, acquisition, development, or both | 20,000 |

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PROJECTS IN MENDOCINO COUNTY

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|---|---|
| (141) Anderson Valley Community Services District, Anderson Valley Swimming Pool, acquisition, development, or both | 12,000 |
| (142) Brooktrails Resort Improvement District, Brooktrails Handball Court, acquisition, development, or both | 3,000 |
| (143) County of Mendocino, Faulkner County Park, acquisition, development, or both | 738 |
| (144) County of Mendocino, Harwood Park, acquisition, development, or both | 5,000 |
| (145) County of Mendocino, Covelo Park, acquisition, development, or both | 8,000 |
| (146) County of Mendocino, Redwood Valley Park, acquisition, development, or both | 4,800 |
| (147) County of Mendocino, Low Gap Regional Park, acquisition, development, or both | 9,000 |
| (148) County of Mendocino, Indian Creek Park, acquisition, development, or both | 5,500 |
| (149) County of Mendocino, Mill Creek Park, acquisition, development, or both | 2,000 |
| (150) Mendocino Coast Recreation and Park District, Green Memorial Field Land Acquisition, acquisition, development, or both | 67,000 |
| (151) City of Ukiah, Softball Field—Frank Zeek School, acquisition, development, or both | 13,500 |
| (152) City of Willits, Grove Park Softball Field, acquisition, development, or both | 26,000 |

PROJECTS IN MODOC COUNTY

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|---|---|
| (153) City of Alturas, Municipal Golf Course, acquisition, development, or both | 70,800 |

PROJECTS IN MONTEREY COUNTY

| | |
|---|---|
| (154) City of Gonzales, First Street Park, acquisition, development, or both | 10,000 |
| (155) Greenfield Park and Recreation District, Ninth Street Park, acquisition, development, or both | 16,001 |
| (156) City of King, King City Municipal Park, acquisition, development, or both | 16,081 |
| (157) City of Monterey, Jacks Park, acquisition, development, or both | 87,213 |
| (158) County of Monterey, Toro Regional Park, acquisition, development, or both | 50,000 |
| (159) County of Monterey, Royal Oaks Park, acquisition, development, or both | 45,000 |

PROJECTS IN NEVADA COUNTY

| | |
|---|---|
| (160) City of Grass Valley, Condon Park, acquisition, development, or both | 50,000 |
| (161) City of Nevada City, Pioneer Park, acquisition, development, or both | 40,000 |
| (162) City of Nevada City, Ott's Assay Office, acquisition, development, or both | 10,000 |
| (163) Truckee-Donner Recreation and Park District, Truckee River Regional Park, acquisition, development, or both | 50,000 |

PROJECTS IN ORANGE COUNTY

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|---|---|
| (164) City of Anaheim, Rio Vista Park, acquisition, development, or both | 172,400 |

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| (165) City of Anaheim, Scheitzer Park, acquisition, development, or both | 227,000 |
| (166) City of Brea, Brea Junior High Park, acquisition, development, or both | 68,722 |
| (167) City of Buena Park, George Bellis Park, acquisition, development, or both | 22,985 |
| (168) City of Buena Park, Duff Park, acquisition, development, or both | 150,000 |
| (169) City of Cypress, Oak Knoll Park, acquisition, development, or both | 120,300 |
| (170) City of Fountain Valley, Fountain Valley Recreation Complex (Mile Square), acquisition, development, or both | 179,810 |
| (171) City of Garden Grove, Garden Grove Park, acquisition, development, or both | 34,000 |
| (172) City of Garden Grove, Walton School Park, acquisition, development, or both | 8,000 |
| (173) City of Garden Grove, Pacifica School Park, acquisition, development, or both | 80,000 |
| (174) City of Garden Grove, Pioneer Park, acquisition, development, or both | 10,000 |
| (175) City of Garden Grove, West Grove Park, acquisition, development, or both | 25,000 |
| (176) City of Garden Grove, Woodbury Park, acquisition, development, or both | 34,500 |
| (177) City of Garden Grove, West Haven Park, acquisition, development, or both | 11,500 |
| (178) City of Garden Grove, Twin Lakes Park, acquisition, development, or both | 130,452 |
| (179) City of Huntington Beach, Central Park, acquisition, development, or both | 496,944 |

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| (180) City of Laguna Beach, Crescent Bay Point Open Space Beach Access, acquisition, development or both | 41,380 |
| (181) City of La Palma, Central Park, acquisition, development, or both | 39,887 |
| (182) City of Newport Beach, Cliff Drive Park, acquisition, development, or both | 55,000 |
| (183) Orange County Harbors, Beaches and Parks District, Lower Santiago Creek Regional Park, acquisition, development, or both | 400,000 |
| (184) Cities of Placentia and Fullerton, Tri-City Park (Lake Placentia), acquisition, development, or both | 356,755 |
| (185) City of San Juan Capistrano, Long Park, acquisition, development, or both | 50,165 |
| (186) City of Santa Ana, West Reservoir Park, acquisition, development, or both | 298,905 |
| (187) City of Santa Ana, Silver Acres Park, acquisition, development, or both | 198,906 |
| (188) City of Westminster, Lansdale Property (Dyke Site), acquisition, development, or both | 180,397 |
| (189) City of Yorba Linda, Yorba Linda Community Park, acquisition, development, or both | 71,615 |

PROJECTS IN PLACER COUNTY

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|---|---|
| (190) Auburn Area Recreation and Park District, Regional Park, acquisition, development, or both | 73,000 |
| (191) North Tahoe Public Utility District, North Tahoe Regional Park, acquisition, development, or both | 48,150 |
| (192) City of Rocklin, Rocklin Inner City Park Expansion, acquisition, development, or both | 26,000 |

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|---|---|
| (193) Tahoe City Public Utility District, North Tahoe High School Ballfield and Tennis Courts Development, acquisition, development, or both | 35,000 |

PROJECTS IN RIVERSIDE COUNTY

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|---|---|
| (194) City of Coachella, Bagdouma Park, acquisition, development, or both | 29,090 |
| (195) City of Indio, South Jackson Park, acquisition, development, or both | 23,350 |
| (196) City of Indio, Crown Way Park, acquisition, development, or both | 17,500 |
| (197) City of Indio, Carreon Park, acquisition, development, or both | 11,400 |
| (198) City of Indio, Yucca Mini Park, acquisition, development, or both | 5,000 |
| (199) City of Norco, Wayne Makin Park, acquisition, development, or both | 51,239 |
| (200) City of Palm Springs, Tahquitz Regional Park, acquisition, development, or both | 85,453 |
| (201) City of Riverside, School Site Turfing, acquisition, development, or both | 198,171 |
| (202) City of Riverside, Alvord Unified School District Park, acquisition, development, or both | 15,500 |
| (203) City of Riverside, Arlington Park, acquisition, development, or both | 30,000 |
| (204) City of Riverside, Bryant Park, acquisition, development, or both | 48,000 |
| (205) City of Riverside, La Sierra Park, acquisition, development, or both | 60,000 |
| (206) City of Riverside, Norte Vista High School Park, acquisition, development, or both | 18,000 |

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| (207) City of Riverside, Riverside City College Park, acquisition, development, or both | 50,000 |
| (208) City of Riverside, Riverside Unified School District Park, acquisition, development, or both | 15,500 |
| (209) City of Riverside, Shamel Park, acquisition, development, or both | 20,000 |
| (210) City of Riverside, University Heights Junior High Park, acquisition, development, or both | 43,000 |
| (211) City of San Jacinto, Mistletoe Park, acquisition, development, or both | 9,918 |
| (212) City of San Jacinto, Sallee Park, acquisition, development, or both | 7,000 |

PROJECTS IN SACRAMENTO COUNTY

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|---|---|
| (213) Arden Manor Recreation and Park District, Crabtree Park Tennis Court Complex, acquisition, development, or both | 19,719 |
| (214) Carmichael Recreation and Park District, Del Campo Park, acquisition, development, or both | 108,297 |
| (215) Cordova Recreation and Park District, Rosemont Community Park, acquisition, development or both | 22,940 |
| (216) Cordova Recreation and Park District, Community Park II, acquisition, development or both | 17,205 |
| (217) Cordova Recreation and Park District, Lincoln Village Park, acquisition, development, or both | 84,267 |
| (218) Cordova Recreation and Park District, Larchmont Community Park, acquisition, development, or both | 63,085 |
| (219) City of Folsom, Lew Howard Memorial Park, acquisition, development, or both | 25,273 |

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| (220) Fulton-El Camino Recreation and Park District, Howe Community Park, acquisition, development, or both | 76,434 |
| (221) City of Galt, Galt Community Park, acquisition, development, or both | 11,865 |
| (222) City of Isleton, Isleton Municipal Mini Park, acquisition, development, or both | 10,000 |
| (223) City of Sacramento, West Pocket Park, acquisition, development, or both | 105,060 |
| (224) City of Sacramento, Bigler Park, acquisition, development, or both | 144,200 |
| (225) City of Sacramento, Sunland Vista Park, acquisition, development, or both | 77,250 |
| (226) City of Sacramento, Valley Hi Park, acquisition, development, or both | 80,000 |
| (227) City of Sacramento, Argonaut School Park, acquisition, development, or both | 51,500 |
| (228) County of Sacramento, Sacramento City-County Historical Museum, acquisition, development, or both | 250,000 |
| (229) Southgate Recreation and Park District, Florin Creek Bike and Hiking Trail, acquisition, development, or both | 70,000 |

PROJECTS IN SAN BENITO COUNTY

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|---|---|
| (230) County of San Benito, Gambetta Recreational Area, acquisition, development, or both | 80,000 |
| (231) County of San Benito, Veterans Memorial Park, acquisition, development, or both | 100,000 |
| (232) City of San Juan Bautista, Abbe Memorial Park, acquisition, development, or both | 20,000 |

PROJECTS IN SAN BERNARDINO COUNTY

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|---|---|
| (233) City of Adelanto, Adelanto Roadside Rest, acquisition, development, or both | 6,087 |
| (234) City of Chino, Northside Neighborhood Park, acquisition, development, or both | 70,396 |
| (235) City of Colton, Veteran's Park, acquisition, development, or both | 17,834 |
| (236) City of Colton, Community Park, acquisition, development, or both | 40,778 |
| (237) City of Fontana, Fontana Community Swimming Pool, acquisition, development, or both | 65,481 |
| (238) City of Montclair, Montclair Parkway, acquisition, development, or both | 5,000 |
| (239) City of Montclair, Zone of Influence (South Area Park), acquisition, development, or both | 42,000 |
| (240) Morongo Valley Community Services District, Covington Park, acquisition, development, or both | 14,122 |
| (241) City of Needles, Jack Smith Memorial Park, acquisition, development, or both | 11,016 |
| (242) City of Redlands, Prospect Park, acquisition, development, or both | 110,987 |
| (243) City of Rialto, Frisbie Park, acquisition, development, or both | 21,750 |
| (244) City of Rialto, Cactus Basin Park, acquisition, development, or both | 21,750 |
| (245) City of Rialto, Lilac Park, acquisition, development, or both | 21,750 |
| (246) City of Rialto, Rialto City Park, acquisition, development, or both | 21,750 |
| (247) County of San Bernardino-County Service Area #22, Pinnacles Primitive Area, acquisition, development, or both | 10,473 |



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| (248) County of San Bernardino, Joshua Smoke Cove Campground, acquisition, development, or both | 120,000 |
| (249) County of San Bernardino, Park Moabi, acquisition, development, or both | 100,000 |
| (250) County of San Bernardino, John Rains House, acquisition, development, or both | 15,000 |
| (251) County of San Bernardino, Asistencia, acquisition, development, or both | 85,000 |
| (252) County of San Bernardino, Agua Mansa Memorial Park, acquisition, development, or both | 15,000 |
| (253) County of San Bernardino, Prado Regional Park, acquisition, development, or both | 165,000 |
| (254) County of San Bernardino, Mojave River Forks, acquisition, development, or both | 20,000 |
| (255) County of San Bernardino, James A. Guthrie Regional Park, acquisition, development, or both | 165,000 |
| (256) County of San Bernardino, Glen Helen Regional Park, acquisition, development, or both | 250,000 |
| (257) County of San Bernardino, Cucamonga Guasti Regional Park, acquisition, development, or both | 200,000 |
| (258) County of San Bernardino, Morongo Park, acquisition, development, or both | 62,768 |
| (259) City of Upland, Benson Avenue Aircraft Green Belt Park, acquisition, development, or both | 107,380 |

PROJECTS IN SAN MATEO COUNTY

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| (260) Town of Atherton, Atherton Bike Paths, acquisition, development, or both | 30,000 |

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| (261) City of Belmont, Twin Pines Park, acquisition, development, or both | 92,500 |
| (262) City of Brisbane, Community Center Park, acquisition, development, or both | 10,800 |
| (263) Highlands Recreation District, Lexington Avenue Tennis Courts, acquisition, development, or both | 10,300 |
| (264) City of Pacifica, Frontierland Park, acquisition, development, or both | 141,200 |
| (265) City of San Bruno, Grundy Park, acquisition, development, or both | 20,000 |
| (266) City of San Bruno, Rollingwood Park, acquisition, development, or both | 10,000 |
| (267) City of San Bruno, Fifth Addition Area, acquisition, development, or both | 45,000 |
| (268) City of San Bruno, Concord Way Tot Lot, acquisition, development, or both | 5,000 |
| (269) City of San Bruno, Crestmoor Elementary School Park, acquisition, development, or both | 10,000 |
| (270) City of San Mateo, Laurelwood Park, acquisition, development, or both | 25,000 |
| (271) City of San Mateo, De Anza Historical Area, acquisition, development, or both | 20,000 |
| (272) City of San Mateo, Coyote Point Park, acquisition, development, or both | 25,000 |

PROJECTS IN SANTA BARBARA COUNTY

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|---|---|
| (273) City of Carpinteria, Memorial Park, acquisition, development, or both | 38,139 |
| (274) Isla Vista Recreation and Park District, Isla Vista Neighborhood Childrens Park, acquisition, development, or both | 42,126 |

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| (275) City of Lompoc, Beattie Park, acquisition, development, or both | 104,427 |
| (276) County of Santa Barbara, Lake Los Carneros, acquisition, development, or both | 360,477 |
| (277) County of Santa Barbara, Waller Park, acquisition, development, or both | 150,000 |

PROJECTS IN SANTA CLARA COUNTY

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|---|---|
| (278) City of Campbell, Los Gatos Creek Recreation Area, acquisition, development or both | 63,011 |
| (279) City of Cupertino, Memorial Park, acquisition, development, or both | 47,382 |
| (280) City of Gilroy, Eastside Park, acquisition, development, or both | 33,738 |
| (281) City of Los Altos, Marymeade Park (Grant and Fremont) acquisition, development, or both | 66,484 |
| (282) City of the Town of Los Altos Hills, Byrne Preserve, acquisition, development, or both | 14,500 |
| (283) Town of Los Gatos, Blossom Hill Park, acquisition, development or both | 60,034 |
| (284) City of Milpitas, Curtner Park, acquisition, development, or both | 70,454 |
| (285) Midpeninsula Regional Park District, North Foothills Open Space Preserve—Permanente Creek Park, acquisition, development, or both | 833,535 |
| (286) City of Mountain View, Crittenden School Athletic Park, acquisition, development, or both | 143,636 |
| (287) City of San Jose, Coyote Creek Park, acquisition, development, or both | 1,220,533 |
| (288) City of Santa Clara, Central Park, acquisition, development, or both | 228,478 |

(289) County of Santa Clara, Almaden Quicksilver Park, acquisition, development, or both ..... 1,500,000
(290) City of Sunnyvale, Serra Park Addition, acquisition, development, or both ..... 150,000
(291) City of Sunnyvale, Las Palmas Park Addition, acquisition, development, or both ..... 104,774

PROJECTS IN SOLANO COUNTY

(292) City of Benicia, West Seventh Street Park, acquisition, development, or both ..... 31,327
(293) Greater Vallejo Recreation District, Hanns Memorial Park, acquisition, development, or both ..... 119,675

PROJECTS IN SONOMA COUNTY

(294) City of Rohnert Park, Rapozo Ranch Regional Park, acquisition, development, or both ..... 38,997
(295) City of Santa Rosa, Bennett Valley Park, acquisition, development, or both ..... 125,200

PROJECTS IN SUTTER COUNTY

(296) County of Sutter, Feather River Park, acquisition, development, or both ..... 61,300

PROJECTS IN YOLO COUNTY

(297) City of Woodland, John H. Ferns Park, acquisition, development, or both ..... 95,288
(298) County of Yolo, Cache Creek Canyon, acquisition, development, or both ..... 50,000

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provided, that none of the funds which are appropriated by this item for the projects set forth herein shall be available for expenditure unless and until such projects are submitted to, and reviewed and approved by, the Secretary of the Resources Agency pursuant to Section 5096.89 of the Public Resources Code.

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

In order for the provisions of this act to be able to augment the Budget Act of 1974, and thereby enable the early acquisition or development of greatly needed lands for park, recreational, beach, and historical purposes, it is necessary that this act go into immediate effect.

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## CHAPTER 1523

*An act making an appropriation for the acquisition of lands for the state park system, and in this connection to amend and supplement the Budget Act of 1974 (Chapter 375, Statutes of 1974) by adding Section 2.8K thereto, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. There is hereby appropriated from the General Fund to the Department of Parks and Recreation the sum of seven million six hundred thousand dollars ($7,600,000) for the acquisition of lands located between Newport Beach and Laguna Beach for the state park system. Such acquisition shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), subject to the contribution to the state by the seller of one-half the appraised value of the property to be acquired for park purposes, and subject to the seller receiving no more than the sum of seven million six hundred thousand dollars ($7,600,000) from the state for the property.

SEC. 2. Section 2.8K is added to the Budget Act of 1974 (Chapter 375, Statutes of 1974), to read:

## STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1974 PROGRAM

Sec. 2.8K. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1974–75, 1975–76, 1976–77 fiscal years. All such appropriations shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

### CAPITAL OUTLAY

#### Resources

410.10K—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivision (e) of Section 5096.85 of the Public Resources Code, for expenditure during the 1974–75, 1975–76, 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 ..... 7,600,000

Schedule:

(a) Lands located between Newport Beach and Laguna Beach, land acquisition ..... 7,600,000

provided, that funds appropriated by this item shall be available only to reimburse the General Fund for expenditure of any moneys for the acquisition of lands located between Newport Beach and Laguna Beach for the state park system made pursuant to Assembly Bill No. 3477 of the 1974–75 Regular Session of the Legislature; and provided, further, that the acquisition of lands pursuant to this item shall have been recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency prior to such General Fund expenditure.

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

Certain lands of unique environmental and recreational value are presently being offered for immediate sale, and, in order for the state to acquire and preserve such lands, it is necessary that this act take immediate effect.

## CHAPTER 1524

*An act to add Chapter 3.7 (commencing with Section 7180) to Part 1 of Division 7 of the Health and Safety Code, relating to death and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Chapter 3.7 (commencing with Section 7180) is added to Part 1 of Division 7 of the Health and Safety Code, to read:

### CHAPTER 3.7. DEATH

7180. A person shall be pronounced dead if it is determined by a physician that the person has suffered a total and irreversible cessation of brain function. There shall be independent confirmation of the death by another physician.

Nothing in this chapter shall prohibit a physician from using other usual and customary procedures for determining death as the exclusive basis for pronouncing a person dead.

7181. When a part of the donor is used for direct transplantation pursuant to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150)) and the death of the donor is determined by determining that the person has suffered a total and irreversible cessation of brain function, there shall be an independent confirmation of the death by another physician. Neither the physician making the determination of death under Section 7155.5 nor the physician making the independent confirmation shall participate in the procedures for removing or transplanting a part.

7182. Complete patient medical records required of a health facility pursuant to regulations adopted by the department in accordance with Section 1275 shall be kept, maintained, and preserved with respect to the requirements of this chapter when a person is pronounced dead by determining that the person has suffered a total and irreversible cessation of brain function.

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

In order that the dramatic decline in the availability of human kidney donors can be reversed, it is necessary that this act take effect immediately.

# CHAPTER 1525

*An act to add Article 10.5 (commencing with Section 10930) to Chapter 1 of Division 9 of the Education Code, relating to school athletic programs.*

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

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

SECTION 1. Article 10.5 (commencing with Section 10930) is added to Chapter 1 of Division 9 of the Education Code, to read:

## Article 10.5. Athletic Programs

10930. It is the intent of the Legislature that opportunities for participation in interschool athletic programs in public high schools of the state be provided on as equal a basis as is practicable to male and female students. The costs of providing these equal opportunities may vary according to the type of sports contained within the respective male and female athletic programs. Additional sources of revenue should be determined to provide for these equal opportunity programs.

SEC. 2. In order to determine the scope and cost of augmenting inter-high-school athletic programs pursuant to Article 10.5 (commencing with Section 10930) of Chapter 1 of Division 9 of the Education Code, the Department of Education is hereby directed to conduct a study of existing inter-high-school athletic programs. The study shall include, but not necessarily be limited to, the following:

(a) The evaluation of existing programs and policies, as well as recommendations for necessary staffing, equipment, and facilities to implement Article 10.5 (commencing with Section 10930) of Chapter 1 of Division 9 of the Education Code; and

(b) A determination of financing required for recommended program levels, with an evaluation of current means of financing, and recommendations of funding sources.

The Department of Education shall submit a final report of its findings to the Legislature within six months of the effective date of this act, including any other recommendations it might have for implementing Article 10.5 (commencing with Section 10930) of Chapter 1 of Division 9 of the Education Code.

## CHAPTER 1526

*An act to add Section 22504.7 to the Education Code, relating to public higher education athletic programs, and making an appropriation therefor.*

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

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

SECTION 1. Section 22504.7 is added to the Education Code, to read:

22504.7. It is the intent of the Legislature that opportunities for participation in intercollegiate athletic programs in the community colleges, in the campuses of the California State University and Colleges, and in the campuses of the University of California be provided on as equal a basis as is practicable to male and female students. The costs of providing these equal opportunities may vary according to the type of sports contained within the respective men's and women's athletic programs. Additional sources of revenue should be determined to provide additional funds for these equal opportunity programs.

SEC. 2. In order to determine the scope and cost of augmenting intercollegiate athletic programs pursuant to Section 22504.7 of the Education Code the California Postsecondary Education Commission is hereby directed to conduct a study of intercollegiate athletic programs in institutions of public higher education, as defined pursuant to Section 22500 of the Education Code. The study shall include, but not necessarily be limited to, the following:

(a) An evaluation of existing programs and policies, as well as recommendations for necessary staffing, equipment, and facilities to implement Section 22504.7 of the Education Code; and

(b) A determination of financing required for recommended program levels, with an evaluation of current means of financing, and recommendations of funding sources.

The California Postsecondary Education Commission shall submit a final report of its findings to the Legislature within six months of the effective date of this act, including any other recommendations it may have for implementing Section 22504.7 of the Education Code.

SEC. 3. There is hereby appropriated from the General Fund in the State Treasury to the California Postsecondary Education Commission the sum of two thousand five hundred forty-five dollars ($2,545) for the purpose of financing the study prescribed by Section 2 of this act.

# CHAPTER 1527

*An act to add Section 6750.1 to, and to amend Sections 6751.1, 18060, and 18102.6 of, the Education Code, relating to the education of autistic children, and making an appropriation therefor.*

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

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

SECTION 1. Section 6750.1 is added to the Education Code, to read:

6750.1. (a) The education of educationally handicapped pupils who are diagnosed as being autistic shall be provided all eligible pupils in the manner set forth in this chapter.

(b) The governing board of any elementary or unified school district which has an average daily attendance of 8,000 or more in the elementary schools of the district, or any high school district which has an average daily attendance of 8,000 or more shall provide for the education, in special education classes or programs, of autistic pupils residing in the district who are not in attendance upon other special education classes or programs.

(c) The county superintendent of schools shall establish and maintain special education classes or programs for autistic pupils who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,001 in the elementary schools of the district, or who reside in the county and in a high school district which has an average daily attendance of less than 8,001. The classes and programs shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them.

(d) The State Board of Education shall adopt rules and regulations which shall prescribe standards for special education programs for autistic pupils. Such rules and regulations shall ensure that no county has more than four autistic pupils enrolled in special education classes or program for autistic pupils per 10,000 average daily attendance. The Superintendent of Public Instruction may waive the number of autistic pupils allowed to be served within each county if he determines that such waiver is necessary to meet the exceptional needs of autistic pupils.

SEC. 2. Section 6751.1 of the Education Code is amended to read:

6751.1. The maximum size for the special educational programs for educationally handicapped pupils defined in Sections 6750.1 and 6751 shall be as follows:

(a) For special day classes the maximum enrollment shall be 12 pupils per class.

If after the beginning of the school year it is determined that classes are at maximum size, that additional pupils will be without schooling unless additional classes are established, and that additional

qualified teachers are not available for employment, a school district or a county superintendent of schools may, on forms provided for this purpose by the Department of Education, request permission of the Superintendent of Public Instruction to exceed the maximum class size for all or a part of the remainder of the school year. The Superintendent of Public Instruction may approve such request for all or a part of the remainder of the school year, provided the maximum size is not increased by more than two pupils above the maximum enrollment specified.

(b) For classes for autistic pupils, as defined by the Superintendent of Public Instruction, conducted by a school district or county superintendent of schools, the maximum class size shall be six pupils. The maximum class size prescribed herein may be exceeded upon a determination by the Superintendent of Public Instruction that to do so is in the best interests of the the pupils and of the school district or county superintendent of schools maintaining such classes.

(c) For learning disability groups the maximum enrollment shall be 32; however, participation in any given learning disability group shall be for at least 30 minutes and shall not exceed eight pupils at any one time.

The instruction provided by a full-time teacher, whether offered by a single teacher or two or more part-time teachers, shall result in not more than eight units of average daily attendance being credited as the result of such instruction.

SEC. 3. Section 18060 of the Education Code is amended to read:

18060. (a) In addition to all other amounts allowed to a school district under this article, the Superintendent of Public Instruction shall allow to each school district for transporting blind, deaf, aphasic, orthopedic or other health-impaired, and other physically impaired pupils handicapped in mobility, mentally retarded pupils who come within the provisions of Section 6903, autistic pupils who come within the provisions of Section 6751.5, and multihandicapped pupils, to and from special day classes, three hundred eighty-nine dollars ($389) for each unit of average daily attendance of such pupils during the fiscal year resulting from the attendance of such pupils on the special day classes to and from which they are transported by the district.

In addition to all other amounts allowed to a school district under this article, the Superintendent of Public Instruction shall allow to each school district for transporting deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped pupils who come within the provisions of Section 6812.5, to and from experimental programs approved by him, three hundred eighty-nine dollars ($389) for each unit of average daily attendance of such pupils during the fiscal year resulting from the attendance of such minor pupils in the experimental programs to and from which they are transported by the district.

(b) The Superintendent of Public Instruction shall allow to the county school service fund of each county for transporting blind,

deaf, aphasic, orthopedic or other health-impaired, and other physically impaired pupils handicapped in mobility, mentally retarded pupils who come within the provisions of Section 6903, autistic pupils who come within the provisions of Section 6751.5, and multihandicapped pupils, to and from special day classes, three hundred eighty-nine dollars ($389) for each unit of average daily attendance during the fiscal year resulting from the attendance of such pupils on the special day classes to and from which they are transported by the county superintendent of schools.

The Superintendent of Public Instruction shall allow to the county school service fund of each county for transporting deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped pupils who come within the provisions of Section 6812.5, to and from experimental programs approved by him, three hundred eighty-nine dollars ($389) for each unit of average daily attendance of such pupils during the fiscal year resulting from the attendance of such pupils in the experimental programs to and from which they are transported by the county superintendent of schools.

(c) For each school district and county superintendent of schools furnishing transportation pursuant to subdivision (a) or subdivision (b) under circumstances requiring the operation of vehicles exclusively for such purpose, the Superintendent of Public Instruction shall allow under each such subdivision 75 percent of any expense in excess of three hundred eighty-nine dollars ($389), but the additional allowance shall not exceed seventy-three dollars ($73), per unit of average daily attendance of such pupils. Such amount shall be allowed as a part of the second principal apportionment upon special request made therefor to, and upon approval by, the Superintendent of Public Instruction.

(d) As used in this section, "physically impaired pupils handicapped in mobility" means those pupils who are deemed eligible for special class placement as defined by the State Board of Education.

(e) If the Superintendent of Public Instruction determines that the current expense of providing transportation under this section does not equal or exceed the allowance provided for such purpose, then the amount of the deficiency shall be withheld from state apportionments to the school district or the county superintendent of schools, as the case may be, in accordance with the procedure prescribed in Section 17414. Such amounts withheld shall then be apportioned, on a pro rata basis against the expenses, to those districts which maintain and operate vehicles exclusively for the transportation of handicapped pupils. In no case shall any district receive an amount greater than its total current expense in providing such transportation.

SEC. 4. Section 18102.6 of the Education Code is amended to read:

SEC. 31. Section 18102.6 of the Education Code is amended to read:

18102.6. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of educationally handicapped pupils in special classes during the current fiscal year an amount computed as follows:

(a) He shall divide the average daily attendance in each particular class size category by the maximum class size established for each particular class size category, and increase the quotient to the next highest integer where a fractional amount is produced.

(b) He shall then determine for each particular class size category the product of the amount computed under subdivision (a) multiplied by the maximum class size established by law for special day classes for the particular category.

(c) He shall then multiply the amount computed under subdivision (b) by the following amount of the particular level and category:

| Category | Elementary grades (K–8) | High school grades (9–12) | Community college grades (13–14) |
|---|---|---|---|
| Educationally handicapped | | | |
| Class-size maximum of 12 ..... | $1,000 | $870 | $710 |
| Autistic | | | |
| Class-size maximum of 6 ..... | $3,000 | $2,815 | $2,745 |

SEC. 5. There is hereby appropriated from the General Fund to the Superintendent of Public Instruction for the 1975–1976 fiscal year, the amount of fifty thousand dollars ($50,000) for the purpose of augmenting the supervisory and consultative services of Section 6759 of the Education Code. Such services shall be primarily to promote the development of special education programs for autistic pupils.

SEC. 6. This act shall become operative July 1, 1975

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## CHAPTER 1528

*An act to add Section 31217.3 to the Education Code, relating to State Scholarship and Loan Commission.*

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

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

SECTION 1. The Legislature hereby finds and declares that there is an apparent need to narrow the gap in student charges between public universities and colleges and independent institutions of higher education in California; to provide students from lower- and

middle-income families with true economic and academic freedom of choice in selecting a college; to give independent colleges a reasonable opportunity to compete with public institutions in recruiting all qualified students; and to help assure that independent colleges will continue to contribute to the overall quality and diversity of higher education in California.

SEC. 2. Section 31217.3 is added to the Education Code, to read:

31217.3. (a) There is hereby created a pilot program of tuition grants to be administered by the State Scholarship and Loan Commission for California resident undergraduate students enrolled in independent institutions of collegiate grade accredited by the Western Association of Schools and Colleges. To be eligible for a tuition grant, a student must meet the academic eligibility requirements for a scholarship under the state competitive scholarship program as determined in accordance with this chapter and the financial eligibility requirements established in subdivision (d).

(b) Tuition grants shall be available to students who are residents of the State of California as defined in subdivision (a) of Section 31204 and who are entering independent colleges as undergraduate students. Such grants shall be renewable on an annual basis, shall not exceed four years or the completion of the baccalaureate degree, whichever first occurs, and shall be administered insofar as not inconsistent with the provisions of Sections 31213, 31214.2, 31214.3, and 31215.

(c) A tuition grant shall be in the amount of nine hundred dollars ($900) per academic year or one-third of the cost of tuition per academic year, whichever is less.

(d) No student shall be eligible for financial aid under this section if such student's annual financial resources as determined by the commission exceed by more than one thousand five hundred dollars ($1,500) the resources of a student eligible for a minimum state scholarship award at the institution attended. Nor shall any student receive aid hereunder during any year in which such student is eligible for and accepts financial aid from the state competitive scholarship program or the college opportunity grant program.

(e) There shall be available up to 1,250 new grants in each of the 1975–76, 1976–77, and 1977–78 fiscal years, and the recipients of such grants shall be eligible for renewal of their awards on an annual basis, subject to such limitations as may be established by or pursuant to subdivisions (a), (b), and (d) and such recipients' continuance of satisfactory progress toward a degree, as such progress may be defined by the State Scholarship and Loan Commission.

(f) The commission shall adopt such rules and regulations as may be necessary to carry out the provisions of this section.

SEC. 3. The amount of grants awarded pursuant to Section 31217.3 of the Education Code for the 1975–76 academic year shall not exceed one million dollars ($1,000,000).

SEC. 4. The State Scholarship and Loan Commission shall review

the effect of the program in expanding the educational freedom of choice of California students and shall report its findings and recommendations to the Legislature prior to January 1 of the years 1976, 1977, and 1978.

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## CHAPTER 1529

*An act relating to the state park system, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. The Department of Parks and Recreation may acquire rights-of-way for riding, hiking, and bicycle trails in Santa Cruz, San Mateo, and Santa Clara Counties between Big Basin Redwoods State Park, Castle Rock State Park, Portola State Park, Butano State Park, and Henry Cowell Redwoods State Park, and between the Forest of Nisene Marks State Park and Seacliff State Beach. Such acquisitions shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

SEC. 2. There is hereby reappropriated from the funds appropriated pursuant to subdivision (a) of Section 2 of Chapter 265 of the Statutes of 1974 to the Department of Parks and Recreation the sum of six hundred thousand dollars ($600,000) for the purposes of this act in accordance with the following schedule:

(a) Acquisition of riding, hiking, and bicycle trails .... $500,000
(b) Development of riding, hiking, and bicycle trails $100,000

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

The rights-of-way to be acquired pursuant to this act are essential to the completion of a unique system of riding, hiking, and bicycle trails connecting units of the state park system serving a major population center, and providing increased public access to areas of natural, scenic, and recreational importance. In order to complete such urgently needed trail system at the earliest possible time, it is necessary that this act take immediate effect.

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## CHAPTER 1530

*An act to add Section 19334 to, and to repeal Section 19334 of, the Government Code, relating to state officers and employees.*

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

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

SECTION 1. Section 19334 of the Government Code is repealed.

SEC. 2. Section 19334 is added to the Government Code, to read:

19334. An appointing power may grant a leave of absence without pay for a period not exceeding one year to any permanent employee under his jurisdiction because of pregnancy, miscarriage, childbirth, and recovery therefrom. The employer shall grant a leave of absence to commence on the date requested by the employee for a period up to 60 days if the employee so requests.

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## CHAPTER 1531

*An act to add Article 4.4 (commencing with Section 14140) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.*

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

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

SECTION 1. Article 4.4 (commencing with Section 14140) is added to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

### Article 4.4. Dialysis and Related Services

14140. The following definitions shall apply to the provisions of this article:

(a) "Net worth" means:

(1) Personal property, which consists of cash, savings accounts, securities, and similar items; notes, mortgages and deeds of trust; the cash surrender value of life insurance on the life of the applicant or beneficiary, on the life of the spouse or any member of the family, except as provided in Section 11158; motor vehicles, except one which meets the transportation needs of the person or family; any other property or equity other than real estate, except that property specified in subdivisions (1), (2) and (3) of Section 11155.

(2) Real property, including any interest in land of more than

nominal interest which does not constitute the home of the applicant for aid under this chapter. The home of the applicant shall be exempt from consideration as net worth under this section to the extent of ten thousand dollars ($10,000) in assessed valuation, as assessed by the county assessor.

(3) "Income" which consists of the sum of adjusted gross income as used for purposes of the Federal Income Tax Law.

(b) "Family unit" means:

(1) In the case of an unmarried patient under 21 years of age living with his parent or parents, the patient and his parents.

(2) In the case of a married patient under 21 years of age, the patient and his spouse.

(3) In the case of a patient over 21, the patient, and if married, the patient's wife.

14141. Net worth liability shall be determined as of the time of the initial dialysis treatment and shall be reevaluated each year by the department.

14142. Notwithstanding Section 14005.4, 14005.6 or 14005.7, a person who is otherwise eligible for dialysis and related services under Section 14005.4, 14005.6 or 14005.7, except for his income and resource eligibility, is eligible for dialysis and related services under Medi-Cal pursuant to this article, as follows:

(a) A person in a family unit with a net worth of less than five thousand dollars ($5,000) shall not be liable to pay for dialysis and related services.

(b) A person in a family unit with a net worth of five thousand dollars ($5,000) or above shall pay 1 percent of the cost of dialysis and related services for each five thousand dollars ($5,000) of net worth, up to a maximum net worth of five hundred thousand dollars ($500,000), which shall result in a person being liable for 100 percent of such costs.

14143. The health care benefits and services specified in this article, to the extent that such benefits and services are neither provided under any other federal or state law nor provided nor available under other contractual or legal entitlements of the person, shall be provided to any dialysis patient who is a resident of this state and is made eligible by the provisions of this article. After such dialysis patient has utilized such contractual or legal entitlements, the percentages of payment liability under Section 14142 shall then be applied to the remaining cost of dialysis.

14144. The provisions of this article do not apply to indigent dialysis patients who are otherwise eligible for Medi-Cal.

SEC. 2. This act shall not apply to any person receiving services under the provisions of Assembly Bill 1536, if Assembly Bill 1536 is enacted.

SEC. 3. This act shall not apply to any person eligible for renal dialysis under the provisions of Public Law 92-603 (H.R. 1).

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within

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

In order that the dialysis and related services provided for by this act may be provided to patients needing such services and otherwise unable to provide for them, it is necessary that this act take immediate effect.

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## CHAPTER 1532

*An act to add Chapter 11 (commencing with Section 7000) to Division 6 of, and to add Sections 17303.7, 25656, 25906, and 26405 to, the Education Code, relating to educational programs for individuals with exceptional needs, and making an appropriation therefor.*

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

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

SECTION 1. Chapter 11 (commencing with Section 7000) is added to Division 6 of the Education Code, to read:

### CHAPTER 11. EDUCATIONAL SERVICES FOR INDIVIDUALS WITH EXCEPTIONAL NEEDS

#### Article 1. General Provisions

7000. The Legislature finds and declares that the current range of educational programs for individuals with exceptional needs has developed over time in response to the specific needs of identifiable groups. These programs were established without particular regard to gradations in the severity of disabilities among individuals in such programs. Consequently, there are 28 separate programs for individuals with exceptional needs which tend to segregate them on the basis of their disabilities. Many individuals with exceptional needs are not served by any existing program with the result that they are either inappropriately placed in one of those programs or they are excluded from receiving any educational program or service. Moreover, some existing programs for individuals with exceptional needs are statutorily permissive so that some who would otherwise be eligible do not have access to such programs.

7001. The Legislature finds and declares that all individuals with exceptional needs have a right to participate in appropriate programs of publicly supported education, and that the existing educational programs for these persons are in need of revision in order to assure them of this right to an appropriate educational opportunity.

It is the further intent of the Legislature that such pupils be returned to the regular class when special education services are no longer needed.

Furthermore, it is the intent of the Legislature that the comprehensive restructuring of current educational programs for individuals with exceptional needs required by this chapter should be systematically implemented in no more than 10 local comprehensive plans during fiscal years 1975–76, 1976–77, and 1977–78. Thereafter, statewide implementation of this chapter shall be determined by the Legislature.

Therefore, the Legislature hereby authorizes the Superintendent of Public Instruction to implement and administer, under a master plan adopted by the State Board of Education, a pilot program to determine if the educational services provided under this chapter will better meet the educational requirements of individuals with exceptional needs. This pilot program shall provide that:

(a) Each individual with exceptional needs is assured an education appropriate to his or her needs through an individually developed plan in publicly supported programs.

(b) Early educational opportunities are available to children between the ages of three and five who require intensive service in special programs.

(c) Early educational opportunities may be made available to children younger than three years of age who require intensive service in special programs at the discretion of local educational agencies.

(d) Education programs are provided under an approved plan for special education which comprehensively sets forth the elements of the programs in accordance with the provisions of this chapter.

(e) Individuals with exceptional needs are offered special assistance in a program which promotes maximum interaction with the general school population in a manner which is appropriate to the needs of both.

(f) Educational programs are coordinated with other public and private agencies.

(g) Continuous evaluation of the effectiveness of these special education programs by the responsible local agency shall be made to insure the highest quality educational offerings.

7002. As used in this chapter, unless the context otherwise requires:

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

(b) "Department" means the Department of Education.

(c) "Individuals with exceptional needs" means all pupils whose educational needs cannot be met by the regular classroom teacher with modification of the regular school program, who require the benefit of special instruction and services, and who are one of the following:

(1) Between the ages of three and four years and nine months, inclusive, who have been identified by the educational assessment

service as defined by subdivision (b) of Section 7020 as requiring an intensive full-time special education service as defined by the State Board of Education.

(2) Between the ages of four years and nine months and 18 years of age, inclusive, whose educational needs cannot be met by the regular classroom teacher in the regular school program.

(3) Aged 19 or 20 who were enrolled in or eligible for a program under this chapter or other special education program prior to their 19th birthday and who have not yet completed their prescribed education program. Any such person who becomes 21 years of age while participating in a program under this chapter may be permitted by the responsible local agency to continue his or her participation in the program for the remainder of the then current school year.

This definition does not include persons whose educational needs are due solely or primarily to unfamiliarity with the English language or to cultural differences.

(d) "Local comprehensive plan" means a plan which meets the requirements of Article 3 (commencing with Section 7015) of this chapter and which is submitted by a responsible local agency.

(e) "Parent" or "guardian" as used in this chapter includes any person having legal custody of a child. "Parent" or "guardian," in addition, includes any adult pupil for whom no guardian has been appointed and the person having custody of a minor if neither the parent or legal guardian can be notified of the educational actions under consideration.

(f) "Responsible local agency" means the school district or office of the county superintendent of schools designated in the local comprehensive plan as the agent responsible for the coordination of the plan.

(g) "Special education" means programs or services designed to meet the educational requirements of individuals with exceptional needs. Communicatively handicapped programs serve those pupils with disabilities in one or more of the oral communication skills such as listening and speaking. Physically handicapped programs serve those pupils with physical disabilities such as vision and mobility impairments and orthopedic or other health impairments. Learning handicapped programs serve pupils with significant disabilities in learning or behavior such as learning disabilities, behavior disorders, and educational retardation. Severely handicapped programs serve pupils with profound disabilities and who require intensive instruction and training such as the developmentally handicapped, trainable mentally retarded, autistic, and seriously emotionally disturbed.

(h) "Superintendent" means the Superintendent of Public Instruction.

7003. This chapter shall apply, and the following sections shall not apply, to districts and counties to the extent of an approved comprehensive plan and the programs conducted thereunder:

Section 821; Section 885.9; Article 9 (commencing with Section 894) of, and Article 10 (commencing with Section 895) of, Chapter 4, Division 3; Chapter 7.1 (commencing with Section 6750) of, Chapter 8 (commencing with Section 6801) of, Chapter 8.2 (commencing with Section 6870) of, Chapter 8.7 (commencing with Section 6880) of, Chapter 9 (commencing with Section 6901) of, and Chapter 9.5 (commencing with Section 6931) of, Division 6; Section 8052; Section 8053; Section 18060; Section 18060.2; Section 18062; Article 11 (commencing with Section 18101) of Chapter 3, Division 14; and Division 24 (commencing with Section 36000).

7004. Except as provided in paragraphs (2) and (3) of subdivision (c) of Section 7021, every individual with exceptional needs, as defined pursuant to Section 7002, who is eligible to receive such educational services authorized under this chapter is entitled to educational programs or services free of charge in the public schools of this state.

## Article 2. Administration

7005. The State Board of Education shall:

(a) Establish and periodically update the California Master Plan for Special Education.

(b) Adopt rules and regulations necessary for the efficient administration of this chapter.

(c) Adopt criteria and procedures for the review and approval of local comprehensive plans submitted under Sections 7008, 7009, and 7010.

(d) Approve no more than 10 local comprehensive plans for a period not to exceed three years.

(e) Adopt criteria and procedures for the evaluation of all educational programs and services provided under the California Master Plan for Special Education and report annually thereon to the Legislature and the Governor.

(f) Recommend to the Commission for Teacher Preparation and Licensing standards for the certification of teacher personnel for special education programs conducted pursuant to this chapter.

(g) Make recommendations to the Department of Health and out-of-school agencies to assure an appropriate education for individuals with exceptional needs consistent with the standards applicable to the public schools.

7006. Any responsible local agency in its application for approval of a plan, may request the board to grant a waiver of the provisions of any specifically enumerated sections of this code except Sections 7004, 7015, 7021, 7022, 7022.2, 7023, and 7027, Chapter 1 (commencing with Section 12901) of Division 10, or Article 5 (commencing with Section 15501) of Chapter 2, Division 11, if such waiver is necessary to establish and operate a special education program.

The board, after considering the recommendation of the superintendent, may grant, in whole or in part, any such request

when the facts indicate that failure to do so would hinder the implementation or maintenance of the special education program.

7007. The superintendent shall administer the provisions of this chapter and shall:

(a) Grant preliminary approval of the organization of the local comprehensive plans within each county.

(b) Review and recommend to the board for approval, local comprehensive plans developed and submitted in accordance with this chapter.

(c) Encourage experimentation and innovation in the field of special education at the school, district, county, and state levels.

(d) Monitor the implementation of local comprehensive plans by conducting onsite audits as appropriate.

(e) Encourage the maximum practicable involvement of parents and guardians of children enrolled in special education classes.

(f) Make recommendations in the areas of in-service training for teachers and teacher aides, curriculum, testing and testing mechanisms, and the development of materials for special education classes.

(g) Prepare for board approval as necessary, any state plan required by federal law in order that this state may qualify for any federal funds available for the education of individuals with exceptional needs.

(h) Maintain the state special schools in accordance with Division 19 (commencing with Section 25551) so that such schools may supplement the services of responsible local agencies.

(i) Develop in accordance with Section 7026 an annual evaluation report of special education programs authorized under this chapter for submission to the board.

(j) Apportion funds in accordance with Article 5 (commencing with Section 7035) of this chapter and approved local comprehensive plans.

(k) Assist districts and counties in the development of local comprehensive plans under this chapter, and resolve differences between them on aspects of the local comprehensive plan.

(*l*) Assist districts and counties in the improvement and evaluation of their programs.

(m) Provide review to any parent, guardian, or adult pupil who is denied educational services under this chapter as provided in subdivision (b) of Section 7023.

7008. Each county superintendent of schools may:

(a) With the approval of the county board of education, submit to the Superintendent of Public Instruction a local comprehensive plan for the education of all individuals in the county with exceptional needs except for those individuals served by districts within such county pursuant to a district-prepared local comprehensive plan. Any such plan may include more than one county and districts in more than one county. Such plans shall meet the requirements of local comprehensive plans set forth in Article 3 (commencing with

Section 7015) of this chapter.

(b) Carry out any responsibility assigned to him pursuant to a local comprehensive plan.

7009. The county superintendent of schools shall:

(a) Submit to the superintendent, a description of how districts within the county intend to develop local comprehensive plans, if any, together with his comments thereon.

(b) Review any proposed local comprehensive plan submitted by a district, and send it with his comments and recommendations, if any, back to the district within 45 days.

(c) Submit any final district local comprehensive plans to the superintendent with recommendations within an additional 30 days.

(d) Assure that any district plan reviewed by him is compatible with other district plans in the county and any county plan.

(e) Submit any county plan to the Superintendent of Public Instruction.

(f) Review the district's implementation of an approved local comprehensive plan and report thereon to the district and the Superintendent of Public Instruction.

(g) Consider any appeal made to him from a decision of a responsible local agency under subdivision (a) of Section 7023.

(h) Coordinate the development of local comprehensive plans in the county to insure that special education services are provided to all individuals with exceptional needs.

7010. The governing board of a school district may elect to do one of the following:

(a) Adopt, in accordance with Section 7015, a local comprehensive plan for the education of all individuals with exceptional needs residing in the district.

(b) In conjunction with one or more other districts, adopt, in accordance with Section 7015, a local comprehensive plan for the education of all individuals with exceptional needs residing in such districts. Such plan shall designate one of the participating districts as the responsible local agency to insure that the provisions of the plan are satisfied. Any participating district may perform any of the services required by the plan.

(c) Join with the office of a county superintendent of schools to adopt, in accordance with Section 7015, a local comprehensive plan for the education of all individuals with exceptional needs residing in the district. Such plan may provide that the district perform some of the educational services required by the plan.

7011. In developing a local comprehensive plan under Section 7010, each district shall:

(a) Cooperate with the office of the county superintendent of schools and other school districts in the geographic area in planning its option under Section 7010 and notify the office of the county superintendent of schools of its selection at a time specified by the Superintendent of Public Instruction.

(b) Cooperate with the office of the county superintendent of

schools to assure that the plan is compatible with other local comprehensive plans in the county and any county plan of a contiguous county.

(c) Submit to the office of the county superintendent of schools for review any plan developed under subdivision (a) or (b) of Section 7010.

7012. Any county superintendent of schools or governing board of a school district shall carry out the responsibilities assigned to it in a local comprehensive plan, may provide for the education of individual children in special education programs maintained by other districts or counties, and may include within their special education programs children who reside in other districts or counties. Section 10801 shall apply to interdistrict attendance agreements for programs conducted pursuant to this chapter.

## Article 3. Elements of Local Comprehensive Plans and Programs

7015. Any local comprehensive plan submitted under this chapter shall:

(a) Provide for seeking out all individuals with exceptional needs residing in the area served by the plan, including preschool and other children not currently enrolled in school programs, the assessment of their exceptional needs, and the planning of an instructional program to best meet the assessed needs. Identification procedures shall include systematic methods of utilizing referrals of pupils from teachers, parents, agencies, appropriate professional persons, and from other members of the public. Assessment procedures shall also include an educational assessment of the person's development in cognitive, affective, and sensory motor functioning.

(b) Provide for differential grouping of individuals according to their identified needs.

(c) Describe how each of the components set forth in Section 7017 will be made available to meet the needs of all individuals with exceptional needs who are or may be identified.

(d) Include evaluation procedures as set forth in Article 4 (commencing with Section 7025) of this chapter.

(e) Provide for an advisory committee to the responsible local agency composed of parents and guardians, including parents and guardians of individuals with exceptional needs, regular classroom teachers, special education teachers and other school personnel, and representatives of other public and private agencies and persons concerned with the needs of individuals with exceptional needs. The majority of such committee shall be composed of parents and guardians and shall advise the district, county, or other responsible local agency in the development of the local comprehensive plan and the evaluation of programs under such plan.

(f) Describe the procedures for notifying parents of the steps in the assessment procedures pursuant to Section 7021.

(g) Describe how and to what degree the district or county intends to make use of the services offered by the state special schools and how pupils eligible for such services will be identified and referred to such schools.

(h) Set forth program objectives in terms of pupil performance.

(i) Provide for review of decisions as provided in Sections 7022.2 and 7023.

(j) Specify the number and responsibilities of program specialists required as described in Section 7019.

(k) Indicate maximum use of all existing local, state, and federal resources that are available to individuals with exceptional needs.

(*l*) Provide for curriculum development, in-service education, and consultation.

(m) Provide for appropriate qualified staff to fulfill the responsibilities of the plan consistent with the credentialing requirements of this code.

(n) Designate a responsible local agency as the agent of the parties to administer the plan.

(o) Provide opportunities for career development.

7016. Any plan submitted or approved under this chapter may include a preschool project for individuals with exceptional needs who are below the age of three but whose need for services under this chapter meets standards set by the State Board of Education.

7017. In addition to the general requirements of Section 7015, each local comprehensive plan submitted for approval under this chapter shall also include the following program components:

(a) Instructional components:

(1) Special classes and centers which enroll pupils with similar and more intensive educational needs. Such classes and centers shall enroll such pupils for a majority of the schoolday and shall facilitate their interaction with other pupils in the regular school program.

(2) A resource specialist program, as described in Section 7018.

(3) Designated instruction and specific services not normally provided in a regular or special class or by the resource specialist program.

(4) Nonpublic, nonsectarian school services, including services by public and private agencies, provided under contract with the responsible local agency when such services can more appropriately meet the needs of the pupil. Pupils enrolled in nonpublic schools under this subdivision shall be deemed to be enrolled in public schools for all purposes of Chapter 3 (commencing with Section 17601) of Division 14 and Section 20905. In the event that a contract is entered into between a nonpublic, nonsectarian school and a responsible local agency under this subdivision, the school district shall be eligible to receive allowances under subdivisions (c) through (h) of Section 7035 for services that are provided to individuals with exceptional needs pursuant to the contract. The responsible local agency shall pay to the nonpublic, nonsectarian school the full amount of the tuition for individuals with exceptional needs that are

enrolled in programs provided by the nonpublic, nonsectarian school pursuant to such contract.

(b) Supportive components:

(1) Identification, assessment, and instructional planning as described in Sections 7019 and 7021.

(2) Management and support service as defined by the board.

(3) Special transportation services. This includes transportation in special vehicles, transportation for pupils not attending school of residence, transportation to work stations and work-training programs, and providing room and board in lieu of transportation.

(4) Capital outlay to provide equipment and adequate, safe facilities for special education programs.

7018. The resource specialist program shall:

(a) Provide instruction and services for those pupils whose needs have been identified in a written instructional plan developed by the school appraisal team or the educational assessment service and who are assigned to regular classroom teachers for a majority of a schoolday.

(b) Coordinate educational services and guidance to individuals with exceptional needs and their parents or guardians.

(c) Provide consultant services, resource information, and material regarding individuals with exceptional needs to regular staff members and their parents or guardians.

(d) Coordinate with program specialists as described in Section 7019 in establishing, maintaining, and coordinating special education services.

(e) Evaluate pupil progress on a regular basis, revise individual instructional plans as appropriate, and refer pupils who do not indicate appropriate progress to the educational assessment service.

7018.1. (a) The resource specialist program described in Section 7018 shall be under the direction of a resource specialist who is a credentialed special education teacher or who meets standards prescribed by the State Board of Education, who has had three or more years of full-time teaching experience, and who has completed or is enrolled in an advanced preparation program in special education.

(b) Maximum caseloads for resource specialists shall be stated in the local comprehensive plan under standards established by the board.

(c) Each resource specialist shall be provided with one or more instructional aides.

(d) Resource specialists shall not be utilized as regular classroom teachers nor have specific pupils assigned to them for a majority of a schoolday. Resource specialists and aides shall be deemed to be pupil services employees for the purposes of Sections 321 and 17523.

7019. A program specialist is a credentialed special education teacher with advanced training in the education of individuals with exceptional needs and with specialized knowledge of communicatively handicapped, physically handicapped, learning

handicapped, or severely handicapped pupils. The progam specialist shall assist the resource specialist and shall consult, coordinate, plan programs, provide curricular resources for, and assess program effectiveness in, the programs for individuals with exceptional needs. The program specialist shall also participate in each school's in-service training, research, program development and innovation of special methods and approaches.

7020. In addition to the requirements set forth in Sections 7015 and 7017, each plan shall also include at least the following levels of identification, assessment, and instructional planning:

(a) A school appraisal team. This team shall consist of the school administrator, resource specialist, designated instruction teachers, and appropriate program specialists. The team shall also utilize the services of the school psychologist, physician, social worker, nurse, counselors, and other pupil personnel workers as needed. The school appraisal team shall provide for a semiannual review of the progress of each pupil consistent with the standards for placement in the special education program, a review of each referral, confer with parents and guardians regarding program recommendations, develop a written instructional plan for each pupil provided special education services, and recommend specific special education program services in their school. The team shall refer to the educational assessment service those pupils who the team has determined require a more definitive assessment, those whose instructional plan has not been effective or those whose parents or guardians have requested such a review. The responsible local agency shall annually notify parents or guardians of their right to request a review by the educational assessment service whenever they believe the pupil is not making appropriate progress.

(b) An educational assessment service. This service shall consist of professional specialists representing health, psychology, social work, speech and language, management services, and diagnostic teaching, and shall perform the following functions:

(1) Review referrals from school appraisal teams and program specialists.

(2) Recommend needed additional assessments.

(3) Develop written instructional goals for each pupil who either has been required to leave the school of his residence, attend special classes or centers, or whose parent or guardian is appealing a school appraisal team decision.

(4) Recommend program components.

(5) Confer with parents and guardians.

(6) Coordinate community resources with those provided by the schools.

(7) Review program recommendations of pupils returning to the district or county from the state schools and hospitals.

(8) Refer selected pupils to the superintendent for further assessment or individual instructional planning in connection with the California Schools for the Deaf or Blind or the Diagnostic Schools

for Neurologically Handicapped Children.

7021. (a) Whenever an assessment is to be conducted by a school appraisal team or an educational assessment service, the parent or guardian of the pupil shall be given written notice of the intended assessment at least 10 days prior to its scheduled date. This written notice shall be in ordinary and concise language and in the primary language of the pupil's home and shall fully explain the procedure and objective of the assessment and the facts which make an assessment necessary or desirable. The written notice shall state that no educational placement will result from the assessment without the consent of the pupil's parent or guardian.

The assessment of any pupil referred to a school appraisal team or an educational assessment service shall be completed within 45 days of the referral. Those persons assessing the pupil shall maintain a complete and specific written record of diagnostic procedures employed, the conclusions reached, the suggested course of education or treatment best suited to the pupil's needs, its anticipated duration, and the specific objectives to be attained. Such assessment shall remain confidential and be used only for the administration of the special education programs, including, but not limited to, assuring that each special education program is meeting the objectives for the children assigned to it.

(b) Admission of a pupil to a special education program under this chapter shall be made only on the basis of an individual assessment according to standards established by the board and upon an individual recommendation of either a school appraisal team or an educational assessment service. Section 6902.085 shall apply to pupils admitted to special education programs under this chapter because of their educational retardation. Pupils admitted to special education programs prior to the implementation of this chapter on the basis of procedures and criteria in effect at the time of such admission shall be admitted to programs under this chapter on the same basis as pupils recommended by a school appraisal team or an education assessment service.

(c) The parent or guardian of the pupil shall be notified in writing in ordinary and concise language and in the primary language of the pupil's home, of the findings of the assessment, the recommended educational decision, and the reasons therefor. The notice shall state that:

(1) A conference with the parent or guardian and his or her representative will be scheduled upon request.

(2) If the parent or guardian disagrees with the recommended educational decision, he or she has the right to procure an independent assessment of the child from qualified specialists, as defined by rules and regulations of the board, which assessment will become a part of the pupil's record.

(3) Such independent assessment shall not be at the expense of the district or responsible local agency unless the district or agency agrees to pay the cost thereof.

(4) The parent or guardian has the right to have the recommended educational decision reviewed.

(d) Whenever a pupil transfers into a school district from another school district in which his last enrollment was in a special education program the administrator of a local program under this chapter may place the pupil in a comparable program for a period not to exceed 30 schooldays. Such an interim placement may be made without the complete documentation specified in subdivision (a). Before the expiration of the 30-schoolday period such interim placement shall be reviewed by the school appraisal team or the educational assessment service and a final recommendation shall be made by the team or service in accordance with the requirements of this chapter. The team or service may utilize information, records, and reports from the admission proceedings of the school district or county program from which the pupil transferred.

(e) Any diagnostic procedure used for placement of individuals with exceptional needs shall be appropriate to the individual's ethnic, cultural, and linguistic background. All such procedures shall be approved by the board. No procedure shall be approved by the board which discriminates against any minority or ethnic group or fails to account for the home experience and environment of minority and ethnic groups.

(f) The board shall insure that a psychological assessment of pupils admitted to programs under this chapter because of their educational retardation or learning disability is conducted and interpreted by a credentialed school psychologist who is adequately trained and prepared to evaluate cultural and ethnic factors.

7022. No pupil may be required to participate in any special class or program under this chapter unless the parent or guardian of the pupil is first informed of the facts which make participation in the special program necessary or desirable and thereafter consents in writing to such participation.

After consultation with a member of the school appraisal team, such consent may be withdrawn at any time.

7022.1. Whenever a pupil is being assessed by a school appraisal team or an educational assessment service, the parents and guardians shall be notified in advance of their rights pursuant to Sections 7022.2 and 7023 that they have the right to present information to the team or service in person or through a representative, and to attend and participate in the meeting devoted to recommendations and program planning.

7022.2. (a) Any parent or guardian who disagrees with the findings or recommendations of the educational assessment service regarding the placement or services offered to his or her child, either in its initial evaluation or on its annual evaluation, has the right to request a review as provided for in this section and Section 7023. The purpose of the review shall be to determine whether to: (1) affirm the decision of the education assessment service regarding placement or services offered, (2) modify the recommendations of

the education assessment service regarding placement or services offered, or (3) direct the responsible local agency to provide a contractual agreement for nonpublic, nonsectarian school services which are appropriate to meet the exceptional needs of the individual as set forth in paragraph (4) of subdivision (a) of Section 7017.

While such review is pending, unless the responsible local agency and the parent or guardian agree otherwise, the pupil shall remain in his or her then current program or, if applying for initial admission to a public school, shall, with the written consent of the parent or guardian, be placed in the program recommended by the educational assessment service until the review is completed.

(b) The parent or guardian shall notify the superintendent of the responsible local agency within 30 days following receipt of the written decision of the educational assessment service if he or she intends to seek a review of such decision.

(c) The hearing before the superintendent of the responsible local agency or his designee shall be held within 30 days following receipt of such notice from a parent or guardian at a reasonable time and place, with at least two weeks notice to the parent or guardian of the date, time, and place of the hearing, and such hearing shall be recorded.

The parent or guardian shall have the right to represent himself or herself, or to select a representative, to have an interpreter present if necessary, to have access to all relevant school records, notwithstanding Section 10751, to present additional written or oral evidence, to call witnesses, and to request the presence of and question any person involved in the evaluation procedure and placement decision, and the notice of the hearing shall so state. School employees that are witnesses shall have the right to select a representative.

(d) Within 15 days after submission of all evidence and argument, the superintendent of the responsible local agency shall render his decision.

When the decision is rendered the parent or guardian shall be given written notice of the decision in ordinary and concise language and in the primary language of the pupil's home. The notice shall state that if a parent, guardian, or responsible local agency disagrees with the decision, the parent or guardian has a right to a further review.

7023. Any parent or guardian who disagrees with the finding, recommendation, or decision of a superintendent of a responsible local agency may petition for a review, within 30 days following receipt of the decision of the responsible local agency, to the Superintendent of Public Instruction whose decision shall be final. The Superintendent of Public Instruction shall afford the parent or guardian an opportunity to present an oral or written argument, or both, within 30 days following receipt of the appeal. Within 15 days after such argument, the Superintendent of Public Instruction shall

render a written reasoned decision based upon the pupil's entire record, transmit a copy of the decision to the parent or guardian, and inform the parent or guardian of the effective date of the decision.

Article 4. Evaluation, Audits, and Information

7025. Each responsible local agency shall submit to the Superintendent of Public Instruction at least annually a report in a form and manner prescribed by the superintendent. Such reports shall include that information necessary for the superintendent to carry out his responsibilities described in Section 7026 and such other statistical data, program descriptions, and fiscal information as the superintendent may require.

7026. Under the criteria and procedures adopted pursuant to subdivision (e) of Section 7005, the Superintendent of Public Instruction shall submit to the State Board of Education, the Legislature, the Governor, the United States Office of Education, and each responsible local agency an annual evaluation of the special education programs implemented under this chapter. This evaluation shall include:

(a) The degree to which the responsible local agency has served all individuals with exceptional needs.

(b) The degree to which the responsible local agency has integrated individuals with exceptional needs into the general school population, and the impact of such integration on individuals with exceptional needs and the rest of the student body.

(c) The extent to which individuals with exceptional needs met the objectives set for them in written instructional plans.

(d) A general assessment of the relative effectiveness of programs conducted under this chapter compared to special education programs not conducted under this chapter.

(e) The overall capability of the responsible local agency to implement the local comprehensive plan as approved by the State Board of Education.

Based on these annual evaluations the State Board of Education shall make recommendations to the Legislature on or before January 1, 1978, regarding the extension of the provisions of this chapter to all special education programs conducted in California.

7027. The annual reports required under Sections 7025 and 7026 shall also identify the numbers of individuals with exceptional needs, their racial and ethnic data, and the special education programs in the following classifications and subclassifications as further defined by the State Board of Education:

(a) Communicatively handicapped, including deaf, deaf and blind, severely hard of hearing, severely language handicapped including aphasic, and language and speech handicapped.

(b) Physically handicapped, including blind, partially seeing, orthopedically handicapped, and other health impairments including drug dependency and pregnancy.

(c) Learning handicapped, including educationally retarded and learning disabilities and behavior disorders.

(d) Severely handicapped, including developmentally handicapped, trainable mentally retarded, autistic, and seriously emotionally disturbed.

7028. The superintendent shall periodically sponsor or conduct workshops and seminars for the education of district or county personnel assigned to and responsible for the evaluation of local special education programs.

7029. The superintendent shall review and conduct onsite audits of each program approved under this chapter. In performing such reviews and audits, the superintendent may utilize the services of persons outside of the department chosen for their knowledge of special education programs.

## Article 5. Funding of Special Educational Programs

7035. In addition to any other apportionments provided by law, the superintendent shall apportion from the State School Fund to each school district and office of the county superintendent of schools participating in a local comprehensive plan, through the coordination of the responsible local agency, the following allowances for the fiscal year ending June 30, 1976:

(a) For each special class, the sum of seventeen thousand five hundred dollars ($17,500).

(b) For each special center for the severely handicapped, the sum of seventeen thousand five hundred dollars ($17,500) per class.

(c) For each resource specialist program, the sum of twenty thousand four hundred forty dollars ($20,440).

(d) For designated instruction and services, the sum of twenty dollars ($20) per instructional hour per specialist.

(e) For non-public-school services, the maximum sum of one thousand four hundred sixty dollars ($1,460) per pupil enrolled in a nonpublic school.

(f) For identification, assessment and instructional planning, the sum of one hundred dollars ($100) per pupil enrolled in special education services, apportioned as follows: educational assessment services at seventy dollars ($70) per pupil; and program specialists at thirty dollars ($30) per pupil.

(g) For management and support services, the sum of fifty dollars ($50) per pupil enrolled in special education services, apportioned as follows: instructional materials at fifteen dollars ($15) per pupil; equipment at fifteen dollars ($15) per pupil; evaluation services at five dollars ($5) per pupil; and administrative services at fifteen dollars ($15) per pupil. In addition to the above, the department shall apportion fifteen dollars ($15) per pupil for instructional materials and fifteen dollars ($15) per pupil for equipment for each new special education program approved under this chapter.

(h) For special transportation services, the amount of six hundred



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ten dollars ($610) per unit of average daily attendance for those pupils eligible for such services as determined by rules and regulations adopted by the board.

(i) Each fiscal year, the superintendent shall adjust the amounts set forth in subdivisions (a) through (h) to reflect the difference in costs due to fluctuations of monetary value. The adjustment factor shall be jointly determined by the Department of Education and the Department of Finance.

7035.5. It is also the intent of the Legislature to provide financial assistance on an equalization basis for capital outlay for individuals with exceptional needs. The superintendent shall develop a proposal that shall implement this intent in a report to the Legislature by January 1, 1976.

7036. For the 1976–77 fiscal year and each fiscal year thereafter, the department shall include in its budget for the State School Fund sufficient funds to make apportionments under this chapter and an amount sufficient for the administration by the department of the provisions of this chapter.

7037. Apportionments under this chapter shall be made by the superintendent as early as practicable in the fiscal year. Upon order of the Superintendent of Public Instruction, the State Controller shall draw warrants upon the money appropriated, in favor of the eligible districts or counties in the amounts ordered.

7038. (a) Where the approved local comprehensive plan provides for special centers under paragraph (1) of subdivision (a) of Section 7017 in lieu of development centers for handicapped pupils pursuant to Chapter 8.7 (commencing with Section 6880) of Division 6, the governing board or county superintendent of schools may levy and use the tax set forth in Section 6880.16 for the support of such centers.

(b) Where the approved local comprehensive plan provides for programs under this chapter by the county superintendent of schools, in lieu of the tax rate authorized in subdivisions (b), (c), and (d) of Section 20450, the county superintendent may levy a tax over the districts served for the operations of the county superintendent's programs in the comprehensive plan, but such tax shall not exceed the expenditures of his programs less the state aid for the pupils in the programs.

7039. Each district participating in special education programs authorized by this chapter shall maintain a fiscal effort with respect to each child participating in special education programs that is no less than the fiscal effort of the district per elementary, intermediate or secondary child not participating in a special education program. The department shall annually review individual district expenditures to assure the comparability of local support. This review shall be based on rules and regulations adopted by the board which take into account growth in district enrollment and increases in district costs.

7040. The department shall continuously monitor and review all

special education programs approved under this chapter to assure that all funds appropriated to school districts under this chapter are expended for the purposes intended.

7041. This chapter shall have no force or effect after July 1, 1978.

SEC. 2. Section 17303.7 is added to the Education Code, to read:

17303.7. Notwithstanding Section 17303.5, there shall be expended for purposes of making the allowances prescribed by Section 7035 in the 1975–76 fiscal year, the following amounts:

(a) Nine million dollars ($9,000,000), or so much thereof as may be necessary, to be derived from funds which would otherwise be expended under subdivision (c) of Section 17303.5.

(b) Five million dollars ($5,000,000), or so much thereof as may be necessary, to be derived from funds which would otherwise be expended under subdivision (g) of Section 17303.5.

(c) Ten million dollars ($10,000,000) from funds appropriated therefor by the Legislature.

(d) In the event federal aid is provided to increase the amount in subdivision (c) by replacing or augmenting the state funds, the amounts which are to be provided pursuant to subdivisions (a) and (b) shall be increased proportionately so that a greater number of individuals with exceptional needs may be included in the alternate plan to better meet the educational requirements of these individuals.

(e) All state funds authorized to establish or maintain programs authorized under Chapter 11 (commencing with Section 7000) of Division 6 shall, for the 1976–77 and 1977–78 fiscal years, be included as a separate item in the Budget Act for each such fiscal year and no state funds other than those so appropriated shall be expended for such programs.

SEC. 3. Section 25656 is added to the Education Code, to read:

25656. The Superintendent of Public Instruction, in conjunction with the California School for the Deaf, shall provide assessment and instructional planning services for individuals who are referred for such services by responsible local agencies under subdivision (b) of Section 7020.

SEC. 4. Section 25906 is added to the Education Code, to read:

25906. The Superintendent of Public Instruction, in conjunction with the California School for the Blind, shall provide assessment and instructional planning services for individuals who are referred for such services by responsible local agencies under subdivision (b) of Section 7020.

SEC. 5. Section 26405 is added to the Education Code, to read:

26405. The Superintendent of Public Instruction, in connection with the Diagnostic Schools for Neurologically Handicapped Children, shall also:

(a) Make comprehensive diagnostic evaluations of individuals referred for such service by responsible local agencies under subdivision (b) of Section 7020.

(b) Provide instructional planning services for individuals

evaluated under subdivision (a).

(c) Provide counseling services for parents, guardians, and families of neurologically handicapped and seriously emotionally disturbed children.

(d) Conduct experimental assessment projects designed to meet needs of those categories of neurologically handicapped children selected by the Superintendent of Public Instruction.

SEC. 6. There is hereby appropriated from the General Fund for the purposes of this act the sum of ten million seven hundred fifty thousand dollars ($10,750,000) to be allocated according to the following schedule:

(a) To the State School Fund for allowances under Section 7035 of the Education Code, amounts which shall be made available for expenditures as follows:

(1) For the 1974–75 fiscal year, three hundred thousand dollars ($300,000).

(2) For the 1975–76 fiscal year, ten million dollars ($10,000,000).

In the event that federal funds are made available for the purposes of this act, such funds shall be utilized to the maximum extent possible before any funds may be expended pursuant to this subdivision.

(b) To the Department of Education, the sum of one hundred fifty thousand dollars ($150,000) for the fiscal year 1974–75, and three hundred thousand dollars ($300,000) for the fiscal year 1975–76 for the administration by the Department of Education of the provisions of Chapter 11 (commencing with Section 7000) of Division 6 of the Education Code.

SEC. 7. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

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## CHAPTER 1533

*An act relating to migrant child care centers, and making an appropriation therefor.*

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

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

SECTION 1. The Legislature finds and declares that there is an existing need for additional publicly supported migrant child care centers in the state. It is, therefore, the intent of the Legislature to provide the Department of Education with sufficient funds to establish and operate new migrant child care centers in the state so that more families may avail themselves of this purposeful program.

SEC. 2. The Superintendent of Public Instruction shall establish criteria for the allocation of funds appropriated for this act for the establishment of migrant child care centers providing services for eligible children, including infants, in those areas of the state with the greatest need for such services. Such centers shall be operated in compliance with the rules and regulations adopted for the provision of child development services pursuant to Division 12.5 (commencing with Section 16700) of the Education Code and the master plan for services for migrant children pursuant to Article 2.5 (commencing with Section 6464) of Chapter 6.5 of Division 6 of the Education Code.

Notwithstanding any provision of law to the contrary, a program which provides services to infants shall be established in one of the migrant child care centers established pursuant to this act.

SEC. 3. There is hereby appropriated from the General Fund to the Department of Education the sum of two hundred thousand dollars ($200,000) for purposes of establishing and operating new migrant child care centers.

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## CHAPTER 1534

*An act to amend Sections 5325 and 5326 of and to add Sections 5326.3, 5326.4 and 5326.5 to, the Welfare and Institutions Code, relating to mental health.*

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

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

SECTION 1. Section 5325 of the Welfare and Institutions Code is amended to read:

5325. Each person involuntarily detained for evaluation or treatment under provisions of this part, each person admitted as a voluntary patient to a state hospital, a private mental institution, or a county psychiatric hospital, and each mentally retarded person committed to a state hospital pursuant to Article 5 (commencing with Section 6500), Chapter 2 of Part 2 of Division 6 shall have the following rights, a list of which shall be prominently posted in English and Spanish in all facilities providing such services and otherwise brought to his attention by such additional means as the Director of Health may designate by regulation:

(a) To wear his own clothes; to keep and use his own personal possessions including his toilet articles; and to keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases.

(b) To have access to individual storage space for his private use.

(c) To see visitors each day.

(d) To have reasonable access to telephones, both to make and receive confidential calls.

(e) To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.

(f) To refuse shock treatment.

(g) To refuse psychosurgery. Psychosurgery is defined as those operations currently referred to as lobotomy, psychiatric surgery, and behavioral surgery and all other forms of brain surgery if the surgery is performed for the purpose of the following:

(1) Modification or control of thoughts, feelings, actions, or behavior rather than the treatment of a known and diagnosed physical disease of the brain;

(2) Modification of normal brain function or normal brain tissue in order to control thoughts, feelings, action, or behavior; or

(3) Treatment of abnormal brain function or abnormal brain tissue in order to modify thoughts, feelings, actions or behavior when the abnormality is not an established cause for those thoughts, feelings, action, or behavior.

(h) Other rights, as specified by regulation.

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

SEC. 2. Section 5326 of the Welfare and Institutions Code is amended to read:

5326. The professional person in charge of the facility or his designee may, for good cause, deny a person any of the rights under Section 5325, except under subdivision (g) and the rights under subdivision (f) may be denied only under the conditions specified in Section 5326.4. To ensure that these rights are denied only for good cause, the Director of Health shall adopt regulations specifying the conditions under which they may be denied. Denial of a person's rights shall in all cases be entered into the person's treatment record. Quarterly, each local mental health director shall report to the Director of Health, by facility, the number of persons whose rights were denied and the right or rights which were denied. The content of these reports shall enable the Director of Health to identify individual treatment records, if necessary, for further analysis and investigation. These reports shall be available, upon request, to Members of the State Legislature, or a member of a county board of supervisors.

Information pertaining to a denial of rights contained in the person's treatment record shall be made available, on request, to the person, his attorney, his conservator or guardian, or the State Department of Health, Members of the State Legislature, or a member of a county board of supervisors.

SEC. 3. Section 5326.3 is added to the Welfare and Institutions Code, to read:

5326.3. No psychosurgery shall be performed unless informed consent to such treatment is obtained in writing from the person or if a minor, from the person described in Section 5325.5 and the other

requirements of this section are met. The right to refuse any such treatment is not waived by giving written informed consent and such consent may be withdrawn at any time.

Written "informed consent" requires that a person must knowingly and intelligently, without duress or coercion, and clearly and explicitly manifest his consent to the proposed treatment to the attending physician and in writing.

A person confined shall not be deemed incapable of informed consent solely by virtue of being diagnosed as a mentally ill, disordered, abnormal or mentally defective person.

If the treatment physician is of the opinion that psychosurgery is medically indicated, in order to assure that the patient and a responsible relative or the guardian or conservator of the person can give informed consent, the treatment physician shall orally explain: (a) the procedures used in performing psychosurgery; (b) the benefits to the patient of such procedure; (c) all of the possible risks to the patient should he consent to psychosurgery; (d) the nature and seriousness of the patient's disorder; (e) the degree of uncertainty of the benefits and hazards associated with the procedure; (f) reasonable alternative therapies; and (g) his absolute right to refuse psychosurgery or to revoke his consent at any time prior to performance of the psychosurgery. All such explanations should be in language the patient can understand.

If the patient refuses psychosurgery, his right to refuse may not be denied for any cause. Refusal of consent to perform a psychosurgery shall be entered in the patient's treatment record.

If a patient consents to psychosurgery, he must sign a written consent form which is dated and witnessed. The consent form shall include a statement that the treatment physician has made the oral explanation to the patient as required by this section. The consent to the performance of a psychosurgery shall be entered in the patient's treatment record.

Psychosurgery shall be performed only after:

(a) The patient gives written informed consent to the psychosurgery which is dated and witnessed and entered in the patient's treatment record. The consent shall include a statement that the treatment physician has made the oral explanation to the patient as required by this section.

(b) The patient has the capacity to give informed consent.

(c) A responsible relative or the guardian or conservator of the person has been given an oral explanation by the treatment physician as required by this section.

(d) The treatment physician gives adequate documentation entered in the patient's treatment record of the reasons for the procedure, that all other appropriate treatment modalities have been exhausted and that this mode of treatment is critically needed for the welfare of the patient.

(e) Three physicians, one appointed by the facility and two appointed by the local mental director, two of whom shall be either

board certified psychiatrists or board certified neurosurgeons, have personally examined the patient and unanimously agree with the treatment physicians' determinations pursuant to subdivision (d) and that the patient has the capacity to give informed consent. Such agreement shall be documented in the patient's treatment record and signed by each such physician.

Psychosurgery shall in no case be performed for at least 72 hours following the patient's written consent.

As used in this section and Section 5326.4, "responsible relative" includes the spouse, parent, adult child, or adult brother or sister of the person.

SEC. 4. Section 5326.4 is added to the Welfare and Institutions Code, to read:

5326.4. If the treatment physician is of the opinion that shock treatments are medically indicated, the treatment physician shall orally explain to the patient and a responsible relative or guardian or conservator of the person:

(1) The procedures used in performing shock treatments.

(2) The benefits to the patient of such procedure.

(3) All of the possible risks and possible side effects to the patient should he consent to shock treatments.

(4) The nature and seriousness of the patient's disorder.

(5) The degree of uncertainty of the benefits and hazards associated with the procedure.

(6) Reasonable alternative therapies.

(7) His right to revoke his consent at any time prior to or during performance of shock treatments.

(8) Shock treatments may be performed without his consent under the conditions stated in this section.

All such explanations should be in language the patient can understand.

Shock treatments shall be performed only after:

(a) The patient gives written informed consent as defined in Section 5326.3 to the shock treatment which is dated and witnessed and entered in the patient's treatment record. The consent shall include a statement that the treatment physician has made the oral explanation to the patient as required by this section.

(b) The patient has capacity to give informed consent.

(c) A responsible relative or the guardian or conservator of the person has been given the oral explanation by the treatment physician as required by this section.

(d) The treatment physician gives adequate documentation entered in the patient's treatment record of the reasons for the procedure, that all other appropriate treatment modalities have been exhausted and that this mode of treatment is critically needed for the welfare of the patient.

(e) A review by a committee of three physicians, one appointed by the facility and two appointed by the local mental director, two of whom shall be either board certified psychiatrists or board

certified neurosurgeons of the case and the patient's treatment record who unanimously agree with the treatment physicians determinations pursuant to subdivision (d) and the patient has the capacity to give informed consent. Such agreement shall be documented in the patient's treatment record and signed by such physicians.

(f) In the event that the review committee determines, pursuant to subdivision (e) that the patient does not have the capacity to give informed consent, shock treatments shall be performed only after the conditions stated in subdivisions (c), (d) and (e) are met.

(g) No shock treatment shall be performed if the patient is deemed to be able to give informed consent and refuses to do so.

SEC. 5. Section 5326.5 is added to the Welfare and Institutions Code, to read:

5326.5. (a) Any physician who violates Section 5326.3 or 5326.4 shall be subject to a civil penalty of not more than ten thousand dollars ($10,000) for each violation or revocation of license, or both.

Such penalty may be assessed and collected in a civil action brought by the Attorney General in a superior court.

(b) Any individual whose attending physician violated Section 5326.3 or 5326.4 in administering psychosurgery or shock treatments may bring a civil action in the Superior Court of California for damages against the physician who administered the treatment. The court in such action shall, in addition to any judgment accorded to the plaintiff, allow a reasonable attorney's fee to be paid by the defendant and the costs of the action. The remedy provided by this subdivision shall be in addition to and not in substitution for any other remedies which such individual may have under law.

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## CHAPTER 1535

*An act to add Section 12919 to the Education Code, relating to school employees.*

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

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

SECTION 1. Section 12919 is added to the Education Code, to read:

12919. Notwithstanding any provision of law to the contrary, a school district may, from funds under its jurisdiction, pay the surviving spouse of any employee who is murdered while in the course of his employment the amount that the deceased would have received if he had lived to complete the time remaining in his contract with the district.

This section shall be applicable to the surviving spouse of any such

employee who was murdered during or after the 1973–74 school year.

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## CHAPTER 1536

*An act to amend the heading of Title 7 (commencing with Section 65000) of, to add a division heading immediately below the heading of Title 7 (commencing with Section 65000) of, and to add Division 2 (commencing with Section 66410) to Title 7 of, the Government Code, to repeal Chapter 2 (commencing with Section 11500) of Part 2 of Division 4 of the Business and Professions Code, and to repeal Sections 5078.9, 10000, 10001, 10002, 10020, 10021, 10022, 10040, 10041, 10042, and 10043 of the Public Resources Code, relating to subdivisions.*

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

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

SECTION 1. Chapter 2 (commencing with Section 11500) of Part 2 of Division 4 of the Business and Professions Code is repealed.

SEC. 2. The heading of Title 7 (commencing with Section 65000) of the Government Code is amended to read:

### TITLE 7. PLANNING AND LAND USE

SEC. 3. A division heading is added immediately below the heading of Title 7 (commencing with Section 65000) of the Government Code, to read:

### DIVISION 1. PLANNING AND ZONING

SEC. 4. Division 2 (commencing with Section 66410) is added to Title 7 of the Government Code, to read:

### DIVISION 2. SUBDIVISIONS

#### CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

##### Article 1. General Provisions

66410. This division may be cited as the Subdivision Map Act.

66411. Regulation and control of the design and improvement of subdivisions are vested in the legislative bodies of local agencies. Each local agency shall by ordinance regulate and control subdivisions for which this division requires a tentative and final or parcel map. Such ordinance shall specifically provide for proper grading and erosion control, including the prevention of

sedimentation or damage to off-site property. Each local agency may by ordinance regulate and control other subdivisions, provided that such regulations are not more restrictive than the regulations for those subdivisions for which a tentative and final or parcel map are required by this division, and provided further that such regulations shall not be applied to short-term leases (terminable by either party on not more than 30 days notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code unless a showing is made in individual cases, under substantial evidence, that public policy necessitates the application of such regulations to such short-term leases in such individual cases. Whenever a local ordinance requires improvements for a division of land which is not a subdivision of five or more lots, such regulations shall be limited to the dedication of right-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.

66412. This division shall be inapplicable to:

(a) The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks;

(b) Mineral, oil or gas leases;

(c) Land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

66413. (a) When any area in a subdivision as to which a final map has been finally approved by a board of supervisors and filed for record pursuant to this division is thereafter annexed to a city, the final map and any agreements relating to such subdivision shall continue to govern such subdivision.

(b) When any area in a subdivision or proposed subdivision as to which a tentative map has been filed but a final map has not been finally approved, or as to which a parcel map is required by this division or local ordinance but the final act required to make such parcel map effective has not been taken, is annexed to a city, all procedures and regulations required by this division or by local ordinance of the annexing city shall be deemed to commence as of the effective date of the annexation and the map shall comply with the requirements of any applicable ordinance of the city to which such area is annexed.

## Article 2. Definitions

66414. The definitions in this article apply to the provisions of this division only and do not affect any other provisions of law.

66415. "Advisory agency" means a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps.

66416. "Appeal board" means a designated board or other official body charged with the duty of hearing and making determinations upon appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or decided by the advisory agency to be required.

66417. "County surveyor" includes county engineer, if there is no county surveyor.

66418. "Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of this title, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of this title.

66419. (a) "Improvement" refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

(b) "Improvement" also refers to such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of this title, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of this title.

66420. "Local agency" means a city, county or city and county.

66421. "Local ordinance" refers to a local ordinance regulating the design and improvement of subdivisions, enacted by the legislative body of any local agency under the provisions of this division or any prior statute, regulating the design and improvements of subdivisions, insofar as the provisions of the ordinance are consistent with and not in conflict with the provisions of this division.

66422. "Streets" includes highways.

66423. "Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others.

66424. "Subdivision" means the division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code or a community apartment project, as defined in Section 11004 of the Business annd Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

## CHAPTER 2. MAPS

### Article 1. General Provisions

66425. The necessity for tentative, final and parcel maps shall be governed by the provisions of this chapter.

66426. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, or a community apartment project containing five or more parcels, except where:

(a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body, or

(b) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway, or

(c) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths, or

(d) Each parcel created by the division has a gross area of 40 acres or more, or each of which is a quarter-quarter section or larger, or such other amount, up to 60 acres, as may be specified by local ordinance.

A parcel map shall be required for those subdivisions described in subdivisions (a), (b), (c), and (d).

66427. A map of a condominium project or a community apartment project need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor shall the governing body have the right to refuse approval of a parcel, tentative or final map of such a project on account of design or location of buildings on the property shown on the map not violative of local ordinances or on account of the

manner in which airspace is to be divided in conveying the condominium. Fees and lot design requirements shall be computed and imposed with respect to such maps on the basis of parcels or lots of the surface of the land shown thereon as included in the project. Nothing herein shall be deemed to limit the power of the legislative body to regulate the design or location of buildings in such a project by or pursuant to local ordinances.

66428. Local ordinances may require a tentative map where a parcel map is required by this chapter. A parcel map shall be required for subdivisions as to which a final or parcel map is not otherwise required by this chapter, unless waived by local ordinance as provided in this section, and provided further that a parcel map shall not be required for subdivisions created by short-term leases (terminable by either party on not more than 30 days' notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a parcel map.

A local agency may, by ordinance, provide a procedure for waiving the requirement for a parcel map, imposed by this section. In the event that such a waiver is provided by local ordinance, the ordinance shall require a finding by the legislative body or advisory agency, that the proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this division or local ordinance enacted pursuant thereto. In any case, where the requirement for a parcel map is waived by local ordinance pursuant to provisions of this section, a tentative map may be required by local ordinance.

66429. Of the maps required by this division, only final and parcel maps may be filed for record in the office of the county recorder.

66430. No final map or parcel map required by this chapter or local ordinance which creates a subdivision shall be filed with the local agency without the written consent of all parties having any record title interest in the real property proposed to be subdivided, except as otherwise provided in this division.

66431. Upon mutual agreement of their respective legislative bodies, the county surveyor may perform any or all of the duties assigned to the city engineer, including required certifications. Whenever such duties have been divided between the county surveyor and city engineer, each officer shall certify to the duties performed by him.

## Article 2. Final Maps

66433. The content and form of final maps shall be governed by the provisions of this article.

66434. The final map shall be prepared by or under the direction

of a registered civil engineer or licensed land surveyor, shall be based upon a survey and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.

(d) Each parcel shall be numbered and each block may be numbered or lettered. Each street shall be named.

(e) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

(f) When a soils report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report.

(g) It shall also satisfy any additional survey and map requirements of local ordinances.

66435. Prior to filing, those certificates and acknowledgments set forth in this article shall appear on the final map and may be combined where appropriate.

66436. A certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the final map is required, except as follows:

(a) Neither a lien for state, county, municipal or local taxes, nor for special assessments, nor beneficial interest under trust deeds, nor a trust interest under bond indentures, nor mechanics' liens constitute a record title interest in land for the purpose of this chapter or local ordinance.

(b) Signatures of parties owning the following types of interests may be omitted if their names and the nature of their respective interests are stated on the final map:

(1) Rights-of-way, easements or other interests which cannot ripen into a fee, except those owned by a public entity or public utility unless it is determined by the legislative body that division and development of the property in the manner set forth on the final map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement; provided that such signatures may be required by a local agency. If such signatures are not required by the local agency, the subdivider shall send, by certified mail, a sketch of the proposed final map, together with a copy of this section, to any public entity or public utility which has previously acquired a right-of-way or easement. If the public entity or public utility objects to recording the final map without the signature of each public entity or public utility, it shall so notify the subdivider and the legislative body within 30 days after receipt thereof, otherwise the signature may be omitted. Failure of the public entity or public utility to object to recording the final map without its signature shall in no way affect its rights under a right-of-way or easement.

(2) Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and signatures are impossible or impractical to obtain. A statement of the circumstances preventing the procurement of the signatures shall also be stated on the map.

(3) Interests in or rights to minerals, including but not limited to oil, gas or other hydrocarbon substances, if (i) the ownership of such interests or rights does not include a right of entry on the surface of the land, or (ii) the use of the land, or the surface thereof, in connection with the ownership of such interests or rights, is prohibited by zoning or other local ordinances or regulations, provided that such signatures may be required by a local agency.

(c) Real property originally patented by the United States or by the State of California, which original patent reserved interest to either or both of such entities, may be included in the final map without the consent of the United States or the State of California thereto or to dedications made thereon.

66439. Dedications of or offers to dedicate interests in real property for specified public purposes shall be made by a certificate on the final map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, subject to the provisions of Section 66436.

In the event any street shown on a subdivision map is not offered for dedication, the certificate may contain a statement to this effect. If such statement appears on the map and if the map is approved by the legislative body, the use of any such street or streets by the public shall be permissive only.

An offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under such real property unless and only to the extent and intent to dedicate such facilities is expressly stated in

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the certificate.

66440. The final map shall contain a certificate for execution by the clerk of each approving legislative body stating that the body approved the map and accepted, accepted subject to improvement, or rejected, on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication.

66441. A certificate by the engineer or surveyor responsible for the survey and final map is required. His certificate shall give the date of the survey, state that the survey and final map were made by him or under his direction, and that the survey is true and complete as shown.

The certificate shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified later date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

66442. (a) If a subdivision for which a final map is required lies within an unincorporated area, a certificate by the county surveyor and, if such subdivision lies within a city, a certificate by the city engineer is required. The appropriate official shall state that:

(1) He has examined the map.

(2) The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof.

(3) All provisions of this chapter and of any local ordinances applicable at the time of approval of the tentative map have been complied with.

(4) He is satisfied that the map is technically correct.

(b) The county surveyor or the city engineer, as the case may be, or other public official or employee qualified and authorized to perform the functions of either, shall complete and file with his legislative body his certificate as required by this section within 20 days from the time the final map is submitted to him by the subdivider for approval.

66443. In addition to the certificates and acknowledgments required herein for final maps, such maps shall contain such other certificates and acknowledgments as are required by local ordinance.

## Article 3. Parcel Maps

66444. The content and form of parcel maps shall be governed by the provisions of this article.

66445. The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall show the location of streets and property lines bounding the property and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or

polyester base film. Certificates may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 x 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) Each parcel shall be numbered or otherwise designated.

(d) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.

(e) The map shall show the location of each parcel and its relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey but only by reference to the existing record boundaries of such remainder if such remainder has a gross area of five acres or more.

(f) Subject to the provisions of Section 66436, a certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required, except as otherwise provided by local ordinance.

(g) It shall also satisfy any additional map requirements of local ordinances consistent with this division.

66447. If dedications or offers of dedication are required, they may be made either by certificate on the parcel map or by separate instrument, as provided by local ordinance. If dedications or offers of dedication are made by separate instrument, such dedications or offers of dedication shall be recorded concurrently with, or prior to, the parcel map being filed for record.

Such dedication or offers of dedication, whether by certificate or separate instrument, shall be signed by the same parties and in the same manner as set forth in Section 66439 for dedications by a final map.

66448. In all cases where a parcel map is required, such map shall be based upon a field survey made in conformity with the Land Surveyors Act when required by local ordinance, or, in absence of such requirement, shall be based either upon a field survey made in conformity with the Land Surveyors Act or be compiled from recorded or filed data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map if the location of at least one of these boundary lines can be established from an existing monumented line.

66449. The following certificates shall appear on a parcel map:

(a) Engineer's (surveyor's) certificate.

This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act at the request of (name of person authorizing map) on (date). I hereby certify (that it conforms to the approved tentative map and the conditions of approval thereof).

(Signed) _____
R.C.E. (or L.S.) No. _____

(b) Recorder's certificate.

Filed this _____ day of _____, 19__, at __m. in Book _____ of _____, at page ____, at the request of _____.

Signed _____
County recorder

66450. If a subdivision for which a parcel map is required lies within unincorporated territory, the parcel map shall be submitted to the county surveyor for his examination prior to filing, and if such subdivision lies within a city, the parcel map shall be submitted to the city engineer for his examination prior to filing.

Within 20 days after receiving the parcel map, such officer or officers shall examine it for the survey information shown thereon, and if satisfied that it is technically correct, the following certification shall be placed on the map.

County Surveyor's Certificate
(or City Engineer's Certificate)

This map conforms with the requirements of Section _____ of the _____ Code.

Dated: _____.

Signed: _____
County surveyor/city engineer

## CHAPTER 3. PROCEDURE

### Article 1. General Provisions

66451. The procedures set forth in this chapter shall govern the processing, approval, conditional approval or disapproval and filing of tentative, final and parcel maps and the modification thereof. Local ordinances may modify such procedures to the extent authorized by this chapter.

66451.1. The time limits specified in this chapter for reporting and acting on maps may be extended by mutual consent of the subdivider and the advisory agency or legislative body required to report or act.

66451.2. The local agency may establish reasonable fees for the

processing of tentative, final and parcel maps and for other procedures required or authorized by this division or local ordinance.

66451.3. Whenever a public hearing is held pursuant to this division, notice of the time and place thereof, including a general description of the location of the subdivision or proposed subdivision, shall be given at least 10 days before the hearing. Such notice shall be given by publication once in a newspaper of general circulation published and circulated in the local agency, or if there is none, by posting the notice in a least three public places in the local agency, or if the subdivision lies within a city, published in a newspaper of general circulation printed and published in the county and circulated in the city. In addition to notice by publication, a local agency may give notice of the hearing in such other manner as it may deem necessary or desirable, as provided by local ordinance. Any interested person may appear at such a hearing and shall be heard.

## Article 2. Tentative Maps

66452. A tentative map shall be filed with the clerk of the advisory agency or, if there is no such agency, with the clerk of the legislative body, or with such other officer or employee of the local agency as may be designated by local ordinance.

66452.1. (a) If the advisory agency is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, it shall make its written report on the tentative map to the legislative body within 50 days after the filing thereof with its clerk.

(b) If the advisory agency is authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, it shall take such action within 50 days after the filing thereof with its clerk and report its action to the subdivider.

66452.2. (a) If there is an advisory agency which is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, at the next regular meeting of the legislative body following the filing of the advisory agency's report with it, the legislative body shall fix the meeting date at which the tentative map will be considered by it, which date shall be within 30 days thereafter and the legislative body shall approve, conditionally approve or disapprove the tentative map within such 30-day period.

(b) If there is no advisory agency, the clerk of the legislative body shall submit the tentative map to the legislative body at its next regular meeting which shall approve, conditionally approve or disapprove such map within 50 days thereafter.

66452.3. Any report or recommendation on a tentative map by the staff of the local agency to the advisory agency or legislative body shall be in writing and a copy thereof served on the subdivider at least three days prior to any hearing or action on such map by such advisory agency or legislative body.

66452.4. If no action is taken upon a tentative map by an advisory agency which is authorized by local ordinance to approve, conditionally approve or disapprove the tentative map or by the legislative body within the time limits specified in this chapter or any authorized extension thereof, the tentative map as filed, shall be deemed to be approved, insofar as it complies with other applicable requirements of this division and local ordinance, and it shall be the duty of the clerk of the legislative body to certify such approval.

66452.5. (a) The subdivider may appeal from any action of the advisory agency with respect to a tentative map to the appeal board established by local ordinance or, if none, to the legislative body.

Any such appeal shall be filed with the clerk of the appeal board, or if there is none, with the clerk of the legislative body within 15 days after the action of the advisory agency from which the appeal is being taken.

Upon the filing of an appeal, the appeal board or legislative body shall set the matter for hearing. Such hearing shall be held within 30 days after the date of filing the appeal. Within 10 days following the conclusion of the hearing, the appeal board or legislative body shall render its decision on the appeal.

(b) The subdivider or the advisory agency may appeal from the action of the appeal board to the legislative body. Any such appeal shall be filed with the clerk of the legislative body within 15 days after the action of the appeal board from which the appeal is being taken.

Upon the filing of an appeal, the legislative body shall set the matter for hearing. Such hearing shall be held within 30 days after the date of filing the appeal. Within 10 days following the conclusion of the hearing, the legislative body shall render its decision on the appeal. The decision shall comply with the provisions of Sections 66473, 66473.5 and 66474, and shall include any findings required by such sections.

(c) If there is an appeal board and it fails to act upon an appeal within the time limit specified in this chapter, the decision from which the appeal was taken shall be deemed affirmed and an appeal therefrom may thereupon be taken to the legislative body as provided in subdivision (b) of this section. If no such further appeal is taken, the tentative map, insofar as it complies with applicable requirements of this division and local ordinance, shall be deemed approved or conditionally approved as last approved or conditionally approved by the advisory agency, and it shall be the duty of the clerk of the legislative body to certify such approval, or if the advisory agency is one which is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, the advisory agency shall submit its report to the legislative body as if no appeal had been taken.

If the legislative body fails to act upon an appeal within the time limit specified in this chapter, the tentative map, insofar as it complies with applicable requirements of this division and local ordinance, shall be deemed to be approved or conditionally

approved as last approved or conditionally approved, and it shall be the duty of the clerk of the legislative body to certify such approval.

(d) Where local ordinance so provides, any interested person adversely affected by a decision of the advisory agency or appeal board may file a complaint with the governing body concerning any decision of the advisory agency or appeal board. Any such complaint shall be filed with the clerk of the governing body within 15 days after the action of the advisory agency or appeal board which is the subject of the complaint. Upon the filing of the complaint the governing body may set the matter for hearing. Such hearing shall be held within 30 days after the filing of the complaint. Such hearing may be a public hearing for which notice shall be given in the time and manner provided.

Upon conclusion of the hearing the governing body shall, within seven days, declare its findings based upon the testimony and documents produced before it or before the advisory board or the appeal board. It may sustain, modify, reject or overrule any recommendations or rulings of the advisory board or the appeal board and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

66452.6. (a) An approved or conditionally approved tentative map shall expire 12 months after its approval or conditional approval, or after such additional period of time as may be prescribed by local ordinance, not to exceed an additional 18 months.

(b) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed without first processing a new tentative map.

(c) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of two years. If the advisory agency denies a subdivider's application for extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

66452.7. The governing body, when there is no advisory agency or the advisory agency is required by Section 66455.5 of the Government Code to submit the tentative map to the Office of Intergovernmental Management, may extend the time permitted for action on such map if it is required to allow consideration of the evaluation received from the Office of Intergovernmental Management, but such extension shall not exceed 15 days.

Article 3. Review of Tentative Map by Other Agencies

66453. A local agency may make recommendations concerning proposed subdivisions in any adjoining city or in any adjoining unincorporated territory provided such subdivisions are within three miles of the exterior boundary of such local agency. A local agency which desires to make recommendations concerning such proposed subdivisions shall file with the local agency having jurisdiction of such subdivisions a map indicating the territory in which it desires to make such recommendations.

The local agencies receiving such territorial map shall issue a receipt therefor and shall thereafter transmit to the official designated by such local agency one copy of each tentative map of subdivisions located wholly or partially within the territory outlined on the territorial map. Such transmission shall be within five days after the receipt of the tentative map.

Any local agency receiving such tentative map shall make its recommendation to the local agency having jurisdiction of the subdivision within 15 days after receipt of such tentative map. The recommendations shall be taken into consideration by the local agency having jurisdiction before action is taken upon the tentative map.

66454. Any subdivider may file with a city the tentative map of a proposed subdivision of unincorporated territory adjacent to such city. The map, in the discretion of the city, may be acted upon in the manner provided in Article 2 (commencing with Section 66452) of this chapter, except that if it is approved, such approval shall be conditioned upon annexation of the property to such city within such period of time as shall be specified by the city, and such approval shall not be effective until annexation of such property to the city has been completed. If annexation is not completed within the time specified or any extension thereof, then the approval of such map by such adjacent city shall be null and void. No subdivision of unincorporated territory may be effected by approval of a map by a city unless annexation thereof to the city is completed prior to the approval of the final map thereof.

66455. The State Department of Public Works may file with the legislative body of any local agency having jurisdiction, a map or an amended map of any territory within one mile on either or both sides of any state highway routing in which territory it believes subdivision would have an effect upon an existing state highway or a future state highway, the route of which has been adopted by the California Highway Commission.

The city or county having jurisdiction shall issue a receipt for the territorial map and thereafter shall transmit to the district office of the Division of Highways of such department in the district in which the proposed subdivision is located, within three days after the receipt thereof, one copy of each tentative map of any subdivision located wholly or partly within the territory outlined on the

territorial map.

The department upon receiving a copy of the map may, within 15 days after receipt thereof, make recommendations to the local agency in connection therewith regarding the effect of the proposed subdivision upon such highway or highway route.

66455.5. Upon the filing of a tentative map as provided in Section 66452, it may be submitted to the Office of Intergovernmental Management pursuant to Section 12037 of the Government Code for an evaluation of the environmental impact of the proposed subdivision. If the subdivision in question is a land project as defined by Section 11000.5 of the Business and Professions Code, such submission shall be required prior to approval of the map.

66455.6. The clerk of the legislative body or the advisory agency of each local agency having jurisdiction over any part of the coastal zone, as defined in Section 27100 of the Public Resources Code, shall transmit to the office of the California Coastal Zone Conservation Commission within three days after the receipt thereof, one copy of each tentative map of any subdivision located, wholly or partly, within the coastal zone, and such commission may, within 15 days thereafter, make recommendations to the appropriate local agency regarding the effect of the proposed subdivision upon the California Coastal Zone Conservation Plan. This section does not exempt any such subdivision from the permit requirements of Chapter 5 (commencing with Section 27400) of Division 18 of the Public Resources Code.

This section shall remain in effect only until the first day of January after the final adjournment of the 1975–76 Regular Session of the Legislature and as of that date is repealed.

## Article 4. Final Maps

66456. After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a final map thereof prepared in accordance with the approved or conditionally approved tentative map.

66457. (a) A final map conforming to the approved or conditionally approved tentative map, if any, may be filed with the legislative body for approval after all required certificates on such map have been signed and, where necessary, acknowledged.

(b) If the subdivision lies entirely within the territory of a city, the map shall be filed with the city; if entirely within unincorporated territory, the map shall be filed with the county; and if partially within two or more of such territories, the map shall be filed with each, and in the latter case each shall act thereon as provided in this chapter.

66458. (a) The legislative body shall within a period of 10 days after the filing of the final map for approval or at its next regular meeting after the meeting at which it receives the map, whichever

is later, approve the map if it conforms to all the requirements of this chapter and any local subdivision ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder or, if it does not so conform, disapprove the map.

(b) If the legislative body does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to all said requirements and rulings, it shall be deemed approved, and the clerk of the legislative body shall certify its approval thereon.

66462. (a) If, at the time of approval of the final map by the legislative body, any public improvements required by the local agency pursuant to the provisions of this division or local ordinance have not been completed and accepted in accordance with standards established by the local agency by ordinance applicable at the time of the approval or conditional approval of the tentative map, the legislative body, as a condition precedent to the approval of the final map, shall require the subdivider to enter into one of the following agreements specified by the local agency:

(1) An agreement with the local agency upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense.

(2) An agreement with the local agency to thereafter (i) initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of all such improvements or (ii) if not completed under such special assessment act, to complete such improvements at the subdivider's expense.

(b) Such standards may be adopted by reference, without posting or publishing them, if they have been printed in book or booklet form and three copies thereof have been filed for use and examination by the public in the office of the clerk of the legislative body.

(c) The local agency entering into any agreement pursuant to this section shall require that performance of such agreement be guaranteed by the security specified in Chapter 5 (commencing with Section 66499).

## Article 5. Parcel Maps

66463. The procedure for processing, approval, conditional approval or disapproval and filing of parcel maps and modifications thereof shall be as provided by local ordinance. The provisions of Sections 66477.1, 66477.2, and 66477.3 relating to dedications and offers of dedication on final maps shall apply to dedications and offers of dedications on parcel maps.

66463.5. (a) When a tentative map is required, an approved or conditionally approved tentative map shall expire 12 months after its approval or conditional approval, or after such additional period of time as may be prescribed by local ordinance, not to exceed an

additional 18 months.

(b) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no parcel map of all or any portion of the real property included within such tentative map shall be filed without first processing a new tentative map.

(c) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve such tentative maps for a period or periods not exceeding a total of two years. If the advisory agency denies a subdivider's application for extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

## Article 6. Filing Maps With County Recorder

66464. (a) After the approval by the city of a final or parcel map of a subdivision, the city clerk shall transmit the map to the clerk of the county board of supervisors for ultimate transmittal to the county recorder.

(b) After the approval by the county of a final or parcel map of a subdivision within unincorporated territory, the map shall be transmitted ultimately to the county recorder.

(c) When all security required under the provision of this division to secure the payment of taxes and assessments which are a lien on some part of a subdivision of five or more parcels but which are not due and payable, have been deposited with the clerk of the board of supervisors and approved by the county, the clerk of the board of supervisors shall certify that such deposits have been made and shall transmit the final map to the county recorder.

66465. The subdivider shall present to the county recorder evidence that, at the time of the filing of the final or parcel map in the office of the county recorder, the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by this division, as shown by the records in the office of the recorder, otherwise the map shall not be filed.

66466. (a) The county recorder shall have not more than 10 days within which to examine a final or parcel map and either accept or reject it for filing.

(b) If the county recorder accepts the map for filing, such acceptance shall be certified on the face thereof. The map shall be securely fastened in a book of subdivision maps, in a book of parcel maps, or in a book of cities and towns which shall be kept for that purpose, or in such other manner as will assure that such maps will be kept together. The map shall become a part of the official records of the county recorder upon its acceptance by him for filing.

(c) The fee for filing and indexing such map is as prescribed in

Section 27372 of the Government Code.

(d) The original map shall be stored for safekeeping in a reproducible condition. The county recorder may maintain for public reference a set of counter maps that are prints of the original maps and produce the original maps for comparison upon demand.

66467. This chapter shall not prevent filing in the office of the county recorder of a final or parcel map of a subdivision for which a final or parcel map is not required, provided such map meets the requirements of this division and any local ordinance.

66468. The filing for record of a final or parcel map by the county recorder shall automatically and finally determine the validity of such map and when recorded shall impart constructive notice thereof.

## Article 7. Correction and Amendment of Maps

66469. After a final map or parcel map is filed in the office of the county recorder, it may be amended by a certificate of correction or an amending map:

(a) To correct an error in any course or distance shown thereon;

(b) To show any course or distance that was omitted therefrom;

(c) To correct an error in the description of the real property shown on the map;

(d) To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments; or

(e) To show the proper location of any monument which has been changed in location or originally was shown at the wrong location.

66470. The amending map or certificate of correction shall be prepared by a registered civil engineer or licensed land surveyor. An amending map shall conform to the requirements of Section 66434, if a final map, or Section 66445, if a parcel map. The certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

66471. If the subdivision is in unincorporated territory, the county surveyor shall examine the amending map or certificate of correction and if the only changes made are those set forth in Section 66469, he shall certify to this fact on the amending map or certificate of correction. If the subdivision is in a city, such examination and certification shall be by the city engineer.

66472. The amending map or certificate of correction certified by the county surveyor or city engineer shall be filed in the office of the county recorder in which the original map was filed. Upon such filing, the county recorder shall index the names of the fee owners and the appropriate tract designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart

constructive notice of all such corrections in the same manner as though set forth upon the original map.

## CHAPTER 4. REQUIREMENTS

### Article 1. General

66473. A local agency shall disapprove a map for failure to meet or perform any of the requirements or conditions imposed by this division or local ordinance enacted pursuant thereto and, in the case of a final map, applicable at the time of approval of the tentative map, which local ordinance may include, but need not be limited to, procedure for waiver of the provisions of this section when the failure of the map is the result of a technical and inadvertent error which, in the determination of the local agency, does not materially effect the validity of the map.

66473.5. No local agency shall approve a map unless the legislative body shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of this title, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of this title.

A proposed subdivision shall be consistent with a general plan or a specific plan only if the local agency has officially adopted such a plan and the proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in such a plan.

66474. A legislative body of a city or county shall deny approval of a final or tentative subdivision map if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be

provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

66474.1. A legislative body shall not deny approval of a final subdivision map pursuant to Section 66474 if it has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map.

66474.5. No local agency shall approve a final subdivision map for any land project, as defined in Section 11000.5 of the Business and Professions Code, unless:

(a) The local agency has adopted a specific plan covering the area proposed to be included within the land project.

(b) The local agency finds that the proposed land project, together with the provisions for its design and improvement, is consistent with the specific plan for the area.

This section shall apply to land projects for which tentative maps were approved on or after November 10, 1969.

66474.6. The governing body of any local agency shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the governing body finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative map or maps of the subdivision.

## Article 2. Advisory Agencies

66474.60. (a) In cities having a population of more than 2,800,000, the design, improvement and survey data of subdivisions and the form and content of tentative and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local ordinances dealing with subdivisions, the enactment of which is required by this chapter.

(b) Local ordinances may provide a proper and reasonable fee to be collected from the subdivider for the examination of tentative and final maps.

(c) The advisory agency, appeal board or legislative body shall not approve a tentative or final subdivision map unless it first finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general or specific plans.

66474.61. In cities having a population of more than 2,800,000, the advisory agency, appeal board or legislative body shall deny approval of a final or tentative subdivision map if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the legislative body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

66474.62. In cities having a population of more than 2,800,000, a legislative body shall not deny approval of a final subdivision map pursuant to subdivision (c) of Section 66474.60 or Section 66474.61 if it, the advisory agency or the appeal board has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map and with the conditions to the approval thereof.

66474.63. In cities having a population of more than 2,800,000, the advisory agency, appeal board or legislative body shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the advisory agency, appeal board or legislative body finds that the proposed waste discharge would result in or add to violation of requirements of such board, the body making such finding may disapprove the tentative map or maps of the subdivision.

66474.64. In cities having a population of more than 2,800,000, if the legislative body authorizes the advisory agency to report its

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action directly to the subdivider, the advisory agency shall, prior to making its report to the subdivider upon a subdivision as defined in this chapter, give notice of hearing in such manner as may be prescribed by local ordinance to the subdivider and to all property owners within 300 feet of the proposed subdivision and pursuant thereto shall conduct a public hearing at which time all persons interested in or affected by such proposed subdivision shall be heard.

## Article 3. Dedications

66475. There may be imposed by local ordinance a requirement of dedication or irrevocable offer of dedication of real property within the subdivision for streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements. Such irrevocable offers may be terminated as provided in subdivisions (c) and (d) of Section 66477.2.

66475.1. Whenever a subdivider is required pursuant to Section 66475 to dedicate roadways to the public, he may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision, if the subdivision, as shown on the final map thereof, contains 200 or more parcels.

66476. There may be imposed by local ordinance a requirement that dedications or offers of dedication of streets include a waiver of direct access rights to any such street from any property shown on a final or parcel map as abutting thereon and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions.

66477. The legislative body of a local agency may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map or parcel map, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map.

(b) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreational facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(f) The local agency must specify when development of the park

or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less.

(h) The division of land for which a parcel map is required is to be made by or on behalf of a person engaged in the business of developing and selling real estate as distinguished from a private owner making an occasional sale. A person shall not be deemed to be engaged in the developing and selling of real estate if he has made no more than four sales in either of the last two preceding years. Divisions of land not amounting to a subdivision and not used for residential purposes shall be exempted from the requirements of this section; provided however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within two years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. The local agency accepting such land or funds shall develop the land or use the funds in the manner provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a local agency, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the local agency having jurisdiction and such public agency.

The provisions of this section do not apply to industrial subdivisions; nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

66477.1. At the time the legislative body approves a final map, it shall also accept, accept subject to improvement, or reject any offer of dedication. The clerk of the legislative body shall certify on the map the action by the legislative body.

66477.2. (a) If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer of dedication shall remain open and the legislative body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, or storm drainage easements for public use, which acceptance shall be recorded in the office of the county recorder.

(b) In the case of any subdivision fronting upon the ocean coastline or bay shoreline, the offer of dedication of public access route or routes from public highways to land below the ordinary high water mark must be accepted within three years after the approval

of the final map; in the case of any subdivision fronting upon any public waterway, river or stream, the offer of dedication of public access route or routes from public highways to the bank of the waterway, river or stream and the public easement along a portion of the bank of the waterway, river or stream must be accepted within three years after the approval of the final map; in the case of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency including the state, the offer of dedication of public access route or routes from public highways to any water of such lake or reservoir must be accepted within five years after the approval of the final map; all other offers of dedication may be accepted at any time.

(c) Offers of dedication which are covered by subsection (a) may be terminated and abandoned in the same manner as prescribed for the abandonment or vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of, or by Chapter 2 (commencing with Section 940) of Division 2 of, the Streets and Highways Code, whichever is applicable.

(d) Offers of dedication which are not accepted within the time limits specified in subdivision (b) shall be deemed abandoned.

(e) Except as provided in Sections 66499.16, 66499.17 and 66499.18, if a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the legislative body.

66477.3. Acceptance of offers of dedication on a final map shall not be effective until the final map is filed in the office of the county recorder or a resolution of acceptance by the legislative body is filed in such office.

66478. Whether by request of a county board of education or otherwise, a city or county may adopt an ordinance requiring any subdivider who develops or completes the development of one or more subdivisions in one or more school districts maintaining an elementary school to dedicate to the school district, or districts, within which such subdivisions are to be located, such land as the local legislative body shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school service. In no case shall the local legislative body require the dedication of an amount of land which would make development of the remaining land held by the subdivider economically unfeasible or which would exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

An ordinance adopted pursuant to this section shall not be applicable to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative maps in accordance with Article 2 (commencing with Section 66452) of Chapter 3 of this division. The requirement of dedication shall be imposed at the time of approval of the tentative map. If, within 30



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days after the requirement of dedication is imposed by the city or county, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days after, the filing of the final map on any portion of the subdivision. The school district shall, in the event that it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

(a) The cost of any improvements to the dedicated land since acquisition by the subdivider.

(b) The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication

(c) Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

If the land is not used by the school district, as a school site, within 10 years after dedication, the subdivider shall have the option to repurchase the property from the district for the amount paid therefor.

The school district to which the property is dedicated shall record a certificate with the county recorder in the county in which the property is located. The certificate shall contain the following information:

(1) The name and address of the subdivider dedicating the property.

(2) A legal description of the real property dedicated.

(3) A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within 10 years after dedication.

(4) Proof of the acceptance of the dedication by the school district and the date of the acceptance. The certificate shall be recorded not more than 10 days after the date of acceptance of the dedication. The subdivider shall have the right to compel the school district to record such certificate, but until such certificate is recorded, any rights acquired by any third party dealing in good faith with the school district shall not be impaired or otherwise affected by the option right of the subdivider.

If any subdivider is aggrieved by, or fails to agree to the reasonableness of any requirement imposed pursuant to this section, he may bring a special proceeding in the superior court pursuant to Section 66499.37.

## Article 3.5. Public Access to Public Resources

66478.1. It is the intent of the Legislature, by the provisions of Sections 66467.1 through 66478.10 of this article to implement Section

2 of Article XV of the California Constitution insofar as Section 66478.1 through 66478.10 are applicable to navigable waters.

66478.2. The Legislature finds and declares that the public natural resources of this state are limited in quantity and that the population of this state has grown at a rapid rate and will continue to do so, thus increasing the need for utilization of public natural resources. The increase in population has also increased demand for private property adjacent to public natural resources through real estate subdivision developments which resulted in diminishing public access to public natural resources.

66478.3. The Legislature further finds and declares that it is essential to the health and well-being of all citizens of this state that public access to public natural resources be increased. It is the intent of the Legislature to increase public access to public natural resources.

66478.4. (a) No local agency shall approve either a tentative or a final map of any proposed subdivision to be fronted upon a public waterway river or stream which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision.

(b) Reasonable public access shall be determined by the local agency in which the proposed subdivision is to be located. In making the determination of what shall be reasonable access, the local agency shall consider all of the following:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of riverbank and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(c) A public waterway river or stream for the purposes of Sections 66477.2, 66478.4, 66478.5 and 66478.6 means those waterways, rivers and streams defined in Sections 100 through 106 of the Harbors and Navigation Code, any stream declared to be a public highway for fishing pursuant to Sections 25660 through 25662 of the Government Code, the rivers listed in Section 1505 of the Fish and Game Code as spawning areas, all waterways, rivers and streams downstream from any state or federal salmon or steelhead fish hatcheries.

66478.5. (a) No local agency shall approve either a tentative or a final map of any proposed subdivision to be fronted upon a public waterway river or stream which does not provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision.

(b) The extent, width and character of the public easement shall be reasonably defined to achieve reasonable public use of the public

waterway river or stream consistent with public safety. The reasonableness and extent of the easement shall be determined by the local agency in which the proposed subdivision is to be located. In making the determination for reasonably defining the extent, width, and character of the public easement, the local agency shall consider all of the following:

(1) That the easement may be for a foot trail, bicycle trail, or horse trail.

(2) The size of the subdivision.

(3) The type of riverbank and the various appropriate recreational, educational and scientific uses including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

66478.6. Any public access route or routes and any easement along the bank of a public waterway river or stream provided by the subdivider shall be expressly designated on the tentative or final subdivision map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

66478.7. Nothing in this article shall be construed to limit any powers or duties in connection with or affect the operation of beaches or parks in this state or to limit or decrease the authority, powers, or duties of any public agency or entity.

66478.8. Nothing in Sections 66478.1 through 66478.10 of this article shall require a local agency to disapprove either a tentative or final subdivision map solely on the basis that the reasonable public access otherwise required by this article is not provided through or across the subdivision itself, if the local agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final subdivision map.

66478.9. Nothing in Section 66478.5 shall apply to the site of electric power generating facilities.

66478.10. Nothing in Sections 66478.1 through 66478.10 of this article shall apply to industrial subdivisions.

66478.11. (a) No local agency shall approve either the tentative or the final map of any subdivision fronting upon the coastline or shoreline which subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary high-water mark on any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final subdivision map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated.

(b) Reasonable public access, as used in subdivision (a), shall be

determined by the local agency in which the subdivision lies.

(c) In making the determination of what shall be reasonable public access, the local agency shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of coastline or shoreline and the various appropriate recreational, education, and scientific uses, including, but not limited to, diving, sunbathing, surfing, walking, swimming, fishing, beachcombing, taking of shellfish and scientific exploration.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(d) Nothing in this section shall require a local agency to disapprove either a tentative or final subdivision map solely on the basis that the reasonable public access otherwise required by this section is not provided through or across the subdivision itself, if the local agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final subdivision map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a local agency prior to the effective date of this section.

(f) The provisions of this section shall not apply to the final or tentative map of any subdivision which is in compliance with the plan of any planned development or any planned community which has been approved by a local agency prior to December 31, 1968. The exclusion provided by this subdivision shall be in addition to the exclusion provided by subdivision (e).

(g) Nothing in this section shall be construed as requiring the subdivider to improve any access route or routes which are primarily for the benefit of nonresidents of the subdivision area.

(h) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located.

66478.12. (a) No local agency shall approve either the tentative or the final map of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency including the state, which subdivision does not provide or have available reasonable access by fee or easement from public highways to any water of the lake or reservoir upon which the subdivision borders either within the subdivision or a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final subdivision map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

(b) Reasonable access, as used in subdivision (a), shall be determined by the local agency in which the subdivision lies.

(c) In making the determination of what shall be reasonable access, the local agency shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific exploration, and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(d) Nothing in this section shall require a local agency to disapprove either a tentative or final subdivision map solely on the basis that the reasonable access otherwise required by this section is not provided through or across the subdivision itself, if the local agency makes a finding that such reasonable access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final subdivision map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a local agency prior to the effective date of this section.

(f) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located.

66478.13. No local agency shall issue any permit or grant any approval necessary to develop any real property which is excluded from regulation under this division as a subdivision pursuant to subdivision (d) of Section 66426 because such property is in excess of 40 acres and was created as such a parcel after December 31, 1969, when such property fronts on the coastline or a shoreline, unless it finds that reasonable public access has been provided from public highways to land below the ordinary high-water mark or any ocean coastline or bay shoreline or any water of a lake or reservoir upon which the real property fronts.

"Reasonable public access" as used in this section shall be determined by the local agency in which the real property lies. In

making such determination the local agency shall use the same criteria as those set forth in subdivisions (c) and (d) of Section 66478.11 and subdivisions (c) and (d) of Section 66478.12.

66478.14. Nothing in this article shall be construed as requiring the subdivider to improve any route or routes which are primarily for the benefit of nonresidents of the subdivision area or nonowners of the real property in question.

## Article 4. Reservations

66479. There may be imposed by local ordinance a requirement that areas of real property within the subdivision be reserved for parks, recreational facilities, fire stations, libraries or other public uses, subject to the following conditions:

(a) The requirement is based upon an adopted specific plan or an adopted general plan containing a community facilities element, a recreation and parks element, or a public building element, and the required reservations are in accordance with definite principles and standards contained therein.

(b) The ordinance has been in effect for a period of at least 30 days prior to the filing of the tentative map.

(c) The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.

(d) The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

The reserved area shall conform to the adopted specific or general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

66480. The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

66481. If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate.

66482. The authority granted by this article is additional to all other authority granted by law to local agencies relating to subdivisions and shall in no way be construed as a limitation on or

diminution of any such authority.

## Article 5. Fees

66483. There may be imposed by local ordinance a requirement for the payment of fees for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas and of constructing planned sanitary sewer facilities for local sanitary sewer areas, subject to the following conditions:

(a) The ordinance has been in effect for a period of at least 30 days prior to the filing of the tentative map or parcel map if no tentative map is required.

(b) The ordinance refers to a drainage or sanitary sewer plan adopted for a particular drainage or sanitary sewer area which contains an estimate of the total costs of constructing the local drainage or sanitary sewer facilities required by the plan, and a map of such area showing its boundaries and the location of such facilities.

(c) The drainage or sanitary sewer plan, in the case of a city situated in a county having a countywide general drainage or sanitary sewer plan, has been determined by resolution of the legislative body of the county to be in conformity with such a county plan; or in the case of a city situated in a county not having such a plan but in a district having such a plan, has been determined by resolution of the legislative body of the district to be in conformity with the district general plan; or in the case of a city situated in a county having such a plan and in a district having such a plan, has been determined by resolution of the legislative body of the county to be in conformity with such a plan and by resolution of the legislative body of the district to be in conformity with the district general plan.

(d) The costs, whether actual or estimated, are based upon findings by the legislative body that subdivision and development of property within the planned local drainage area or local sanitary sewer area will require construction of the facilities described in the drainage or sewer plan, and that the fees are fairly apportioned within such areas either on the basis of benefits conferred on property proposed for subdivision or on the need for such facilities created by the proposed subdivision and development of other property within such areas.

(e) The fee as to any property proposed for subdivision within such a local area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within such area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.

(f) The drainage or sanitary sewer facilities planned are in addition to existing facilities serving the area at the time of the adoption of such a plan for the area.

Such fees shall be paid into a "planned local drainage facilities

fund" and a "planned local sanitary sewer fund," respectively. Separate funds shall be established for each local drainage and sanitary sewer area. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of local drainage or sanitary sewer facilities within the area from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of engineering and administrative services to form the district and design and construct the facilities. The local ordinance may provide for the acceptance of considerations in lieu of the payment of fees.

A local agency imposing fees pursuant to this section may advance money from its general fund to pay the costs of constructing such facilities within a local drainage or sanitary sewer area and reimburse the general fund for such advances from the planned local drainage or sanitary sewer facilities fund for the local drainage or sanitary sewer area in which the drainage or sanitary sewer facilities were constructed.

A local agency imposing fees pursuant to this section may incur an indebtedness for the construction of drainage or sanitary sewer facilities within a local drainage or sanitary sewer area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage or sanitary sewer facilities fund.

66484. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges or major thoroughfares.

Such local ordinance may require payment of fees pursuant to this section if:

(a) The ordinance refers to the circulation element of the general plan and, in the case of bridges, to flood control provisions thereof which identify streams for which bridge crossings are required on general plan or local roads and in the case of major thoroughfares to the provisions of such circulation element which identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system; provided, such circulation element and flood control provisions have been adopted by the local agency 30 days prior to the filing of a subdivision map or application for a building permit.

(b) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65905 of the Government Code. In addition to the requirements of Section 65905 of the Government Code, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of the subdivision map or building permit application considered at such proceedings.

(c) The ordinance provides that at such public hearing, the

boundaries of the area of benefits, the costs, whether actual or estimated, and a fair method of fee apportionment are established. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final subdivision map or as a condition of issuing a building permit for such property or portions thereof. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the governing agency shall make provision for payment of the share of improvement costs apportioned to such lands from other sources.

(d) The ordinance provides that payment of fees shall not be required unless the planned bridge facility or major thoroughfares are in addition to, or a reconstruction of, any existing bridge facilities or major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

(e) The ordinance provides that if, within the time when protests may be filed under the provisions of such ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

Nothing in this section shall preclude the processing and recordation of subdivision maps in accordance with other provisions of this division if proceedings are abandoned.

Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the legislative body, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of

the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of a majority of the property within the area of benefit are in favor of going forward with such portion of the improvement or acquisition.

Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A separate fund shall be established for each planned bridge facility or major thoroughfare project. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of constructing the improvement.

An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

A local agency imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for such advances from planned bridge facility or major thoroughfares funds established to finance the construction of such improvements.

A local agency imposing fees pursuant to this section may incur an indebtedness for the construction of bridge facilities or major thoroughfares provided that the sole security for repayment of such indebtedness shall be moneys in planned bridge facility or major thoroughfares funds.

The term "construction" as used in this section includes design, acquisition of right-of-way, administration of construction contracts and actual construction.

## Article 6. Reimbursement

66485. There may be imposed by local ordinance a requirement that improvements installed by the subdivider for the benefit of the subdivision shall contain supplemental size, capacity or number for the benefit of property not within the subdivision, and that such improvements be dedicated to the public.

66486. In the event of the installation of improvements required by an ordinance adopted pursuant to Section 66485, the local agency shall enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements.

66487. In order to pay the costs as required by the reimbursement agreement, the local agency may:

(a) Collect from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use.

(b) Contribute to the subdivider that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and levy a charge upon the real property benefited to reimburse itself for such cost, together with interest thereon, if any, paid to the subdivider.

(c) Establish and maintain local benefit districts for the levy and collection of such charge or costs from the property benefited.

66488. Any local agency within a local drainage or sanitary sewer area may adopt the plan and map designated in Section 66483 and impose a reasonable charge on property within the area which, in the opinion of the legislative body, is benefited by such drainage or sanitary sewer facilities. The charge collected must be paid to the local agency or subdivider constructing such drainage or sanitary sewer facilities, and any local agency within the drainage or sanitary sewer area may enter into a reimbursement agreement with the subdivider.

66489. Any local agency may establish an area of benefit pursuant to Section 66484 and may impose a reasonable charge on property within the area which in the opinion of the legislative body, is benefited by the construction of the bridge or major thoroughfare. The charge collected shall be paid to the local agency or subdivider constructing the bridge, and any local agency having jurisdiction over any property which, in the opinion of the legislative body, is benefited by the construction of the bridge or major thoroughfare may enter into a reimbursement agreement with the subdivider.

## Article 7. Soils Report

66490. A preliminary soils report, prepared by a civil engineer registered in this state, and based upon adequate test borings, shall be required for every subdivision for which a final map is required by this division and may be required by local ordinance for other subdivisions.

66491. With respect to such soils report, a local ordinance may provide that:

(a) The preliminary soils report may be waived if the local agency shall determine that, due to the knowledge it has as to the soils qualities of the soils of the subdivision, no preliminary analysis is necessary.

(b) If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required.

Such soils investigation shall be done by a civil engineer registered in this state, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exists.

The local agency may approve the subdivision or portion thereof where such soils problems exist if it determines that the

recommended action is likely to prevent structural damage to each structure to be constructed, and as a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure.

## Article 8. Taxes and Assessments

66492. Prior to the filing of the final map with the legislative body, the subdivider shall file with the clerk of the board of supervisors of the county in which any part of the subdivision is located, a certificate from the official computing redemptions in any public agency in which any part of the subdivision is located, showing that, according to the records of such office, there are no liens against the subdivision or any part thereof for unpaid, state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.

As to taxes or special assessments collected as taxes which are a lien but not yet payable, the subdivider shall file with such clerk of the board of supervisors a certificate by each proper officer giving his estimate of the amount of taxes and assessments which are a lien but not yet payable.

66493. (a) Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider executes and files with the clerk of the board of supervisors of the county wherein any part of the subdivision is located, security conditioned upon the payment of all state, county, municipal and local taxes and the current installment of principal and interest of all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable.

(b) If the land being subdivided is a portion of a larger parcel shown on the last preceding tax roll as a unit, the security for payment of taxes need be only for such sum as may be determined by the county to be sufficient to pay the current and delinquent taxes on the land being subdivided, together with all accrued penalties and costs if such taxes have been or are allowed to become delinquent. The county shall also order the creation of new assessor's parcel numbers pursuant to Section 2823 of the Revenue and Taxation Code. Separate assessor's parcel numbers shall be given to the portion of the larger parcel which is not within the proposed subdivision and to the parcel or parcels which are within the proposed subdivision.

If the land being subdivided is sold for taxes, it may be redeemed for such sale without the redemption of the remainder of the larger parcel of which it is a part pursuant to the provisions of the Revenue and Taxation Code as if it were held in ownership separate from and other than the ownership of the remainder.

(c) Whenever land subject to a special assessment or bond which

may be paid in full is divided by the line of a lot or parcel of the subdivision, such assessment or bond shall be paid in full, or security filed with the clerk of the board of supervisors, payable to the county as trustee for the assessment bondholders for the payment of such special assessment or bond. This section shall not apply to bonds issued under the provisions of the Improvement Bond Act of 1915.

66494. (a) If the taxes or special assessments are allowed to become delinquent, the county shall recover from the security the principal sum of the security without proof of loss. The county shall apply the sum received in payment of any or all of such taxes or special assessments, including penalties and costs, if any, accruing thereto, to the proper state, county, municipal or district officers, for the satisfaction of the tax and special assessment liens and shall pay the balance, if any, over to the surety or depositor.

(b) If the taxes or special assessments are allowed to become delinquent and the security consists of a deposit of money, negotiable bond or instrument of credit, the clerk, subject to any rules of the board of supervisors with respect thereto, shall apply the proceeds thereof to the payment of such taxes and special assessments, including penalties and costs. Any excess proceeds shall be deposited in the county treasury for the benefit of the persons entitled thereto.

## Article 9. Monuments

66495. At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required by local ordinance. The local agency shall require that the exterior boundary of the land being subdivided be adequately monumented or referenced before the map is recorded.

66496. Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the legislative body security guaranteeing the payment of the cost of setting such monuments.

66497. Within five days after the final setting of all monuments has been completed by the engineer or surveyor, he shall give written notice to the subdivider, and to the city engineer or the county surveyor or such other public official or employee authorized to receive such notices, that the final monuments have been set.

Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the legislative body evidence of such payment and receipt thereof by the engineer or surveyor. In the case of a cash deposit, the legislative body may pay the engineer or surveyor for the setting of the final monuments from said cash deposit, if so requested by the depositor.

If the subdivider does not present evidence to the legislative body that he has paid the engineer or surveyor for the setting of the final monuments, and if the engineer or surveyor notifies the legislative body that he has not been paid by the subdivider for the setting of the final monuments, the legislative body may, within three months from the date of said notification, pay to the engineer or surveyor from any deposit the amount due.

66498. In the event of the death, disability or retirement from practice of the engineer or surveyor charged with the responsibility for setting monuments, or in the event of his refusal to set such monuments, the legislative body may direct the county surveyor or city engineer, or such engineer or surveyor as it may select, to set such monuments. When the monuments are so set, the substitute engineer or surveyor shall amend any map filed pursuant to this division in accordance with the provisions of Sections 66469 to 66472, inclusive. All provisions of this article relating to payment shall apply to the services performed by the substituted engineer or surveyor.

## CHAPTER 5. IMPROVEMENT SECURITY

66499. Whenever this division or a local ordinance authorizes or requires the furnishing of security in connection with the performance of any act or agreement, such security shall be one of the following at the option of and subject to the approval of the local agency:

(a) Bond or bonds by one or more duly authorized corporate sureties.

(b) A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the local agency, of money or negotiable bonds of the kind approved for securing deposits of public moneys.

(c) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

66499.1. A bond or bonds by one or more duly authorized corporate sureties to secure the faithful performance of any agreement shall be in substantially the following form:

Whereas, The Board of Supervisors of the County of _____ (or the City Council of the City of _____), State of California, and _____ (hereinafter designated as "principal") have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated _____, 19__, and identified as project _____, is hereby referred to and made a part hereof; and

Whereas, Said principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement.

Now, therefore, we, the principal and _____, as surety, are held and firmly bound unto the County of _____, (or City of _____) hereinafter called ("_____"), in the penal sum of _____ dollars ($_____) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bounded principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless _____, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by county (or city) in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on _____, 19__.

Appropriate modifications shall be made in such form if the bond is being furnished for the performance of an act not provided for by agreement.

66499.2. A bond or bonds by one or more duly authorized corporate sureties for the security of laborers and materialmen shall be in substantially the following form:

Whereas, The Board of Supervisors of the County of _____ (or City Council of the City of _____), State of California, and _____ (hereinafter designated as "principal") have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated _____, 19__, and identified as project _____, is hereby referred to and made a part hereof; and

Whereas, Under the terms of said agreement, principal is required

before entering upon the performance of the work, to file a good and sufficient payment bond with the County of _____ (or the City of _____) to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

Now, therefore, said principal and the undersigned as corporate surety, are held firmly bound unto the County of _____ (or the City of _____) and all contractors, subcontractors, laborers, materialmen and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Code of Civil Procedure in the sum of _____ dollars ($_____), for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by county (or city) in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of said agreement or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration or addition.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on _____, 19__.

66499.3. Security to guarantee the performance of any act or agreement shall be in the following amounts:

(a) An amount determined by the legislative body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement; and

(b) An additional amount determined by the legislative body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act.

(c) An amount determined by the legislative body necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

66499.4. As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by the local agency in successfully enforcing the obligation secured.

66499.5. If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, the local agency at its option may provide by local ordinance that, upon the furnishing by the contractor of the faithful performance and labor and material bonds required by the special assessment act being used, the improvement security of the subdivider may be reduced by an amount corresponding to the amount of such bonds so furnished by the contractor.

66499.6. Such money, negotiable bond or instrument of credit shall be a trust fund to guarantee performance and shall not be subject to levy or attachment by any creditors of the depositor until the obligation secured thereby is performed to the satisfaction of the local agency.

66499.7. The security furnished by the subdivider may be released in whole or in part in the following manner:

(a) Security given for faithful performance of any act or agreement may be released upon the performance of the act or final completion and acceptance of the required work or the legislative body may provide for the partial release of the security upon the partial performance of the act or the acceptance of the work as it progresses, under rules established by the legislative body.

(b) Security securing the payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment may, six months after the performance of the act or the completion and acceptance of the work, be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the legislative body, and if no such actions have been filed, the security may be released in full.

Such release shall not apply to any required guarantee and warranty period nor to the amount of the security deemed necessary by the local agency for such guarantee and warranty period nor to costs and reasonable expenses and fees, including reasonable attorneys' fees.

The legislative body may authorize any of its public officers or employees to authorize release or reduction of the security in accordance with the conditions hereinabove set forth and in accordance with such rules as it may prescribe.

66499.8. In all cases where the performance of the obligation for which the security is required is subject to the approval of another agency, the local agency shall not release the security until the

obligation is performed to the satisfaction of such other agency. Such agency shall have two months after completion of the performance of the obligation to register its satisfaction or dissatisfaction. If at the end of that period it has not registered its satisfaction or dissatisfaction, it shall be conclusively deemed that the performance of the obligation was done to its satisfaction.

66499.9. Any liability upon the security given for the faithful performance of any act or agreement shall be limited to:

(a) The performance of the work covered by the agreement between the subdivider and the legislative body or the performance of the required act.

(b) The performance of any changes or alterations in such work; provided, that all such changes or alterations do not exceed 10 percent of the original estimated cost of the improvement.

(c) The guarantee and warranty of the work, for a period of one year following completion and acceptance thereof, against any defective work or labor done or defective materials furnished, in the performance of the agreement with the legislative body or the performance of the act.

(d) Costs and reasonable expenses and fees, including reasonable attorneys' fees.

66499.10. Where the security is conditioned upon the payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of an act and takes the form of a deposit of money or negotiable bonds, a suit to recover the amount due the claimant may be maintained against the holder of such deposit. Where the security takes the form of a surety bond, or surety bonds, the right of recovery shall be in a suit against the surety. Where the security takes the form of an instrument of credit, the cause of action shall be against the financial institution obligating itself on such instrument of credit.

## CHAPTER 6. REVERSIONS AND EXCLUSIONS

### Article 1. Reversion to Acreage

66499.11. Subdivided real property may be reverted to acreage pursuant to the provisions of this article.

66499.12. Proceedings for reversion to acreage may be initiated by the legislative body on its own motion or by petition of all of the owners of record of the real property within the subdivision.

66499.13. The petition shall be in a form prescribed by the local agency and shall contain the following:

(a) Adequate evidence of title to the real property within the subdivision.

(b) Sufficient data to enable the legislative body to make all of the determinations and findings required by this article.

(c) A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion.

(d) Such other pertinent information as may be required by the local agency.

66499.14. The legislative body may establish a fee for processing reversions to acreage pursuant to this article in an amount which will reimburse the local agency for all costs incurred in processing such reversion to acreage. Such fee shall be paid by the owners at the time of filing the petition for reversion to acreage, or if the proceedings for reversion to acreage are initiated by the legislative body on its own motion shall be paid by the person or persons requesting the legislative body to proceed pursuant to this article before such initiation of proceedings.

66499.15. A public hearing shall be held on the proposed reversion to acreage. Notice thereof shall be given in the time and manner provided in Section 66451.3.

66499.16. Subdivided real property may be reverted to acreage only if the legislative body finds that:

(a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

(b) Either:

(1) All owners of an interest in the real property within the subdivision have consented to reversion; or

(2) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

(3) No lots shown on the final or parcel map have been sold within five years from the date such map was filed for record.

66499.17. As conditions of reversion the legislative body shall require:

(a) Dedications or offers of dedication necessary for the purposes specified by local ordinance following reversion.

(b) Retention of all previously paid fees if necessary to accomplish the purposes of this division or local ordinance adopted pursuant thereto.

(c) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division of local ordinance adopted pursuant thereto.

66499.18. Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

66499.19. When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to Section 66499.17.

66499.20. A tax bond shall not be required in reversion proceedings.

## Article 2. Exclusions

66499.21. The superior court of the county in which a subdivision is situated may cause all or any portion of the real property included within the boundaries of the subdivision to be excluded from such subdivision and the recorded map to be altered or vacated, in accordance with the procedures set forth in this article.

66499.22. A proceeding for exclusion shall be initiated by filing a petition therefor in the offices of the county surveyor and county clerk of the county in which the subdivision or the portion thereof sought to be excluded is situated. Such petition shall accurately and distinctly describe the real property sought to be excluded by reference to the recorded map or by any accurate survey, shall show the names and addresses of all owners of real property in the subdivision or in the portion thereof sought to be excluded as far as the same are known to the petitioners, and shall set forth the reasons for the requested exclusion. The petition shall be signed and verified by the owners of at least two-thirds of the total area of the real property sought to be excluded.

66499.23. The petition shall be accompanied by a new map showing the boundaries of the subdivision as it appears after the exclusion and alteration, such new map to designate as numbered or lettered parcels those portions excluded and show the acreage of each such parcel. If such map can be compiled from data available, an actual field survey shall not be required. If such map meets with the approval of the county surveyor, a certificate by an engineer or surveyor shall not be required.

66499.24. Upon the filing of a petition pursuant to this article, any judge of the superior court of the county in which the real property is situated shall make an order directing the clerk of the court to give notice of the filing of the petition. The notice shall be for once a week for a period of not less than five consecutive weeks and shall be given by publication in some newspaper of general circulation within the county, or if there is no newspaper published therein, by posting in three of the principal places in the county; provided, that if such real property or any portion thereof is situated within a city, the notice shall be given by publication in some newspaper of general circulation within the city, or if there is no newspaper published therein, by posting in three of the principal places in the city. Such notice shall contain a statement of the nature of the petition together with a direction that any person may file his written objection to the petition at any time before the expiration of the time of publication or posting. Upon expiration of the time of publication or posting, an affidavit showing such publication or posting shall be filed with the clerk of the court.

66499.25. The court may, if no objection has been filed, proceed without further notice to hear the petition. If during the hearing the petitioners produce to the court satisfactory evidence of the necessity of the exclusion of the real property, that the owners of

two-thirds of the area of the real property sought to be excluded are the petitioners, and that there is no reasonable objection to making such exclusion, the court may proceed to exclude the real property sought to be excluded by the petition, and order the alteration or vacation of the recorded map, and enter its decree accordingly.

66499.26. If objection is made to the petition which, in the judgment of the court is material, the court shall proceed to hear such objection and may adjourn the proceedings to such time as may be necessary upon proper notice to the petitioners and the objectors.

66499.27. The exclusion of any real property or the alteration or vacation of any recorded map pursuant to this article shall not affect or vacate the whole or any part of any public street or highway.

66499.28. A certified copy of the decree of the superior court excluding any real property or ordering the alteration or vacation of any recorded map pursuant to this article shall be recorded in the office of the county recorder of the county in which such real property is situated. The county recorder shall make upon the face of any such recorded map a memorandum stating briefly that such recorded map has been altered or vacated, whichever the case may be, and giving the date and reference of such decree.

66499.29. At the time a certified copy of the decree of court is recorded, a copy of the new map required by Section 66499.23 shall be filed for record with the county recorder who shall file it in accordance with the provisions of Section 66466. A copy of the new map shall also be filed with the local agency. A reference to this map shall be sufficient identification of the real property for reassessment purposes.

## CHAPTER 7. ENFORCEMENT AND JUDICIAL REVIEW

### Article 1. Prohibition and Penalty

66499.30. (a) No person shall offer to sell or lease, to contract to sell or lease, to sell or lease, or to finance any parcel or parcels of real property or to commence construction of any building for sale, lease or financing thereon, except for model homes, or to allow occupancy thereof, for which a final map is required by this division or local ordinance, until such map thereof in full compliance with the provisions of this division and any local ordinance has been filed for record by the recorder of the county in which any portion of the subdivision is located.

(b) No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a parcel map is required by this division or local ordinance, until such map thereof in full compliance with the provisions of this division and any local ordinance has been filed for record by the recorder of the county in which any portion of the subdivision is located.

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(c) Conveyances of any part of a division of real property for which a final or parcel map is required by this division or local ordinance shall not be made by parcel or block number, initial or other designation, unless and until such map has been filed for record by the recorder of the county in which any portion of the subdivision is located.

(d) This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law (including a local ordinance), regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

66499.31. Any person who violates any provision of this division shall be guilty of a misdemeanor.

## Article 2. Remedies

66499.32. (a) Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this division, or of the provisions of local ordinances enacted pursuant to this division, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation of the provisions of this division or of local ordinances enacted pursuant to the provisions of this division, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

(b) Any grantee, or his successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this division or of local ordinances enacted pursuant thereto, may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this division or of local ordinances enacted pursuant thereto and against any successors in interest who have actual or constructive knowledge of such division of property.

The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant to Section 66499.35 or identified in a recorded final subdivision map or parcel map, from and after the date of recording.

The provisions of this section shall not limit or affect in any way the rights of a grantee or his successor in interest under any other provision of law.

66499.33. This division does not bar any legal, equitable or summary remedy to which any aggrieved local agency or other

public agency, or any person, firm or corporation may otherwise be entitled, and any such local agency or other public agency, or such person, firm or corporation may file a suit in the superior court of the county in which any real property attempted to be subdivided or sold, leased or financed in violation of this division is located, to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of this division.

66499.34. No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this division or of the provisions of local ordinances enacted pursuant to this division if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of the real property at the time of such violation or whether the applicant therefor is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his interest in such real property.

If a city or a county issues a permit or grants approval for the development of any such real property, it may impose such additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property.

66499.35. (a) Any person owning real property may request, and a local agency shall determine, whether such real property complies with the provisions of this division and of local ordinances enacted pursuant thereto. Upon making such a determination the city or the county shall cause a certificate of compliance to be filed for record with the recorder of the county in which the real property is located. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of this division and of local ordinances enacted pursuant thereto. The local agency may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If a local agency determines that such real property does not comply with the provisions of this division or of local ordinances enacted pursuant thereto, it may, as a condition to granting a certificate of compliance, impose any of the conditions permitted under Section 66499.34. Such conditions may be fulfilled and implemented by the property owner who has applied for a certificate of compliance pursuant to this section or by a grantee of such property owner. If such conditions are not fulfilled or implemented by the applicant property owner or the grantee, the certificate of compliance shall have no force or effect upon any subsequent transfer of the property and any subsequent transferee or assignee shall make a new application for a certificate of compliance pursuant to this section, and the city or county may impose such conditions as would have been applicable at the time

such assignee or transferee acquired the property.

(c) A certificate of compliance shall be issued for any real property which has been approved for development pursuant to Section 66499.34.

(d) A recorded final subdivision map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

66499.36. Whenever a local agency has knowledge that real property has been divided in violation of the provisions of this division or of local ordinances enacted pursuant to this division, it shall cause to be filed for record with the recorder of the county in which the real property is located, a notice of violation, describing the real property in detail, naming the owners thereof, and describing the violation. Such notice, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. The county recorder shall index the names of the fee owners in the general index.

### Article 3. Judicial Review

66499.37. Any action or proceeding to attack, review, set aside, void or annul the decision of an advisory agency, appeal board or legislative body concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced and service of summons effected within 180 days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings.

SEC. 4.1. Section 66426 is added to the Government Code, to read:

66426. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, or a community apartment project containing five or more parcels, except where:

(a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body, or

(b) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway, or

(c) The land consists of a parcel or parcels of land having

approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths, or

(d) Any parcel created by the division has a gross area of 40 acres or more or each of which is a quarter-quarter section or larger, or such other amount, up to 125 acres, as may be specified by local ordinances.

A parcel map shall be required for those subdivisions described in subdivisions (a), (b), (c), and (d).

SEC. 4.2. Section 66427 is added to the Government Code, to read:

66427. A map of a condominium project or a community apartment project need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided. The governing body shall not have the right to refuse approval of a tentative or final map of such a project on account of design or location of buildings on the property shown on the map not violative of local ordinances or on account of the manner in which airspace is to be divided in conveying the condominium. Fees and lot design requirements shall be computed and imposed with respect to such maps on the basis of parcels or lots of the surface of the land shown thereon as included in the project. Nothing herein shall be deemed to limit the power of the legislative body to regulate the design or location of buildings in such a project by or pursuant to local ordinances.

SEC. 4.3. Section 66427.1 is added to the Government Code, to read:

66427.1. A tentative or final map for the subdivision of an occupied residential building containing 1,000 or more units or apartments, located within the City and County of San Francisco, may be disapproved if the board of supervisors finds that the proposed subdivision would contribute to an existing shortage of rental housing within the local agency, and that adequate replacement housing is not available in the community to meet the needs of tenants who would be displaced by the proposed conversion of the existing residential building to a condominium or community apartment project.

This section shall not diminish or limit in any manner the authority of any city or county to disapprove condominium or community apartment projects.

SEC. 4.33. Section 66427.2 is added to the Government Code, to read:

66427.2. The governing body of the City and County of San Francisco shall deny approval of a final or tentative map of a residential condominium project containing 1,000 or more units unless it makes all of the following findings:

(a) That approval of the proposed condominium will not contribute to an existing deficiency in housing available to a

particular income level, as identified in the housing element of the general plan.

(b) That adequate replacement housing for displaced tenants is available.

(c) That the condition or proposed use of the property is not in violation of building, zoning, or other local codes or ordinances applicable when the building was constructed.

SEC. 4.37. Section 66427.3 is added to the Government Code, to read:

66427.3. The governing body of the City and County of San Francisco shall impose as conditions of approval of a tentative or final residential condominium map that:

(a) The present tenants of the proposed condominium be given a nontransferable first option to purchase the unit occupied at a price no greater than the price offered to the general public. The option shall extend for at least 60 days from the date of recordation of the final map, providing that the tenant may cancel the purchase agreement if his unit is not conveyed to him within six months.

(b) No tenancy of a tenant who is not in breach or default of the terms of his tenancy shall be terminated less than 90 days from the date of approval of the tentative map, and following not less than 60 days' written notice thereof after expiration of the right of first refusal.

SEC. 4.4. Section 66427.4 is added to the Government Code, to read:

66427.4. It is the intent of the Legislature that nothing in Sections 66427.2 or 66427.3 shall in any way diminish or in any way limit the authority of any local agency to disapprove condominium or community apartment projects.

SEC. 4.5. Section 66434 is added to the Government Code, to read:

66434. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based upon a survey and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of the sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) All survey and mathematical information and data necessary

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to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.

(d) Each parcel shall be numbered and each block may be numbered or lettered. Each street shall be named.

(e) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

(f) When a soils report or a soil and geologic report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer and geologist making the report.

(g) It shall also satisfy any additional survey and map requirements of local ordinances.

SEC. 4.55. Section 66474.7 is added to the Government Code, to read:

66474.7. The responsibilities of the governing body under the provisions of Sections 66473.5, 66474, 66474.1 and 66474.6 may be assigned to an advisory agency or appeal board provided the governing body adopts an ordinance which allows any interested person to appeal any decision of the advisory agency or the appeal board relative to such matters to the governing body. Such appellant shall be entitled to the same notice and rights regarding testimony as are accorded a subdivider under Section 66452.5.

SEC. 4.6. Section 66484 is added to the Government Code, to read:

66484. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares.

Such local ordinance may require payment of fees pursuant to this section if:

(a) The ordinance refers to the circulation element of the general plan and, in the case of bridges, to the transportation or flood control provisions thereof which identify railways, freeways, streams or canyons for which bridge crossings are required on general plan or local roads and in the case of major thoroughfares, to the provisions of such circulation element which identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system; provided, such circulation element, transportation or flood control provisions have been adopted by the local agency 30 days prior to the filing of a subdivision map or application for a building permit.

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(b) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65905 of the Government Code. In addition to the requirements of Section 65905 of the Government Code, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any subdivision map or building permit application considered at such proceedings.

(c) The ordinance provides that at such public hearing, the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment are established. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution of the governing body, a certified copy of which shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final subdivision map or as a condition of issuing a building permit for such property or portions thereof. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the governing agency shall make provision for payment of the share of improvement costs apportioned to such lands from other sources.

(d) The ordinance provides that payment of fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

(e) The ordinance provides that payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. Such fees shall not be expended to reimburse the cost of existing bridge facility construction.

(f) The ordinance provides that if, within the time when protests may be filed under the provisions of such ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the

filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

Nothing in this section shall preclude the processing and recordation of subdivision maps in accordance with other provisions of this division if proceedings are abandoned.

Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the legislative body, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of constructing the improvement.

An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

A local agency imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for such advances from planned bridge facility or major thoroughfares funds established to finance the construction of such improvements.

A local agency imposing fees pursuant to this section may incur an interest bearing indebtedness for the construction of bridge facilities or major thoroughfares; provided that the sole security for repayment of such indebtedness shall be moneys in planned bridge facility or major thoroughfares funds.

The term "construction" as used in this section includes design, acquisition of right-of-way, administration of construction contracts

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and actual construction.

Nothing in this section shall be construed to preclude a county or city from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to the area of benefit.

SEC. 4.7. Section 66477 is added to the Government Code, to read:

66477. The legislative body of a local agency may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map or parcel map, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map.

(b) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreational facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(f) The local agency shall specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less.

(h) Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this section; provided however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. The local agency accepting such land or funds shall develop the land or use the funds in the manner provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a local agency, the amount and location of land to be dedicated or fees to be paid shall be jointly

determined by the local agency having jurisdiction and such public agency.

The provisions of this section do not apply to industrial subdivisions; nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added; nor do they apply to parcel maps for a subdivision containing less than five (5) parcels for a shopping center containing more than 300,000 square feet of gross leasable area and no residential development or uses.

SEC. 4.8. Section 66499.37 is added to the Government Code, to read:

66499.37. Any action or proceeding to attack, review, set aside, void or annul the decision of an advisory agency, appeal board or legislative body concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced and service of summons effected within 30 days after the date of such decision. Any such action or proceedings based upon a decision pursuant to Section 21152 of the Public Resources Code shall not be maintained by any person unless commenced within 30 days after the filing of such decision with the county clerk. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings.

SEC. 5. Section 5078.9 of the Public Resources Code is repealed.

SEC. 5.1. Section 10000 of the Public Resources Code is repealed.

SEC. 5.2. Section 10001 of the Public Resources Code is repealed.

SEC. 5.3. Section 10002 of the Public Resources Code is repealed.

SEC. 6. Section 10020 of the Public Resources Code is repealed.

SEC. 7. Section 10021 of the Public Resources Code is repealed.

SEC. 8. Section 10022 of the Public Resources Code is repealed.

SEC. 8.1. Section 10040 of the Public Resources Code is repealed.

SEC. 8.2. Section 10041 of the Public Resources Code is repealed.

SEC. 8.3. Section 10042 of the Public Resources Code is repealed.

SEC. 8.4. Section 10043 of the Public Resources Code is repealed.

SEC. 9. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 10. The provisions of this act shall become operative March 1, 1975.

SEC. 10.1. It is the intent of the Legislature, if this bill and Senate Bill No. 2308 are both chaptered and become effective, and this bill is chaptered after Senate Bill No. 2308, that Section 66426 of the Government Code be added on the operative date of this act in the form set forth in Section 4.1 of this act instead of in the form provided in Section 4 of this act. Therefore, Section 4.1 of this act shall become operative only if this bill and Senate Bill No. 2308 are both chaptered and become effective and this bill is chaptered after Senate Bill No. 2308, in which case Section 4.1 of this act shall become operative on the operative date of this act and Section 66426 as added by Section 4 of this act shall not become operative.

SEC. 10.2. It is the intent of the Legislature, if this bill and Senate Bill No. 1847 are both chaptered and become effective and this bill is chaptered after Senate Bill No. 1847, that Section 66427 of the Government Code be added on the operative date of this act in the form set forth in Section 4.2 of this act instead of in the form provided by Section 4 of this act. Therefore, Section 4.2 of this act shall become operative only if this bill and Senate Bill No. 1847 are both chaptered and become effective and this bill is chaptered after Senate Bill No. 1847, in which case Section 4.2 of this act shall become operative on the operative date of this act and Section 66427 as added by Section 4 of this act shall not become operative.

SEC. 10.3. It is the intent of the Legislature, if this bill and Senate Bill No. 1847 are both chaptered and become effective, and this bill is chaptered after Senate Bill No. 1847, that Section 66427.1 be added to the Government Code on the operative date of this act in the form set forth in Section 4.3 of this act. Therefore, Section 4.3 of this act shall become operative only if this bill and Senate Bill No. 1847 are both chaptered and become effective, and this bill is chaptered after Senate Bill No. 1847, in which case Section 4.3 of this act shall become operative on the operative date of this act.

SEC. 10.4. It is the intent of the Legislature, if this bill and Senate Bill No. 1868 are both chaptered and become effective, and this bill is chaptered after Senate Bill No. 1868, that Sections 66427.2, 66427.3 and 66427.4 be added to the Government Code on the operative date of this act in the form set forth in Sections 4.33, 4.37, and 4.4 of this act. Therefore, Sections 4.33, 4.37 and 4.4 of this act shall become operative only if this bill and Senate Bill No. 1868 are both chaptered and become effective, and this bill is chaptered after Senate Bill No. 1868, in which case Sections 4.33, 4.37, and 4.4 of this act shall become operative on the operative date of this act.

SEC. 10.5. It is the intent of the Legislature, if this bill and Senate Bill No. 1983 are both chaptered and become effective, and this bill is chaptered after Senate Bill No. 1983, that Section 66434 of the Government Code be added on the operative date of this act in the form set forth in Section 4.5 of this act instead of in the form provided in Section 4 of this act. Therefore, Section 4.5 of this act shall become operative only if this bill and Senate Bill No. 1983 are both chaptered and become effective, and this bill is chaptered after Senate Bill No.



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1983, in which case Section 66434 as added by Section 4.5 of this act shall become operative on the operative date of this act and Section 66434 as added by Section 4 of this act shall not become operative.

SEC. 10.6. It is the intent of the Legislature, if this bill and Senate Bill No. 1747 are both chaptered and become effective and this bill is chaptered after Senate Bill No. 1747, that Section 66484 of the Government Code be added on the operative date of this act in the form set forth in Section 4.6 of this act, instead of in the form provided by Section 4 of this act. Therefore, Section 4.6 of this act shall become operative only if this bill and Senate Bill No. 1747 are both chaptered and become effective, and this bill is chaptered after Senate Bill No. 1747, in which case Section 4.6 of this act shall become operative on the operative date of this act and Section 66484 as added by Section 4 of this act shall not become operative.

SEC. 10.7. It is the intent of the Legislature, if this bill and Assembly Bill No. 687 are both chaptered and become effective, both bills amend Section 66477 of the Government Code, and this bill is chaptered after Assembly Bill No. 687, that Section 66477 of the Government Code, as amended by Section 2 of Assembly Bill No. 687 be further amended on the operative date of this act in the form set forth in Section 4.7 of this act to incorporate the changes in Section 66477 proposed by this bill. Therefore, Section 4.7 of this act shall become operative only if this bill and Assembly Bill No. 687 are both chaptered and become effective, both bills amend Section 66477, and this bill is chaptered after Assembly Bill No. 687, in which case Section 4.7 of this act shall become operative on the operative date of this act and Section 66477 as added by Section 4 of this act shall not become operative.

SEC. 10.8. It is the intent of the Legislature, if this bill and Senate Bill No. 31 are both chaptered and become effective, and this bill is chaptered after Senate Bill No. 31, that Section 66499.37 of the Government Code, be added on the operative date of this act in the form set forth in Section 4.8 of this act instead of in the form provided by Section 4 of this act. Therefore, Section 4.8 of this act shall become operative only if this bill and Senate Bill No. 31 are both chaptered and become effective, and this bill is chaptered after Senate Bill No. 31, in which case Section 4.8 of this act shall become operative on the operative date of this act and Section 66499.37 as added by Section 4 of this act shall not become operative.

SEC. 10.9. It is the intent of the Legislature, if this bill and Assembly Bill No. 3317 are both chaptered and become effective, and this bill is chaptered after Assembly Bill No. 3317, that Section 66474.7 be added to the Government Code on the operative date of this act in the form set forth in Section 4.55 of this act. Therefore, Section 4.55 of this act shall become operative only if this bill and Assembly Bill No. 3317 are both chaptered and become effective, and this bill is chaptered after Assembly Bill No. 3317, in which case Section 4.55 of this act shall become operative on the operative date of this act.

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# CHAPTER 1537

*An act to amend Section 11546 of the Business and Professions Code and to amend Section 66477 of the Government Code, relating to subdivisions.*

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

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

SECTION 1. Section 11546 of the Business and Professions Code is amended to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map or parcel map for a division of land not defined as a subdivision, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map for a division of land not defined as a subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision or division of land not defined as a subdivision, to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision or division of land not defined as a subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision or division of land not defined as a subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less or in divisions of land not defined as subdivisions.

(h) Divisions of land not amounting to a subdivision and not used for residential purposes shall be exempted from the requirements of this section, provided, however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and

recreational services on a communitywide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. The local agency accepting such land or funds shall develop the land or use the funds in the manner provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a city or a county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city or county having jurisdiction and such public agency.

The provisions of this section do not apply to industrial subdivisions, nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added, nor do they apply to parcel maps for a division of land not defined as a subdivision for a shopping center containing more than 300,000 square feet of gross leaseable area and no residential development or uses.

SEC. 2. Section 66477 of the Government Code, as added by Senate Bill No. 977, is amended to read:

66477. The legislative body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map or parcel map, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map.

(b) The ordinance includes definite standards for determining the proportion of a subdivision, to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreational facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less.

(h) Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this section; provided however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or

more of the parcels within four years the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. The local agency accepting such land or funds shall develop the land or use the funds in the manner provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a city or a county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city or county having jurisdiction and such public agency.

The provisions of this section do not apply to industrial subdivisions; nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added, nor do they apply to parcel maps for a subdivision containing less than five (5) parcels for a shopping center containing more than 300,000 square feet of gross leaseable area and no residential development or uses.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 977 are both chaptered and become effective on or before January 1, 1975, both bills affect Section 11546 of the Business and Professions Code, and this bill is chaptered after Senate Bill No. 977, that Section 11546 of the Business and Professions Code, as repealed and reenacted as Section 66477 of the Government Code by Section 4 of Senate Bill No. 977, be further amended on the effective date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 11546 proposed by this bill. Therefore, if this bill and Senate Bill No. 977 are both chaptered and become effective on or before January 1, 1975, and Senate Bill No. 977 is chaptered before this bill and repeals Section 11546, Section 2 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative.

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## CHAPTER 1538

*An act to add Section 11537.5 to the Business and Professions Code, and to add Section 66499.20½ to the Government Code, relating to subdivisions.*

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

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

SECTION 1. Section 11537.5 is added to the Business and Professions Code, to read:

11537.5. A county may, by ordinance, authorize a parcel map to be recorded under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. After approval of the reversion by the governing body or advisory agency the map shall be delivered to the county recorder. The filing of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The filing of the map shall also constitute a merger of the separate parcels into one parcel for purposes of this chapter and shall thereafter be shown as such on the assessment roll. On any parcel map used for reverting acreage, a certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and recordation of the parcel map. Signatures required by this section, of parties owning the types of interests specified in Section 11587, may be omitted if their names and respective interests are endorsed on the parcel map.

SEC. 2. Section 66499.20½ is added to the Government Code, to read:

66499.20½. A county may, by ordinance, authorize a parcel map to be recorded under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. After approval of the reversion by the governing body or advisory agency the map shall be delivered to the county recorder. The recording of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The recording of the map shall also constitute a merger of the separate parcels into one parcel for purposes of this chapter and shall thereafter be shown as such on the assessment roll subject to the provisions of Section 66445. Except as provided in subdivision (f) of Section 66445, on any parcel map used for reverting acreage, a certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and recordation of the parcel map.

SEC. 3. If this bill and Senate Bill No. 977 are both chaptered, Section 11537.5, as added to the Business and Professions Code by

Section 1 of this act shall not take effect, and Section 66499.20½, as added to the Government Code by Section 2 of this act shall take effect. If Senate Bill No. 977 is not chaptered, then Section 11537.5, as added to the Business and Professions Code by Section 1 of this act shall take effect, and Section 66499.20½, as added to the Government Code by Section 2 of this act, shall not take effect.

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## CHAPTER 1539

*An act to amend Section 11126 of the Government Code and to amend Section 306 of, the Public Utilities Code, relating to the Public Utilities Commission.*

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

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

SECTION 1. Section 11126 of the Government Code is amended to read:

11126. Nothing contained in this article shall be construed to prevent a state agency from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. As a condition to holding an executive session on the complaints or charges to consider disciplinary action or to consider dismissal such officer or employee shall be given written notice of his right to have a public hearing rather than an executive session, which notice shall be delivered to him personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any officer or employee at such executive session shall be null and void. The state agency also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the state agency. Following the public hearing or executive session the agency may deliberate on the decision to be reached in an executive session.

Nothing in this article shall be construed to prevent state agencies, which administer the licensing of persons engaging in businesses or professions, from holding executive sessions to prepare, approve, grade or administer examinations.

Nothing in this article shall be construed to prohibit a state agency from holding an executive session to deliberate on a decision to be reached based upon evidence introduced in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section

11500) of Part 1, Division 3, Title 2 of the Government Code or similar provision of law.

Nothing in this article shall be construed to prevent any state agency from holding an executive session to consider matters affecting the national security.

Nothing in this article shall be construed to grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state agency from holding an executive session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

Nothing in this article shall be construed to prevent any executive session to consider the conferring of honorary degrees, or gifts, donations and bequests which the donor or proposed donor has requested in writing to be kept confidential.

Nothing in this article shall be construed to prevent the Alcoholic Beverage Control Appeals Board from holding an executive session for the purpose of holding a deliberative conference as provided in Section 11125 of the Government Code.

Nothing in this article shall be construed to prevent the Trustees of the California State Colleges from holding executive sessions dealing with site selection for such state colleges.

Nothing in this article shall be construed to prevent the Franchise Tax Board from holding executive sessions for the purpose of discussion of confidential tax returns or data the public disclosure of which is prohibited by law.

Nothing in this article shall be construed to prevent the Board of Corrections from holding executive sessions when considering reports of crime conditions under the provisions of Section 6027 of the Penal Code.

Nothing in this article shall be construed to prevent the State Air Resources Board from holding executive sessions when considering the proprietary specifications and performance data of manufacturers.

Nothing in this article shall be construed to prevent the Board of Administration of the Public Employees Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the Teachers' Retirement Board of the State Teachers' Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the governing body of a public agency, or such boards, commissions, administrative officers, or other representatives as may properly be designated by law or by such governing body, from holding executive sessions with its representatives at any time in discharging its responsibilities under Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of this code as such sessions relate to salaries, salary schedules,

or compensation paid in the form of fringe benefits.

Nothing in this article shall be construed to prevent the Public Utilities Commission from holding executive sessions to deliberate on (1) the institution of enforcement proceedings or litigation, or (2) decisions to be reached in matters for which public hearings have been held pursuant to the applicable provisions of the Public Utilities Code.

SEC. 2. Section 306 of the Public Utilities Code is amended to read:

306. The office of the commission shall be in the City and County of San Francisco. The office shall always be open, legal holidays and nonjudicial days excepted. The commission shall hold its sessions at least once in each calendar month in the City and County of San Francisco. The commission may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties, and for that purpose may rent quarters or offices.

The meetings of the commission shall be open and public in accordance with the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

The commission shall have a seal, bearing the inscription "Public Utilities Commission State of California." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct.

The commission may procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus, and appliances.

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## CHAPTER 1540

*An act to amend Section 13500 of the Penal Code, relating to the Commission on Peace Officer Standards and Training.*

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

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

SECTION 1. Section 13500 of the Penal Code is amended to read:

13500. There is in the Department of Justice a Commission on Peace Officer Standards and Training, hereafter referred to in this chapter as the commission. The commission consists of 10 members appointed by the Governor, after consultation with, and with the advice of, the Attorney General and with the advice and consent of the Senate.

The commission shall be composed of the following members:

(1) Two members shall be (i) sheriffs or chiefs of police or peace officers nominated by their respective sheriffs or chiefs of police, (ii)

peace officers who are deputy sheriffs or city policemen, or (iii) any combination thereof.

(2) Three members shall be sheriffs or chiefs of police or peace officers nominated by their respective sheriffs or chiefs of police.

(3) One member shall be a peace officer of the rank of sergeant or below with a minimum of five years' experience as a deputy sheriff or city policeman.

(4) Two members shall be elected officers or chief administrative officers of counties in this state.

(5) Two members shall be elected officers or chief administrative officers of cities in this state.

The Attorney General shall be an ex officio member of the commission.

Of the members first appointed by the Governor, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years. Their successors shall serve for a term of three years and until appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor.

The additional member provided for by the Legislature in its 1973–1974 Regular Session shall be appointed by the Governor on or before January 15, 1975, and shall serve for a term of three years.

SEC. 2. Section 13500 of the Penal Code is amended to read:

13500. There is in the Department of Justice a Commission on Peace Officer Standards and Training, hereafter referred to in this chapter as the commission. The commission consists of 14 members 11 of whom shall be appointed by the Governor, after consultation with, and with the advice of, the Attorney General and with the advice and consent of the Senate.

The commission shall be composed of the following members:

(1) Two members shall be (i) sheriffs or chiefs of police or peace officers nominated by their respective sheriffs or chiefs of police, (ii) peace officers who are deputy sheriffs or city policemen, or (iii) any combination thereof.

(2) Three members shall be sheriffs or chiefs of police or peace officers nominated by their respective sheriffs or chiefs of police.

(3) One member shall be a peace officer of the rank of sergeant or below with a minimum of five years experience as a deputy sheriff or city policeman.

(4) Two members shall be elected officers or chief administrative officers of counties in this state.

(5) Two members shall be elected officers or chief administrative officers of cities in this state.

(6) One member shall be a chief probation officer.

The Attorney General, the Director of Corrections and the Director of the Youth Authority shall be ex officio members of the commission. Each ex officio member of the commission is entitled to vote, and may appoint an officer or employee from his department to serve and vote as his representative in his absence.

Of the members first appointed by the Governor, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years. Commissioners shall serve for a term of three years and until appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor.

The additional members provided for by the Legislature in its 1973–1974 Regular Session shall be appointed by the Governor on or before January 15, 1975, and shall serve for a term of three years.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1994 are both chaptered and amend Section 13500 of the Penal Code, and this bill is chaptered after Senate Bill No. 1994, that the amendments to Section 13500 proposed by both bills be given effect and incorporated in Section 13500 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 1994 are both chaptered, both amend Section 13500, and Senate Bill No. 1994 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

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## CHAPTER 1541

*An act to add Section 23801.3 to the Education Code, relating to the California State University and Colleges, and making an appropriation therefor.*

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

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

SECTION 1. Section 23801.3 is added to the Education Code, to read:

23801.3. "Instructionally related activities" are those activities and laboratory experiences which are at least partially sponsored by an academic discipline or department and which are, in the judgment of the president of a particular campus, with the approval of the trustees, integrally related to its formal instructional offerings.

Activities which are considered to be essential to a quality educational program and an important instructional experience for any student enrolled in the respective program may be considered instructionally related activities.

Instructionally related activities include, but are not limited to:

(a) Intercollegiate athletics: costs which are necessary for a basic competitive program including equipment and supplies and scheduled travel, not now provided by the state. Athletic grants should not be included.

(b) Radio, television, film: costs related to the provisions of basic

"hands-on" experience not now provided by the state. Purchase or rental of films as instructional aids shall not be included.

(c) Music and dance performance: costs to provide experience in individual and group performance, including recitals, before audiences and in settings sufficiently varied to familiarize students with the performance facet of the field.

(d) Drama and musical productions: basic support of theatrical and operatic activities sufficient to permit experience not only in actual performance but production, direction, set design and other elements considered a part of professional training in these fields.

(e) Art exhibits: support for student art shows given in connection with degree programs.

(f) Publications: the costs to support and operate basic publication programs including a periodic newspaper and other laboratory experience basic to journalism and literary training. Additional publications designed primarily to inform or entertain should not be included.

(g) Forensics: activities designed to provide experience in debate, public speaking, and related programs, including travel required for a competitive debate program.

(h) Other activities: activities associated with other instructional areas which are consistent with purposes included in the above may be added as they are identified.

Pursuant to this section and other provisions of this code the Chancellor of the California State University and Colleges shall develop a program of fiscal support, and shall consult with the Student Presidents' Association, the Academic Senate, and the Chancellor's Council of Presidents regarding such program.

The provisions of this section shall not become operative unless funds are appropriated to meet the instructionally related needs of the campuses of the California State University and Colleges.

SEC. 2. The sum of two million six hundred thousand dollars ($2,600,000) is hereby appropriated to the Trustees of the California State University and Colleges for funding instructionally related activities pursuant to Section 23801.3 of the Education Code.

SEC. 3. It is the intent of the Legislature that a student referendum be held on each campus of the state university and colleges for the purpose of advising the trustees as to the level of the student body association fee after appropriations are made pursuant to this act. Any reductions made in the current level of the fee shall not exceed 50 percent.

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## CHAPTER 1542

*An act relating to physicians and surgeons, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor October 9, 1974. Filed with Secretary of State October 9, 1974.]

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

SECTION 1. The Board of Medical Examiners of the State of California shall issue a physician's and surgeon's certificate to anyone who meets all of the following requirements:

(a) Is a graduate of a medical school outside of the United States which grants a doctor of medical science degree.

(b) Has attained the position of doctor of surgery (proctology).

(c) Was engaged in the practice of medicine for at least 10 years and has been in active practice within 18 months of the effective date of this section.

(d) Is a member of the International Academy of Diseases of the Colon and Rectum.

(e) Is a fellow of the International Academy of Proctology.

(f) Passes an oral examination given by the board to be given in accordance with Sections 2323 and 2324 of the Business and Professions Code.

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

In order to fulfill the pressing need for an adequate supply of trained medical manpower, it is necessary for this bill to go into immediate effect.

SEC. 3. This act shall be operative until December 31, 1975, and after that date shall have no force or effect.

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## CHAPTER 1543

*An act to amend Sections 46, 3511 and 3520 of, to add Section 3520.5 to, and to repeal Section 3522 of the Elections Code, relating to elections, and declaring the urgency thereof to take effect immediately.*

[Approved by Governor October 9, 1974 Filed with Secretary of State October 9, 1974 ]

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

SECTION 1. Section 46 of the Elections Code is amended to read:

46. Whenever a nomination petition or paper is filed, the county clerk shall determine and affix to the petition or paper the precinct of each signer. The county clerk shall determine that fact with respect to the purported signature of any voter from his original affidavit of registration current and in effect within the dates designated by the circulator as those between which all signatures to the petition or paper were obtained.

SEC. 2. Section 3511 of the Elections Code is amended to read:

3511. The petition sections shall be designed so that each signer shall add his printed and signed name, give his place of residence, street and number if such exist. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same.

SEC. 3. Section 3520 of the Elections Code is amended to read:

3520. (a) Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated but all sections circulated in any county or city and county shall be filed at the same time.

(b) Within five days after the filing of such petition in his office the clerk or registrar of voters shall determine the total number of signatures affixed to the petition and shall transmit such information to the Secretary of State. If the total number of signatures filed with all county clerks is less than 100 percent of the number of qualified electors required to find the petition sufficient the Secretary of State shall so notify the proponents and the county clerks and no further action shall be taken in regard to the petition.

(c) If the number of signatures filed with all county clerks is 100 percent or more of the number of qualified electors needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks.

(d) Within 15 days after such notification, the clerk or registrar of voters shall determine the number of qualified electors who have signed the petition. If more than 500 names have been signed on sections of the petition filed with a county clerk, the clerk shall use a random sampling technique for verification of signatures, as determined by the Secretary of State. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the county clerk shall be given an equal opportunity to be included in the sample. Such a random sampling shall include an examination of at least 500 or 5 percent of the signatures, whichever is greater. In determining from the records of registration what number of qualified electors have signed the petition, the clerk or registrar of voters may use the duplicate file of affidavits of registered voters maintained by his office.

(e) The clerk or registrar, upon the completion of the examination, shall immediately attach to the petition, except the signatures thereto appended, his certificate properly dated, showing the result of his examination and shall immediately transmit the

petition, together with his certificate, to the Secretary of State and also file a copy of the certificate in his office.

(f) If the certificates received from all county clerks by the Secretary of State establish that the petition has been found insufficient, the Secretary of State shall immediately so notify the proponents and the county clerks.

SEC. 4. Section 3520.5 is added to the Elections Code, to read:

3520.5. If the statistical sampling shows that the number of valid signatures is within 90 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the Secretary of State shall order the examination and verification of each signature filed and shall so notify the county clerks.

(b) Within 30 days after receipt of such order, the clerk or registrar of voters shall determine from the records of registration what number of qualified electors have signed the petition and if necessary the board of supervisors shall allow the clerk or registrar additional assistance for the purpose of examining the petition and provide for their compensation. In determining from the records of registration what number of qualified electors have signed the petition, the clerk or registrar of voters may use any file or list of registered voters maintained by his office.

(c) The clerk or registrar, upon the completion of the examination, shall immediately attach to the petition, except the signatures thereto appended, his amended certificate properly dated, showing the result of the examination and shall immediately transmit the petition, together with his amended certificate, to the Secretary of State and also file a copy of the amended certificate in his office.

(d) If the amended certificates received from all county clerks by the Secretary of State establish that the petition has still been found insufficient, the Secretary of State shall immediately so notify the proponents and the county clerks.

SEC. 5. Section 3522 of the Elections Code is repealed.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appppropriation made because this act consists of technical changes to already existing statutes, and there are savings as well as costs in this act which, in the aggregate, do not result in significant cost changes.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the provisions of this act affecting the initiative process may be applicable for initiative petitions circulated this year, it is necessary that this act go into immediate effect.

# CHAPTER 1544

*An act to amend Section 70046.2 of, and to add Section 68513 to, the Government Code, relating to court reporters, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor October 9, 1974 Filed with Secretary of State October 9, 1974 ]

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

SECTION 1. Section 68513 is added to the Government Code, to read:

68513. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in any county with a population of more than 400,000 and less than 450,000, as determined by the 1970 federal census. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period;

(2) The fees charged and the fees collected for such transcripts;

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts;

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose; and

(5) Such other information as the Judicial Council may require.

SEC. 2. Section 70046.2 of the Government Code is amended to read:

70046.2. In a county with a population of over 400,000 and not over 450,000, as determined by the 1970 federal decennial census, each reporter shall be paid an annual salary of fifteen thousand dollars ($15,000). Each pro tempore reporter shall be paid fifty-five dollars ($55) per day for the days he actually is on duty under order of the court.

In addition to the salary herein provided, each regularly employed reporter shall accrue and be entitled to receive sick leave benefits in the same manner and to the same extent as county employees of such county, and shall accrue and receive vacation at the same rate as the judges of said court not to exceed 21 working days a year which may be accrued not to exceed 42 days to be taken at such time as the judge to which he has been assigned consents.

In such county the fee required by Section 70053 shall be eleven dollars and fifty cents ($11.50).

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because this act is in accordance with the request of a local government entity which desires legislative authority to act to carry out the program specified in this act.

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

In order to employ and maintain qualified full-time superior court reporters in a county with a population of more than 400,000 and not over 450,000 at a salary competitive with other counties of similar size and resources, it is necessary that this act go into immediate effect at the earliest possible time.

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## CHAPTER 1545

*An act to amend Section 4003 of the Unemployment Insurance Code, as amended by Chapter 382 of the statutes of 1974, relating to federal-state extended benefits, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor October 9, 1974 Filed with Secretary of State October 9, 1974 ]

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

SECTION 1. Section 4003 of the Unemployment Insurance Code, as amended by Chapter 382 of the Statutes of 1974, is amended to read:

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

(b) Effective with respect to compensation for weeks of unemployment beginning before May 1, 1975, and beginning after December 31, 1973, the determination of whether there has been a state "on" or "off" indicator beginning or ending any extended benefit period shall be made as provided in subsection (e) of Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended by Public Law 93-368, as if subparagraph (A) of paragraph (1) of such subsection (e) did not exist.

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

immediate effect. The facts constituting such necessity are:

Higher levels of unemployment are anticipated in the immediate future, and federal legislation is effective only until April 30, 1975. Therefore, in order for the state to benefit from the federal legislation, this act must take effect immediately.

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CONCURRENT AND JOINT RESOLUTIONS
AND CONSTITUTIONAL AMENDMENTS

1973–74

# REGULAR SESSION

1974 RESOLUTION CHAPTERS

# RESOLUTION CHAPTER 1

*Assembly Concurrent Resolution No. 144—Approving amendments to the Charter of the City of Chula Vista, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 17th day of April, 1973.*

[Filed with Secretary of State January 10, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the Charter of the City of Chula Vista, a municipal corporation in the County of San Diego, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of San Diego } ss.
City of Chula Vista

We, the undersigned, Thomas D. Hamilton, Jr., Mayor of the City of Chula Vista, and Jennie M. Fulasz, City Clerk of said City, do hereby certify and declare as follows:

That the City of Chula Vista, a municipal corporation, is now and since the year 1949 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 3, Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 3, Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion, proposed to the qualified electors of the City of Chula Vista certain amendments to the Charter of said City, which amendments were designated as Propositions "B", "C", "D", and "E", and submitted said propositions to the qualified electors of the City of Chula Vista at the special municipal election.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type not less than ten point, that said pamphlets were mailed to each of the qualified electors of said City, and that until the date fixed for the election herein described, a notice was advertised and published in the Chula Vista Star News, a newspaper of general circulation published in the City of Chula Vista, that copies of said proposed charter amendments could be had upon application therefor at the Office of the City Clerk of said City until the date fixed for said election.

That said proposed amendments were submitted to the qualified electors of said City at said special municipal election held in said City.

That at said election on said proposed amendments to the Charter of the City of Chula Vista, a majority of the qualified voters of the

City voting on said proposed amendments voted in favor of Propositions "B", "C", and "E", and said proposed amendments were ratified by a majority of the qualified electors of said City voting thereon, as set forth in the Certificate of the Registrar of Voters of the County of San Diego, State of California, certifying the results of said election.

That all of said proceedings were duly and regularly had and taken in accordance with Section 3 of Article XI of the Constitution of the State of California, the laws of the State of California, and the Charter of the City of Chula Vista.

That as to the amendments to the Charter of the City of Chula Vista hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of the City of Chula Vista which were so ratified by a majority of the electors of said City are in words and figures as follows:

Proposition B

Amend Article III, Section 300 of the Charter of the City of Chula Vista by adding thereto a new paragraph to be, and to read as follows:

Sec. 300. Members and Terms.

No person shall be eligible for nomination and election to the office of City Councilman or Mayor for more than two (2) consecutive terms, and no person who has held the office of Councilman for a period of two (2) consecutive terms or the office of Mayor for two (2) consecutive terms, may again seek nomination and election to said offices of Councilman or Mayor until a period of one (1) year from the termination of his second term has elapsed; provided, however, that any person who is appointed by the Council to fill the office of Councilman or Mayor or elected in a special election for the balance of a regular term of Mayor for a period of two (2) years or less may seek nomination and election for two (2) full terms thereafter, provided, however, that incumbent Council members regardless of terms served may at the termination of their present terms seek nomination and election to one additional term.

Proposition C

Amend Article III, Section 301 of the Charter of the City of Chula Vista to be, and to read as follows:

Sec. 301. Eligibility.

No person shall be eligible to hold office as a member of the City Council unless he is a resident of the City of Chula Vista, and at the time of his election or appointment, a qualified elector of the City or of territory annexed thereto.

Proposition E

Amend Article VIII, Section 807 of the Charter of the City of Chula Vista by amending the first paragraph thereof to be, and to read as follows:

Sec. 807. Removal or Suspension of Employees.

The appointing authority, for disciplinary purposes only, and without giving rise to a right of hearing before the Civil Service Commission, may suspend without salary an officer or employee holding a position in the Classified Service for not more than five days in any one calendar year. Said period of time may be decreased for any reason by the affirmative vote of a majority of the City Council.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Chula Vista with the original proposal submitting same to the electors of said City and find that the foregoing is a full, true and exact copy.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Chula Vista to be affixed hereto this 25th day of September, 1973.

(SEAL)

THOMAS D. HAMILTON, JR.
Thomas D. Hamilton, Jr.,
Mayor of the City of
Chula Vista, California
JENNIE M. FULASZ
Jennie M. Fulasz,
City Clerk of the City of
Chula Vista, California

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 3, Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That said amendments to the Charter of the City of Chula Vista, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of said City of Chula Vista, California.

## RESOLUTION CHAPTER 2

*Senate Concurrent Resolution No. 93—Approving amendments to the Charter of the City of Stockton, State of California, ratified by the qualified electors of the city at the general municipal election held therein on the ninth day of October, 1973.*

[Filed with Secretary of State January 14, 1974]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Stockton, a municipal corporation in the County of San Joaquin, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of San Joaquin } ss.
City of Stockton

We, Clyde E. Davis, Sr., mayor of the city of Stockton, and John M. Jarrett, city clerk of the city of Stockton, do hereby certify as follows:

That the said city of Stockton in the county of San Joaquin, state of California, is now and at all of the times mentioned herein was a city containing a population of more than one hundred nine thousand, one hundred fifty-three inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

That said city of Stockton is now and at all of the times herein mentioned was organized and existing under a freeholders charter adopted pursuant to the provisions of former section 8, article 11 of the constitution of the state of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the twenty-eighth day of November, 1922, and approved by the Legislature of the state of California on the twenty-fourth day of January, 1923 (Stat. 1923, page 1321), and filed with the secretary of state of the state of California on January twenty-nine, 1923; and

That pursuant to section 3 of article 11 of the constitution of the state of California, the legislative body of said city, i.e., the city council of said city, did on its own motion and pursuant to the provisions of said article and section of the constitution of the state of California duly propose to the electors of the city of Stockton certain proposals for the amendment of the charter of said city to be voted upon by said qualified electors at a certain consolidated General Municipal and Special Charter Amendment Election held on October 9, 1973, which said proposals were designated as CITY OF STOCKTON CHARTER AMENDMENT MEASURES A, B, C, D, E, F, G, H, I, J, K, L, M, N, O; and

That said proposed City of Stockton Charter Amendment

Measures were, on the 23rd day of August, 1973 duly published in each issue of The Stockton Record, a daily newspaper published and circulated in the city of Stockton and the official newspaper of said city, said paper having been designated for said purpose by the said city council; and

That said city council did, by Resolutions Nos. 30,675 and 30,676, adopted on August 13, 1973, fix October 9, 1973, the date of the consolidated General Municipal and Special Charter Amendment Election in Stockton, as the date of the election on said proposed charter amendments.

That said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten-point, and that the clerk of the city of Stockton caused copies of said proposed charter amendments to be mailed, postage prepaid, to each of the qualified electors of the city of Stockton, as required by law.

That the city clerk of the city of Stockton, did, commencing August 17, 1973, and continuing through October 8, 1973 advertise in The Stockton Record, a newspaper of general circulation in said city, and the official newspaper for said city, a notice that copies of said proposed charter amendments might be had upon application at the office of the said city clerk.

That said consolidated General Municipal and Special Charter Amendment Election was held in the said city of Stockton on the 9th day of October, 1973, which said day was not less than forty, nor more than sixty days after the completion of the advertising of said proposed charter amendments in The Stockton Record, the official newspaper of the city of Stockton, as hereinabove stated;

That at such consolidated General Municipal and Special Charter Amendment Election held as aforesaid on said 9th day of October, 1973, a majority of the qualified voters of said city of Stockton voting thereon voted in favor of eleven of the proposed amendments to the charter of the city of Stockton and duly ratified the same;

That said proposed amendments to the charter of the city of Stockton as aforesaid were and are amendments numbered Measure A, Measure C, Measure D, Measure E, Measure H, Measure I, Measure J, Measure K, Measure L, Measure N and Measure O.

That the city council of said city of Stockton after duly and regularly canvassing the returns of said municipal election at the time and in the manner and form prescribed by law duly found, determined and declared that a majority of the qualified voters of the city of Stockton voting thereon had voted for and ratified the proposed amendments to the charter of the city of Stockton numbered Measure A, Measure C, Measure D, Measure E, Measure H, Measure I, Measure J, Measure K, Measure L, Measure N and Measure O.

That said proposed amendments to the charter of the city of Stockton ratified by the electors of said city, as aforesaid, are in the words and figures as follows, to-wit:

CHARTER AMENDMENT MEASURE A

That the Charter of the City of Stockton be amended by adding a new Section 14 to Article VII, to read as follows:

Article VII

Section 14. Notwithstanding any other provisions of this Charter to the contrary, in the event that the city assumes, by annexation, contract, or otherwise, any of the functions of any special district or any other agency or entity, the city council may prescribe by ordinance the qualifications and conditions, including but not limited to residency, rank, compensation, and seniority, applicable to the employment by the city of employees of the special district, agency or entity from which functions are assumed. Qualifications for and conditions of said employment shall comply with rules and regulations of the Civil Service Commission regarding retirement seniority, minimum age, height, weight and promotional eligibility.

and by amending Section 2 of Article XXXII, to read as follows:

Article XXXII

Section 2. Classified service of the City of Stockton shall include all employees of the fire department and police department of said city, including the chief of each department, except that the chief of police and deputy chief of police shall be appointed and shall hold office as specified in Article XI of this charter. Except as hereinbefore or hereinafter expressly provided, all appointments and promotions in the fire department and the police department shall be made solely on merit, efficiency and fitness, which shall be ascertained by open, competitive examination and impartial investigation. No person shall be appointed to, reinstated in, transferred, suspended, demoted, or discharged from any such office, place, position or employment contrary to the provisions of this charter.

CHARTER AMENDMENT MEASURE C

That the Charter of the City of Stockton be amended by repealing Article XIII and adding a new Article XIII to read as follows:

Article XIII
Department of Public Works

Organization

Section 1. There shall be a Department of Public Works which shall consist of a Director of Public Works, and such other officers, clerks, employees and attaches, as the City Council may from time

to time prescribe. The Director of Public Works shall be appointed by the City Manager, and shall serve at his pleasure. The Director of Public Works shall serve as, or shall appoint, with the approval of the City Manager, a City Engineer and a Superintendent of Streets and such assistants, clerks, officers, employees, and attaches of his department as may be prescribed by the Council.

Powers and Duties

Section 2. The Director of Public Works shall possess the same power in the city in making surveys, plats and certificates as given by law to Directors of Public Works and County Surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity given by law to those of Directors of Public Works or County Surveyors. All maps, plans, profiles, field notes, estimates, and other memoranda of surveys and other professional work made or done by him or under his direction or control shall be the property of the City.

He shall keep complete statistical records covering the investigation, planning, design, construction, maintenance, operation, and repair of all municipal works done under the direction of his office, all of which he shall keep in proper order and condition, with full indices thereof.

He shall have charge of and be responsible for all departments, divisions, equipment, operations and facilities as may be designated by ordinance or resolution of the City Council or by the City Manager.

He shall have charge of and be responsible for all employees of the Department of Public Works and of the enforcement of all rules and regulations pertaining thereto.

He shall also perform such other duties relating to his department as may be required of him by the City Manager.

The Director of Public Works shall do no private engineering work, or work which would, in any way, involve a conflict of interest during the term of his office.

CHARTER AMENDMENT MEASURE D

That the Charter of the City of Stockton be amended by repealing Article XXII and adding a new Article XXII to read as follows:

Article XXII
Finance Department

Organization

Section 1. The Finance Department shall consist of a Director of Finance and such other divisions and employees as the City Council may, from time to time, prescribe.

## Appointments

Section 2. Except as otherwise provided by this charter or by ordinance, the director, division heads and employees shall be appointed by the City Manager and serve at his pleasure.

Employees within the Finance Department shall be freely allocable from duty, position and division at the order of the Director of Finance to increase efficiency, economy and handle varying workloads of the various positions and divisions.

## Powers and Duties

Section 3. The Department of Finance shall compile revenue and expenditure estimates for the annual budgets submitted by the City Manager; supervise and be responsible for the disbursement of all moneys and audit all expenditures to insure that appropriations are not exceeded; maintain a general accounting system for the City and each of its offices, departments and agencies; submit periodic financial reports to the City Manager and in sufficient detail to properly reflect the financial condition of the City, inclusive of an annual financial report at the end of each fiscal year in sufficient detail to show the financial condition of the City funds for the preceding year and the results of their operations

The Department of Finance shall be responsible for the assessment of all taxable properties within the corporate limits of the City unless such function has been delegated to another governmental agency; receive all City revenues, provided that nothing herein shall prohibit contractual agreements for the collection of such revenues; have custody over all investments of the City or funds in possession of the City in a fiduciary capacity and to deposit and invest such moneys to the benefit of the City in banks and securities within legal limits for placement of public funds.

The Department of Finance shall be responsible for the purchase, storage and issuance of all supplies, materials, equipment and other articles used by any office, department or agency of the City and maintain records thereof; maintain an inventory of values for all real estate, buildings, furniture and fixtures; the custody of scrap or surplus items and their disposal by auction, bid or negotiated sale as directed by the City Manager. In addition to the foregoing prescribed duties, the Finance Department shall act as custodian of all contracts, bonds and insurance policies, administer insurance claims except as otherwise provided in this Charter; prescribe the form of all receipts, vouchers, bills or claims used by the City; examine all contracts, orders and other documents by which the City may incur a financial obligation; audit and approve prior to payment all bills, invoices, payrolls and other evidence of claims, demands and charges against the City; audit all accounts and records which may be maintained in any other office, department or agency of the City and except as otherwise provided in this Charter, have the

responsibilities and duties assigned by general law to the auditor, purchasing agent, assessor and treasurer and such other duties as this Charter or the City Manager shall specify.

## The Fiscal Year

Section 4. The fiscal year of the City shall commence upon the first day of July each year or such other time as may be fixed by ordinance.

## Tax System

Section 5. The Council shall by ordinance provide a system for the assessment, levy, and collection of all city taxes.

The city council shall have the power to avail itself, by ordinance, of any law of the State of California now or hereafter in force, whereby the assessment of property, the equalization of assessments and collection of taxes, and the enforcement of the collection of such taxes by sale of property or otherwise may be made by the officers of the county in which the City of Stockton is situated, for and on behalf of the City of Stockton. All provisions of the charter concerning the assessment of property, the equalization of assessments, and levy and collection of taxes by the officers of the city shall be suspended while any such ordinance remains in force.

## Mayor's Expense Fund

Section 6. The Council shall appropriate annually to the mayor for purpose of entertainment and sundry expenses, the sum of TWELVE HUNDRED ($1200) DOLLARS, for which he need furnish no vouchers.

## Annual Budget

Section 7. At least thirty (30) days prior to the beginning of each fiscal year or at such earlier date as the Council may specify, the City Manager shall submit to the Council a budget for the ensuing fiscal year.

## Budget Contents

Section 8. The budget shall provide a financial plan of all city activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the council may require or, in the absence of council requirement, in such form as the city manager deems desirable.

Budget Procedure

Section 9. The city council shall review the budget as submitted, set public hearings and make amendments to the proposed budget. Such amendments may add or increase programs or amounts or may delete or decrease programs or amounts except expenditures required by law, contractual agreement or for debt service, provided that any amendment shall not increase total expenditures to an amount greater than the total estimated income plus unencumbered available reserves and estimated unencumbered balances of funds carried over from the preceding fiscal year.

In the event the council should fail to adopt the budget by the beginning of the fiscal year, the various amounts proposed in the budget by the city manager for operation and maintenance expenditures shall be deemed appropriated for such classes or categories of expenditures until the council adopts a budget for the current fiscal year.

Budget Appropriations

Section 10. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the departments and divisions of the city for the respective objects and purposes thereof.

All appropriations shall lapse at the end of the fiscal year to the extent they shall not have been expended or encumbered except where the council may have, by resolution, provided for the continuance of an appropriation beyond the end of the fiscal year.

No part of any appropriation shall be transferred from one department to another department unless authorized by a majority vote of the city council, but the city manager may, at any time, transfer any unencumbered appropriation within a department or division.

The council may, by resolution, appropriate available revenues and reserves not included in the annual budget and may, at any time, make emergency appropriations to protect the public health, safety and welfare. Such appropriations must be authorized by a majority vote and shall be made with the recommendation of the city manager. Provisions shall be made in the annual budget for a contingency reserve which shall be under the exclusive control of the city manager. The city manager may, in writing, authorize the transfer from the contingency account to the budgets of any department to meet proposed expenditures, the circumstances of which preclude the use of regular processes for the transfer of appropriations. The city manager shall report in writing to the city council at its next regular meeting all such transfers, supported by a statement of necessity.

Audit Accounts

Section 11. As soon as practical after the close of the fiscal year, an annual audit shall be made of all accounts of the city. Such audit shall be made by a firm of certified public accountants selected by the city council. The audit shall be made in accordance with accepted standards for audits of public agencies and with such other detail or conditions as may be requested by the council.

Collection of Accounts

Section 12. It shall be the duty of the finance department to diligently pursue and properly bill, record and collect all moneys due the city. Penalty for late payment or adjudication of overdue accounts will be determined by council action by classification within ordinances setting fees or charges, but in no event shall such penalty be less than one (1) percent per month. Where a fee or charge is incorrectly levied or found to be uncollectible upon certification of both the city attorney and director of finance, such account or accounts will be referred to the city manager who will promptly report to the council his recommendation as to disposition thereof. The right to waive, reduce or cancel fees and charges shall be exercised only with the approval of the city manager unless otherwise specified by ordinance or within this charter.

Obligations—When Void

Section 13. All contracts, agreements or other obligations entered into, all ordinances and resolutions passed and all orders made contrary to the provisions of this article shall be voidable by the city at will or by any citizen upon proof of injury to the city or lack of good faith on the part of any city officer, and no person whatever shall have any claim or demand against the city thereunder, nor shall any act or omission on the part of the council, or of any officer or employee of the city, contrary to the provisions of this article, waive or qualify the limitations fixed by this article, or impose upon the city any liability whatever in excess thereof.

CHARTER AMENDMENT MEASURE E

That the Charter of the City of Stockton be amended by amending Section 2 to Article VI, to read as follows:

Article VI

Section 2. The council shall consist of nine members who shall be elected as provided herein, one from each of the nine districts of the City of Stockton, as fixed and established pursuant to Article II of this charter.

Commencing with the general municipal election of 1971, each member of the city council shall be elected by the electors of his district and shall hold office for a term of four years beginning November 1 next after his election and until his successor is elected and qualified. On the second Tuesday in October, 1971, five councilmembers shall be elected to replace those councilmembers whose terms shall expire on October 31, 1971, and shall take office on November 1, 1971; on the second Tuesday in October, 1973, four councilmembers shall be elected to replace those councilmembers whose terms shall expire on October 31, 1973, and shall take office on November 1, 1973.

At each subsequent general election the number of councilmembers to be elected shall be equal to the number of terms to expire under the aforesaid provisions on the ensuing 31st day of October, to-wit: alternately five or four.

Each member of the city council must have been a resident and qualified elector of the City of Stockton, or territory legally annexed thereto, for a period of not less than one (1) year, and a resident and qualified elector in the district from which he is nominated and elected or appointed for a period of not less than sixty (60) days next preceding the day of his election or the date of his appointment.

Any member of the council moving from his district during his terms shall automatically forfeit his office, the same to be refilled by the council from the electors of that district. Absence from five consecutive regular meetings, unless excused by resolution of the council, shall operate to vacate the seat of any member so absent.

If a vacancy shall occur in the office of any councilmember, the council shall appoint a person to fill such vacancy. Such vacancy in the council shall be filled by the council from the electors of the district in which the vacancy occurs. If at any municipal election held under the provisions of this charter, a councilmember be not elected from each district by reason of a tie vote among any of the candidates therefor, then the council, after the qualification of the persons elected to the office of councilmember at such election, shall select by lot one of the persons receiving such tie vote to fill such office. In each case, the person so appointed shall hold office until the 31st day of October next following the next general election, and at such election a person shall be elected to hold office for the remainder of any unexpired term.

## CHARTER AMENDMENT MEASURE H

That the Charter of the City of Stockton be amended by amending Section 4 to Article XI, to read as follows:

### Article XI

Section 4. In the event of the absence or disability of the chief of police, or a vacancy in such office, the city manager shall designate

the deputy chief of police, a captain or a lieutenant to assume charge of the department until the chief returns or until his successor is appointed.

and by amending Section 37 to Article XXXII, to read as follows:

Article XXXII

Section 37. (a) Appointment of new members to the classified service of the fire department shall not be deemed complete until a probation period not to exceed twelve months has elapsed and a probationer may be discharged at any time within said period of twelve months. Successive temporary appointments shall not be allowed.

(b) Appointment of new members to the classified service of the police department shall not be deemed complete until a probation period not to exceed eighteen months has elapsed and a probationer may be discharged at any time within said period of eighteen months. Successive temporary appointments shall not be allowed.

CHARTER AMENDMENT MEASURE I

That the Charter of the City of Stockton be amended by amending Sections 4 and 5 to Article XII, to read as follows:

Article XII

Section 4. In case of absence or disability of the Fire Chief, the First Assistant Chief on duty shall assume charge of the Department; in the event no First Assistant Chief is on duty, the Second Assistant Chief on duty shall assume charge of the Department. In case of a vacancy in the office of the chief, the city manager shall designate one of the first assistant chiefs to be in charge of the department until a successor is appointed.

Section 5. The assistant chiefs shall see that good order and discipline is maintained by the members of the department and that all orders, rules and regulations of the department are enforced.

CHARTER AMENDMENT MEASURE J

That the Charter of the City of Stockton be amended by amending Section 3 to Article XI, to read as follows:

Article XI

Section 3. The Police Department shall be under the control, management, and direction of a chief of police. He shall be appointed by and shall hold office at the pleasure of the city manager. The appointment shall be made from among the members of the Police

Department above the rank of patrolman or policewoman. The demotion of the chief of police shall not accomplish his dismissal from the department, but upon such demotion he shall be restored to the rank and grade held by him immediately prior to his appointment as Chief of Police.

and by amending Section 6 to Article XI, to read as follows:

Article XI

Section 6. The chief of police shall have the power to appoint at his discretion, without competitive examination, a deputy chief of police from among the members of the department from the rank of sergeant or policewoman sergeant and above. After appointment the deputy chief of police shall hold said rank at the pleasure of the chief of police. His demotion from the office of deputy chief of police by the chief of police shall not accomplish his dismissal from the department, but he shall be restored to the rank and grade held by him immediately prior to his appointment as deputy chief of police unless charges of dismissal or demotion are brought as provided elsewhere in this charter.

and by amending Section 8(g) to Article XXXII, to read as follows:

Article XXXII

Section 8(g). All probationary patrolmen in the police department with not less than eighteen months' service to be considered as eligible for the rank of patrolmen; all patrolmen with not less than five years' service in the Stockton Police Department to be considered as eligible for the rank of sergeant, and all sergeants of said department who have held the rank of sergeant for at least two years last past continuously to be considered as eligible for the rank of lieutenant, and all lieutenants of said department to be considered eligible for the rank of captain. All probationary policewomen in the police department with not less than eighteen months' service to be considered as eligible for the rank of policewoman. All policewomen with not less than five years' service in the Stockton Police Department to be considered as eligible for the rank of policewoman sergeant, and all policewomen sergeants of said department who have held the rank of policewoman sergeant for at least two years last past continuously to be considered as eligible for the rank of policewoman lieutenant, and all policewomen lieutenants of said department to be considered eligible for the rank of policewoman captain. All members of said department above the rank of patrolman or policewoman are to be considered as eligible for the rank of police chief. All eligibility and promotional lists pertaining to patrolman and all eligibility and promotional lists pertaining to policewomen shall be separate and appointment shall

be made from the list held appropriate for those positions.

CHARTER AMENDMENT MEASURE K

That the Charter of the City of Stockton be amended by amending Article XXXII to add a new Section 16½, to read as follows:

Article XXXII

Section 16½. In addition to the suspension, demotion or removal of a member of the fire department or police department as provided in this article, the appointing authority may request the commission to remove from a departmental promotion list any member of the fire department or police department of the City of Stockton for cause. No such request shall be made except upon a written statement made by the appointing authority and served upon the employee affected and filed with the commission.

Upon receipt of such request, the commission shall conduct an investigation. The investigation shall be confined to the determination of the questions of whether such request was or was not made in good faith for cause, whether such removal is found to be within the intent of the general purposes of this act or whether such removal is found to be in the interest of good personnel administration.

The decision of the commission shall be final.

CHARTER AMENDMENT MEASURE L

That the Charter of the City of Stockton be amended by amending Section 3 to Article XXXII, to read as follows:

Article XXXII

Section 3. There is hereby created, subject to the provisions of this act, a civil service commission, which shall be composed of five members, none of whom shall hold any other public office, place or position of employment with the City of Stockton. The members of such commission shall be appointed to staggered terms of three years by the legislative body of the City of Stockton. That the legislative body of the City of Stockton shall provide by ordinance or resolution for the payment of the services of the commissioners. The failure upon the part of the said legislative body of the City to appoint said commissioners, shall be deemed a violation of this act and shall be punishable as such. No person shall be appointed as a member of such commission who is not a citizen of the United States, a resident of the City of Stockton, California, for at least three years immediately preceding such appointment, and an elector of such City. Any member of such commission may be removed from office by the legislative body of the City for incompetency, incompatability or

dereliction of duty or malfeasance in office or other good cause, provided, however, that no member of the commission shall be removed until charges have been preferred in writing, due notice given and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this act. Three members of such commission shall constitute a quorum and the votes of any three members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this Act. At the expiration of each of the terms so provided for, a successor shall be appointed for a term of three years. Vacancies in the civil service board from whatever cause shall be filled by a majority vote of the legislative body of the City for the unexpired term. Whenever the word "Commission" is used herein, it shall mean the Civil Service Commission.

CHARTER AMENDMENT MEASURE N

That the Charter of the City of Stockton be amended by amending Section 1 to Article VIII, to read as follows:

Article VIII

Section 1. The mayor and vice mayor shall be elected by the electors of the entire city and shall hold such offices for a term of two years beginning November 1 next after their election and until their successors are elected and qualified.

On the second Tuesday in October, 1975, councilmembers from Districts 1, 4, 5 and 7 shall be eligible to be a candidate for mayor or vice mayor. On the second Tuesday in October, 1977, councilmembers from Districts 2, 3, 6, 8 and 9 shall be eligible to be a candidate for mayor and vice mayor.

At each subsequent general municipal election, councilmembers whose terms will not expire on the subsequent November 1 shall be eligible to be a candidate for mayor or vice mayor.

At said election for mayor, the councilmember receiving the highest number of votes shall be elected to the office of mayor and the councilmember receiving the second highest number of votes shall be elected to the office of vice mayor.

In the event the councilmember holding the office of mayor or vice mayor vacates or forfeits his or her office of councilmember, for any reason, or is recalled as a councilmember, the office of mayor or vice mayor shall be automatically forfeited.

Notwithstanding other provisions of this Charter, any petition to recall the mayor or vice mayor shall be signed by qualified electors of the City equal in number to not less than twenty percent (20%) of the entire votes cast by the electors of the City at the last preceding general municipal election. The voters of the entire City

shall be eligible to vote in an election for the recall of the mayor or vice mayor. Recall of the mayor shall not operate as a recall of said person from the office of councilmember.

Except as otherwise in this section provided, the applicable provision of Article XXVIII of the Charter pertaining to recall of elective officers shall apply.

and by repealing Section 2 to Article IV.

CHARTER AMENDMENT MEASURE O

That the Charter of the City of Stockton be amended by adding Article XXXV, to read as follows:

Article XXXV
Acquisition of Public Utilities

Section 1. Notwithstanding any other provision of this Charter, neither the City of Stockton, nor any agency thereof, shall issue any bonds, the proceeds of which are to be used to acquire any facility of any public utility, without first obtaining the approval of the electors of the City voting on the question.

Section 2. For purposes of this Article:

(a) an "agency" of the City of Stockton shall include, without limitation, any improvement or assessment district formed, created, organized or approved, directly or indirectly, by the City of Stockton or the City Council of the City of Stockton;

(b) "issue" shall include, without limitation, the direct or indirect creation, sale, or guaranty of any bond;

(c) "bonds" shall include, without limitation, general obligation, revenue, and assessment bonds and all other bonds of whatsoever nature which the City of Stockton or any agency thereof may now or hereafter be authorized to issue;

(d) "facility" shall include, without limitation, any utility system or part of a utility system;

(e) "approval of the electors of the City" shall be established when two-thirds or more of the electors voting on the question vote in favor of issuance of such bonds, except in the case of revenue bonds "approval of the electors of the City" shall be established when a majority of the electors voting on the question vote in favor of issuance of such revenue bonds.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said city and find that the foregoing are full, true, correct, complete and exact copies thereof.

That as to said amendments this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, Clyde E. Davis, Sr., mayor of the city of Stockton, and John M. Jarrett, city clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the city of Stockton to be thereunto affixed on this _____ day of December, 1973.

(SEAL)

CLYDE E. DAVIS, SR.
Mayor of the City of Stockton
JOHN M. JARRETT
City Clerk of the City of Stockton

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the Members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Stockton, County of San Joaquin, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Stockton, County of San Joaquin.

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## RESOLUTION CHAPTER 3

*Senate Concurrent Resolution No. 92—Approving an amendment to the Charter of the County of Sacramento, State of California, ratified by the qualified electors of the county at a special municipal election held therein on the sixth day of November, 1973.*

[Filed with Secretary of State January 14, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman and clerk of the board of supervisors of the county, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

State of California }
County of Sacramento } ss.

We, Joseph E. Sheedy, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and Jack H. Mehl, Clerk of said Board of Supervisors, do hereby certify and declare as follows:

That the County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Sections 3 and 4 (formerly Section 7-½) of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933.

That the Board of Supervisors of said County, pursuant to the provisions of Sections 3 and 4 of Article XI of said Constitution, did by Resolution No. 73-1048, adopted on the 22nd day of August, 1973, duly propose to the qualified electors of said County of Sacramento an amendment to the Charter of said County, designated as proposed County Charter Amendment A, and ordered that said proposed amendment be submitted to the said qualified electors of said County at the special statewide election held on the 6th day of November, 1973.

That said resolution was published ten (10) times in the Sacramento Union, a daily newspaper, printed, published and circulated in the County of Sacramento on the following dates, to wit: September 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, 1973.

That the Board of Supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and did duly declare the result of said general election, as determined from the canvass of the returns thereof

That at said general election held on the 6th day of November, 1973, said proposed County Charter Amendment A was ratified by a majority of the electors of said County voting thereon.

Whereas, said Charter Amendment A so ratified by the electors of said County of Sacramento is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Sections 3 and 4 of Article XI of the Constitution of the State of California and are in words and figures as follows, to wit:

Proposed Charter Amendment A

That Section 15-A of the Charter of the County of Sacramento be amended to read:

Section 15-A. When the County assumes and discharges by County officers and employees functions previously performed by any private contractor, public utility, or governmental agency, the Board of Supervisors by ordinance, and notwithstanding any other provision of this Charter, may provide for the blanketing into County Civil Service without examination of any or all officers or employees who have been performing such functions, and for the terms and conditions upon which such persons are to be employed.

We further certify that the foregoing proposed and ratified amendment to the Charter of said County of Sacramento, submitted to the electors of said County at the special statewide election held on the 6th day of November, 1973, has been compared by us, and each of us, with the proposed amendment set forth in the said Resolution No. 73-1048 adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth herein are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento, this 15th day of November, 1973.

JOSEPH E. SHEEDY
(SEAL) Chairman of the Board of Supervisors
of Sacramento County, California

Attest:
JACK H. MEHL
Clerk of the Board of Supervisors
of the County of Sacramento
State of California

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the County of Sacramento, as proposed to, and adopted and ratified by, the electors of the county, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the County of Sacramento.

# RESOLUTION CHAPTER 4

*Assembly Concurrent Resolution No. 145—Approving amendments to the Charter of the City of San Buenaventura, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the sixth day of November, 1973.*

[Filed with Secretary of State January 17, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA

State of California
County of Ventura } ss.
City of San Buenaventura

We, Albert R. Albinger, Mayor, and Barbara J. Kam, City Clerk, of the City of San Buenaventura, California hereby certify and declare as follows:

That the City of San Buenaventura is a City organized and existing under a freeholders Charter originally adopted by the voters and approved by the Legislature by Concurrent Resolution filed with the Secretary of State on January 26, 1933 and duly revised pursuant to vote of the qualified electors of the City and approval of the Legislature by Concurrent Resolution filed with the Secretary of State on January 26, 1971;

That pursuant to the California Constitution and applicable state laws, the Council of the City of San Buenaventura, on its own motion, caused certain proposed amendments to said charter to be framed and submitted to the qualified electors of the City at the general municipal election held November 6, 1973;

That on November 6, 1973, the electors duly approved three of the amendments to the charter so proposed to the electors and the City Council thereafter duly caused the returns to be canvassed and the results of the election to be certified according to law;

That all proceedings have been duly held and conducted according to law;

That the amendments to the charter of the City of San Buenaventura so adopted and ratified by the qualified electors of said City and hereby submitted to the Legislature for approval read as follows:

Proposed Charter Amendment A—Election Laws.

Shall Sections 502, 504 and 509 of Article V of the Charter of the City of San Buenaventura be amended to read:

"Section 502. Procedure for Holding Elections. Except as otherwise provided by this Charter or by ordinance, all elections shall be held in accordance with the election laws of the State of California, as the same now exist or hereafter may be amended, for the holding of municipal elections."

"Section 504. Nominations. Except as otherwise provided in this Charter, the procedures and requirements for nominating candidates for municipal office shall be as provided in the election laws of the State of California, as they now exist or may be amended, for the holding of municipal elections"

"Section 509. The Initiative, Referendum and Recall. Except as otherwise provided by this Charter or by ordinance, the provisions of the election laws of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum and the recall of municipal officers shall apply in the City."

Proposed Charter Amendment B—Eligibility for Council.

Shall Section 503 of Article V of the Charter of the City of San Buenaventura be amended to read as follows:

"Section 503. Eligibility for Office. No person shall hold, or be eligible for nomination to, office as a member of the City Council unless at the time his nomination papers are filed or his appointment made, he is a registered voter of this City and he has been continuously for at least one year next preceding his election or appointment a resident of this City or of territory annexed thereto.

"If any provision of this section should be held invalid by the final decision of a Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this section and the law applicable to general law cities of the State of California shall apply in the place of the invalidated provision."

Proposed Charter Amendment D—Internal Operation and Organization.

Shall Section 600 of Article VI, Subsection (b) of Section 802 of Article VIII, and Sections 1202 and 1213 of Article XII be amended to read as follows:

"Section 600. Officers. The officers of the City of San Buenaventura are the seven members of the Council, the City Manager, the City Attorney, and such other officers as are established elsewhere in this Charter or as the Council may establish by ordinance. Where the appointment of any officer is vested in the Council, his appointment or removal must be made by the

affirmative vote of at least four members of the Council."

Section 802—[Powers and Duties of City Manager]

* * * * * *

"(b) To appoint, and when he deems it necessary for the good of the City, to suspend or discharge all department heads and all other employees exempted from the personnel merit system of the City, except those appointed by the City Council; and subject to the personnel rules adopted pursuant to the Charter, to appoint, transfer, promote, demote, suspend, or discharge the other officers or employees of the City. The City Manager may delegate in writing to the head of any department, office or agency, who is under his direction and supervision, his power to appoint, transfer, promote, demote, suspend or discharge subordinates employed in that department, office or agency."

"Section 1202. Financial Administration. The Council shall by ordinance establish an as integral part of the Administrative Code a department to have charge of the administration of the financial affairs of the City. This department shall establish and maintain a system of financial procedures, accounts and controls for the City government and each of the City's offices, departments and agencies, following generally accepted municipal accounts procedures for cities of comparable size. This department shall also peform such other duties as are assigned to it by the City Manager or by the Council by ordinance."

"Section 1213. Independent Audit. The Council shall employ each year an independent certified public accountant who shall examine the records and accounts of the City and make his report to the Council, the City Manager and financial director of the City. Copies of his report shall be made available for inspection by the public."

In witness whereof we have hereunder set our hands and have caused the seal of the City of San Buenaventura to be affixed hereto this 27th day of December, 1973.

ALBERT R. ALBINGER
(SEAL) Albert R. Albinger,
Mayor, City of San Buenaventura

BARBARA J. KAM
Barbara J. Kam,
City Clerk, City of San Buenaventura,
California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment,

in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of San Buenaventura, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of San Buenaventura.

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## RESOLUTION CHAPTER 5

*Assembly Concurrent Resolution No. 165—Approving amendments to the Charter of the City of Long Beach, County of Los Angeles, State of California, ratified by the qualified electors of the city at a general election held therein on the sixth day of November, 1973.*

[Filed with Secretary of State January 24, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Long Beach, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON NOVEMBER 6, 1973, OF THREE AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

State of California
County of Los Angeles } ss.
City of Long Beach

We, Edwin W. Wade, Mayor of the City of Long Beach, and Elaine Hamilton, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of the Constitution of the State of California, which charter was duly ratified by a majority of the

electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 3, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach three amendments to the Charter of said City and ordered that said proposed amendments be submitted to said qualified electors of said City at a Special Municipal Election to be held in said City on the 6th day of November, 1973; and

That said proposed amendments to be so submitted on November 6, 1973, were designated as Propositions X, Y and Z, and were duly published the 14th day of September, 1973, in the Long Beach Independent and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by an ordinance designated as Ordinance No. C-5090, order the holding of said special municipal election in said City of Long Beach on November 6, 1973, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and that said ordinance was published at least three times in said Long Beach Independent ten days prior to the date of said election, to wit. October 24, 1973, October 25, 1973, and October 26, 1973; and

That said special municipal election was held in said City of Long Beach on November 6, 1973, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in said Long Beach Independent as aforesaid; and

That the City Council did, by resolution adopted on the 11th day of December, 1973, duly declare the results of said special municipal election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified said proposed amendments; and

That said proposed amendments to the Charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

Proposition X—CHARTER AMENDMENT

Articles IV, V and VI of the City Charter are hereby deleted in their entirety and the following new Articles IV, V and VI are hereby substituted in lieu thereof to read as follows:

Article IV

Name

Sec. 2. The City of Long Beach, a municipal corporation, and as successor in interest of a municipal corporation of the same name created and existing under previous charters, shall continue its existence as such municipal corporation under the corporate name, City of Long Beach.

Successor to Former Government

Sec. 3. The City of Long Beach, as successor in interest of the municipal corporation of the same name, created and existing under previous charters, shall own, hold, possess, use, lease, control, and in every way succeed to and become the owner of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed, or claimed, and shall be subject to all the debts, obligations, liabilities, dues and duties of said existing corporation.

General Powers

Sec. 4. The City of Long Beach shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter and in the Constitution of the State of California. It shall have the power to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by General Laws of the State, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California, together with all powers reasonably necessary and proper to carry out the foregoing.

## Licensing Power

Sec. 5. The City shall have the power to license for the purpose of revenue or regulation, or both, every kind of lawful business transacted in the City and fix the license tax therefor.

## Joint Powers

Sec. 6. The City shall have the power, with the approval, authorization and consent of two-thirds (⅔) of the members of the City Council:

(a) To co-operate or join by contract with other cities, counties, districts, the state, the Federal Government, or agencies thereof, or other governmental agency, singly, jointly, or in districts or associations, for promoting or carrying out any of the powers of the City or for the acquisition, construction or operation of any works, plants or structures, or for the exercise of any common power, convenient or necessary for carrying out any of the purposes or objects authorized by this Charter.

(b) To contract with the County of Los Angeles for performance by officers and employees of the City of any or all of the functions or duties required or authorized to be performed by the County, or any County officer, within the territorial limits of the City.

(c) To contract with other cities or districts, the Federal Government, or agencies thereof, for the performance by officers and employees of the City of the functions and duties required or authorized to be performed by such cities or districts within their territorial limits, or the Federal Government, or agencies thereof.

(d) In addition to the other powers or duties conferred upon officers and employees of the City by this Charter, such officers and employees shall also be empowered to perform any and all functions imposed upon such officers or employees by any contract executed pursuant to authority conferred under agreements entered into pursuant to subsections (a), (b) and (c) of this section.

## Procedures

Sec. 7. The City shall have the power and may act pursuant to any procedure established by the general laws of the State of California unless a different procedure shall have been provided in this Charter or by ordinance.

## Limitation of Power

Sec. 8. The enumeration of powers in this article shall not be held to be exclusive of or a limitation upon the powers of the City.

## Continuation of Ordinances and Violation Thereof

Sec. 9. All ordinances, resolutions, rules and regulations or portions thereof, in force when this charter amendment takes effect and not in conflict herewith, are hereby continued in force until amended, repealed or superseded.

Violation of any penal ordinances of the City or any provision of this Charter is a misdemeanor, the penalty for such violation shall be by a fine not to exceed Five Hundred Dollars ($500.00) and imprisonment not to exceed Six (6) Months, or both such fine and imprisonment.

## Consolidation of Departments

Sec. 10. The City, by ordinance, may consolidate departments provided for in this Charter, or consolidate divisions of such departments whether such divisions be a part of the same department or not, and may provide for the appointment of one officer or person as the head of such consolidated department or consolidated division; provided further, that nothing herein contained shall be construed to authorize or permit the consolidation of any department of which the head is an elective officer, with any other department, or with any division of any department.

## Cash Basis Fund

Sec. 11. The Cash Basis Fund being insufficient to provide for the contingencies for which it was created, and in order to place the city upon a cash basis, the City Council shall have power to provide, by contract, from time to time, for the advancement to the City of Long Beach of sufficient cash to pay any or all proper and legal warrants, regularly issued, as herein provided, during any fiscal year and to repay such advancements together with interest thereon from the time each advancement is made until the same be repaid by said city, but, in no event, shall such repayment extend beyond the fiscal year in which the advancement was made.

## Article V

## Legislative Department

Sec. 12. There is hereby created a Legislative Department which shall be under the direction and control of the City Council. This department shall consist of the City Council, the City Clerk and all assistants, secretaries, stenographers and clerical help in the office of the City Clerk and such as may be deemed necessary to serve in the office of the Mayor and City Council to aid them in fulfilling their legislative duties under this Charter.

Creation of the City Council

Sec. 13. There is hereby created a City Council, consisting of nine (9) members, one from each of the districts of the City of Long Beach. The City Council shall have full power and authority, except as herein otherwise provided, to exercise all the powers conferred upon the City.

Composition—Term of City Council

Sec. 14. The City Council shall be elected on a general ticket, as provided in this Charter, and, except as provided in Section 65a hereof, shall serve a term of three (3) years, beginning on the first Monday after the first day of July after their election, and until their successors are elected and qualified.

Vacancies

Sec. 15. Absence from five (5) consecutive regular meetings, unless excused by resolution of the City Council, shall operate to vacate the seat of any member so absent. Whenever a vacancy in the City Council shall occur, such vacancy shall be filled at a special election to be called for that purpose. Said election shall be held in the district for which the councilman is to be elected, and shall be called within thirty (30) days after the occurrence of such vacancy. Said election shall be held within ninety (90) days after the occurrence of such vacancy, unless the same shall occur within ninety (90) days of a primary nominating election provided for in Section 65a of this Charter, in which event such vacancy shall be filled by the City Council. Such special election shall be held within such district in the manner to be provided by the City Council by ordinance.

Quorum

Sec. 16. A majority of the councilmen in office shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, or may compel the attendance of other members in such manner and under such penalties as those present may prescribe, and shall hold public meetings at least once a week for the transaction of business; and no legislation shall be enacted except at public meetings.

Ordinances and Resolutions

Sec. 17. Ordinances and resolutions are the formal acts of the City Council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts which, being less formal in character, require only to be passed by the City

Council and spread upon the minutes. No ordinance shall be placed upon its final passage upon the same day it has been introduced and read in full for the first time, except emergency measures as provided in Section 25 of this Charter. Neither ordinance nor resolution shall be in full force and effect unless it shall have received the affirmative votes of not less than five (5) members of the City Council.

The Enacting Clause of Ordinances

Sec. 18. The enacting clause of all ordinances passed by the City Council shall be: "The City Council of the City of Long Beach ordains as follows:". The enacting clause of all ordinances submitted by initiative shall be: "The people of the City of Long Beach do ordain as follows:".

Publication or Posting of Ordinances

Sec. 19. All ordinances, resolutions, and all official notices authorized by the City Council under this Charter, shall be published at least once in the official newspaper of the City, or shall be posted in three (3) conspicuous places in the City, or shall be both published and posted as may be ordered by the City Council.

General Obligation Bonds

Sec. 20. Whenever the City Council shall determine that the public interest requires the construction, acquisition, completion, remodeling or repair of any improvement or utility, the cost of which, in addition to the other expenditures of the City, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a general obligation bonded indebtedness for such purpose and proceed therein as provided in Section 40, of Article XIII, of the Constitution of this state and the general law or laws thereof; PROVIDED, that no bond issued therefor shall be sold for less than par nor to any other than the lowest responsible bidder, after advertising for sealed proposals therefor; AND PROVIDED, that several propositions for the issue of such bonds may be submitted at one special or general municipal election.

Revenue Bonds

Sec. 21. The City of Long Beach by procedural ordinance of the City Council or pursuant to state law, may issue revenue bonds without an election for any City purpose or purposes, and, any other provisions of this Charter notwithstanding, may make such covenants and exercise such powers as are deemed necessary in connection with the issuance and sale of such revenue bonds.

Records

Sec. 22. The City Council shall keep a record of all its proceedings, showing the aye and nay vote in all matters voted upon by said body, and said records shall be open to the public at the office of the City Clerk during regular business hours.

City Manager's Bond

Sec. 23. The City Council shall approve the bond of the City Manager.

Powers of the City Council

Sec. 24. All powers of the City shall be vested in the City Council, subject to the provisions of this Charter and to the Constitution of the State of California.

The City Council shall have the power to fix the time and place of its meetings, to compel the attendance before it of witnesses and the production of papers in any matters under investigation, to judge of the qualification and election of its own members, and to punish any member of the City Council or other City officer by fine of not exceeding Fifty Dollars for disorderly or contemptuous behavior in its presence.

Emergency Measures

Sec. 25. The City Council may, by vote of five of its members, pass emergency measures to take effect at the time indicated therein. Emergency measures shall contain a section in which the emergency is particularly set forth and defined; and a separate roll call on the question of the emergency shall be taken. Ordinances appropriating money may be passed as emergency measures provided that the City Council shall not pass as an emergency measure a grant, renewal or extension of a franchise or other special privilege or regulate the rate to be charged for its service by any public utility.

City Council's Authority Over City Employees

Sec. 26. Neither the City Council, nor any of its committees or members shall dictate, or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service solely through the City Manager, and neither the City Council nor any member thereof shall

give orders to any of the subordinates of the City Manager, either publicly or privately.

### Extended Leave of Absence

Sec. 27. The City Council may grant without compensation an extended leave of absence, not to exceed one year, for the purpose of health, or study, travel and research, to any employee of the City, other than elective officers and the City Manager.

## Article VI

## The Officers of the City

Sec. 28. The officers of the City of Long Beach shall be:
Elective:
Nine members of the City Council,
City Attorney,
City Auditor,
City Prosecutor.
Appointive by City Council:
City Clerk,
City Manager, and
Five members of the Civil Service Board.
Appointive by City Manager:
City Accountant,
City Engineer,
City Health Officer,
City Purchasing Agent,
City Tax Collector,
City Treasurer,
Chief of Fire Department,
Chief of Police,
Director of Public Service,
Librarian,
Superintendent of Building and Safety,
Superintendent of Water Department,
Superintendent of Public Recreation,
Five members of Harbor Commission,
Seven members of the City Planning Commission, and
Five members of the Water Board,
also such other officers as may be provided for under the general laws of the State of California, or the ordinances of the City.

### Residence

Sec. 29. Unless expressly provided in this Charter to the contrary, no person shall be eligible for election to any office or appointment to any membership on any Board or Commission of the

City unless such person shall have been a bona fide resident of the City, or territory legally annexed thereto, for at least one year next preceding the date of his or her election or appointment, and, on such date, shall be a registered qualified elector of the City.

No person shall be eligible for either election or appointment to any office or to any membership on any commission or board of the city, or for appointment as an assistant, deputy, clerk, attache, or other employee of any officer, commission or board of the City, or to appointment to any position of employment whatsoever in the service of the City, who, on the date of his or her election or appointment, shall be in litigation against the City.

All elective officers and all members of commissions and all members of boards of the City, must be bona fide residents of the City and maintain their respective places of abode within the corporate limits of the City at all times during which they hold such office, or are members of any such commission or board; and the term "places of abode," as used herein, shall mean not only the legal or technical residence or domicile, but also actual abode in fact.

Any elective officer, member of a commission or member of a board of the City, upon his or her failure to comply with and abide by the requirements as to residence and place of abode as hereinbefore set forth, shall be thereby immediately disqualified from holding such office or membership, and the tenure of such officer in such office or the membership of such member on such commission or board, as the case may be, shall be thereby immediately terminated.

Special Residential Qualifications
for City Councilmen

Sec. 30. Each member of the City Council must have been a resident and qualified elector in the district from which he is nominated for a period of not less than six months prior to the date of presenting his declaration of candidacy to the City Clerk as hereinafter provided.

In the event any member of the City Council shall remove his residence from the district from which he was nominated, elected or appointed, during his term of office, such removal shall not operate to cause a vacancy in his office as a member of the City Council.

Salaried Officers of the City Not to Hold
Federal or State Offices

Sec. 31. No person holding a salaried office under the United States Government or the State of California, or any other state, county or municipality; or any officer, agent or employee of any public service corporation or utility doing business in the City of Long Beach shall hold any office, employment or position under this City.

## Oath of Office

Sec. 32. Every officer provided for in this Charter shall, within fifteen days after receiving his certificate of election or notice of his appointment, qualify by giving the bond required by this Charter, or by ordinance of the City, if any, and by taking the following oath:

"I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, the Constitution and laws of the State of California, and the Charter of the City of Long Beach, and I will faithfully discharge the duties of office to which I have been elected (or appointed) according to the best of my ability."

## Purity of Election

Sec. 33. No officer or employee of the City shall give, or promise to give to any other person, any portion of his compensation, or any money, or valuable thing, in consideration of having been, or of being nominated, appointed, voted for, or elected to any office or employment; and if any such promise or gift be made, the person making such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed, or employed, in the service of the City.

Any officer of this City who shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as subordinate or employee under him, shall forfeit his office.

## Salary of Council Members

Sec. 34. Each member of the City Council shall receive, as full compensation for all services rendered by him, the sum of Two Hundred Dollars ($200.00) per month. Provided, however, that there shall be deducted from said amount the sum of Twenty Dollars ($20.00) for each absence of such member from a regular meeting of the City Council, unless such absence is excused by the City Council because of the member's illness or by reason of his being elsewhere engaged on City business.

## Salary of Officers and Employees

Sec. 35. Unless otherwise provided in this Charter, each officer and each employee shall have such compensation for his services as may be prescribed by resolution of the City Council or duly fixed by resolution of the board or body having jurisdiction under this Charter to fix his compensation. Notwithstanding the provisions of Subsection 19 of Section 228 of this Charter, the Board of Harbor Commissioners shall fix compensation for its employees by resolution

instead of by ordinance as therein provided. The salaries or compensation proposed to be fixed by each such board or body shall be subject to the prior approval of the City Council by resolution.

Time and method of payment of salaries of all officers and employees, including those whose salary is set by some body other than the City Council, shall be prescribed by the City Council. Time of payment shall be not less than twice each calendar month.

### Officials to Give Entire Time to City During Business Hours, With Certain Exceptions

Sec. 36. All elective and appointive officials, their assistants, deputies and clerks, and other employees of the City shall devote their entire time during business hours to the duties of their respective offices, or employment; the City Attorney, the City Prosecutor, the City Auditor, the City Manager and the General Managers of the Water Department and the Harbor Department shall not engage in any other business or practice during their respective tenure of office or employment; provided, however, that the members of the City Council and the members of any commission or commissions that may have been heretofore or may be hereinafter created by the City Charter or by the City Council, or by ordinance, shall be and are specifically excepted from the provisions of this section; and provided, further, that the provisions of this section shall not be applicable to highly professional or technical assistants employed by the City Council to assist or advise any of the departments of the City. Any ordinance adopted by the City Council regulating the employment of officers and employees of the City outside business hours shall be applicable to, and binding upon, officers and employees of the Harbor Department, Water Department or any other department of the City.

### Fees to Be Paid Into City Treasury

Sec. 37. No department, board, officer or employee of the City shall be allowed to retain for his own use any fees collected by such department, board, officer or employee, but all such fees shall be paid into the City Treasury at least once every month, except where payment is required by law or ordinance to be made in some other manner or more frequently.

### Bonds of Officers

Sec. 38. The officers and employees of the City before entering upon the discharge of their official duties, shall give and execute to the City of Long Beach such official bonds as may be required by this Charter, by general law or the ordinances of the City. Such other and additional bonds may be required from time to time as the City Council may deem proper.

## Surety Bonds Required

Sec. 39. Bonds issued by surety companies lawfully authorized by the State of California, shall be the only kind of bond approved, EXCEPT as otherwise in this Charter provided.

## Term of Office

Sec. 40. All officers provided to be elected under this Charter shall take office on the first Monday after the first day of July after their election, EXCEPT the Board of Education; and shall hold office until their successors are elected and qualified.

## Expiration of Term of Office of Members of Boards, Commissions and Committees

Sec. 41. The appointment of all members of the Civil Service Board, Harbor Commission and City Planning Commission, whether herein otherwise provided or not, shall expire and terminate with the expiration of the term of the members of the City Council in office at the time of such appointments. The appointment or term of every member of every board, commission or committee now existing or hereafter created by the City Council shall expire and terminate with the expiration of the term of the members of the City Council in office at the time of such appointments, unless an earlier date of expiration or termination be provided by the City Council. Provided, however, that all such members shall hold office until their successors have been appointed and qualified.

## Vacancies

Sec. 42. In the event of a vacancy in any elective office caused by death, resignation, recall, removal from the City or for any other reason, the vacancy shall be filled for the unexpired term by the City Council, unless otherwise expressly provided in this Charter. To be eligible to be elected or appointed to fill a vacancy in the City Council a person must have been a resident and qualified elector in the district for which such Councilman is to be elected or appointed as provided in Section 29 of this Charter.

## Officer Failing to Qualify

Sec. 43. If a person elected or appointed to any office shall fail to qualify within ten days after receipt of his certificate of election or notice of appointment, the office shall be declared vacant by the City Council, and shall be filled as if there were a vacancy.

Proposition Y—Charter Amendment

That the Charter of the City of Long Beach be amended by amending Section 55 thereof to read as follows:

Sec. 55. Each member of the City Council shall receive a salary the amount of which shall be determined in the manner and by the schedule in Section 36516 of the Government Code of the State of California as now set forth therein or as it may hereafter be amended by the State Legislature. The salary may be increased or decreased as provided in Sections 36516 and 36516.2 of said Government Code as now set forth therein or as such sections may hereafter be amended by the State Legislature.

(In the event Proposition X is ratified then this Section shall be numbered 34 instead of 55 as set forth above, and shall take the place of said Section 34.)

Proposition Z—Charter Amendment

That the Charter of the City of Long Beach be amended by amending Section 105 thereof to read as follows:

Sec. 105. An appointment or promotion shall not be deemed complete until a period of probation not to exceed six months has elapsed, except that for the positions of fireman and police officer the period shall not exceed one year, and a probationer may be discharged or reduced at any time within the said period of six months, or one year in the case of firemen and police officers, upon the recommendation of the head of the department in which said probationer is employed, with the approval of the majority of the Civil Service Board.

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

In witness whereof, Edwin W. Wade, Mayor, as aforesaid, and Elaine Hamilton, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 9th day of January, 1974.

(SEAL)

EDWIN W. WADE
Mayor of the
City of Long Beach
ELAINE HAMILTON
City Clerk of the
City of Long Beach

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval

or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Long Beach, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Long Beach, County of Los Angeles.

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## RESOLUTION CHAPTER 6

*Assembly Constitutional Amendment No. 76—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding a subdivision (n) to Section 4 of Article XXIV thereof, relating to civil service.*

[Filed with Secretary of State January 25, 1974 ]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding subdivision (n) to Section 4 of Article XXIV thereof, to read:

(n) The chief administrative officer of the California Postsecondary Education Commission and five deputies.

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## RESOLUTION CHAPTER 7

*Assembly Concurrent Resolution No. 142—Relative to memorializing Dr. Marcus A. Foster.*

[Filed with Secretary of State January 28, 1974 ]

WHEREAS, The Members of the California State Legislature have learned with deep sorrow of the tragic passing of Oakland School Superintendent Marcus A. Foster; and

WHEREAS, Dr. Foster was born in Athens, Georgia, and came from a family of educators; and

WHEREAS, Dr. Foster held degrees from Pennsylvania State College, the University of Pennsylvania, Lincoln University, and St. Joseph's College, Pennsylvania; and

WHEREAS, Dr. Foster entered the Philadelphia school system in 1948 and served as a teacher and principal at the elementary, junior high, and high school level prior to becoming associate superintendent in 1970; and

WHEREAS, Dr. Foster was the author of many published works on education and was honored with numerous citations and awards for his commitment, achievement, and new ideas in the field of education; and

WHEREAS, Dr. Foster gained the reputation as one of the nation's most progressive educators and was chosen to head the Oakland School District because of this quality; and

WHEREAS, Dr. Foster's commitment to community involvement, combined with his inspiration and enthusiasm, brought hundreds of Oakland citizens of all ages and persuasions to give their time and support to help improve and revitalize the district's schools and educational programs; and

WHEREAS, Dr. Foster dedicated his life and work to ensure that all children might learn; that the educational process promote creativity and emphasize human values as well as essential skills, and that all people must matter—students, school staff, parents and community—when opening up the system and committing it to an approach that is honest and humane; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of the California State Legislature do hereby join Dr. Foster's many friends in paying their last respects to this compassionate human being and outstanding citizen and in offering deepest condolences to the members of his family; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Albertine Foster and Marsha Foster.

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## RESOLUTION CHAPTER 8

*Senate Concurrent Resolution No. 96—Approving an amendment to the Charter of the City of Inglewood, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the sixth day of November, 1973.*

[Filed with Secretary of State January 28, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF INGLEWOOD OF A CERTAIN CHARTER AMENDMENT.

State of California
County of Los Angeles } ss
City of Inglewood

We, the undersigned, Merle Mergell, Mayor of the City of Inglewood, County of Los Angeles, State of California, and Helen Rieck, City Clerk of said City, do hereby declare and certify as follows:

That the City of Inglewood, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned during the year 1973, was a city having a population of more than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States of America, and has been ever since the year 1927, and now is, organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special municipal election held for that purpose on the 14th day of December, 1926, and approved by the Legislature of the State of California on the 27th day of January, 1927 (Statutes and Amendments of 1927, p. 2205)

That the City Council of the City of Inglewood, being the legislative body of said city, on its own motion, by its Resolution No. 6668, adopted August 28, 1973, duly and regularly proposed and submitted to the qualified electors of the City of Inglewood a certain proposition for a certain amendment to the Charter of the City of Inglewood at the Special Municipal Election consolidated with the Special Statewide Election on the sixth day of November, 1973.

That pursuant to the aforesaid resolution of the City Council of the City of Inglewood, the proposed charter amendment was published and advertised.

That in accordance with the provisions of the Charter of the City of Inglewood and in the manner provided by law, the said Special Municipal Election consolidated with the Special Statewide Election was duly and regularly held in said City, after due notice given and published.

That thereafter the Council of the City of Inglewood did, in the manner provided by law, duly and regularly adopt its resolution declaring the results of the returns of said election.

That said Council of said City did by said resolution find, determine and declare that a certain proposed amendment to the Charter of the City of Inglewood and hereinafter set forth was ratified by a majority vote of the electors of said City voting thereon.

That as to the proceedings taken relating to the amendment to the Charter of the City of Inglewood hereinafter set forth, the provisions of Section 8 of Article XI of the Constitution of the State of California

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and the laws of the State of California applicable thereto, have been substantially complied with.

That said amendment to the Charter of the City of Inglewood, so ratified by the electors of said City, is as follows:

Charter Amendment No. 1.

"Article XXXIII of the Charter of the City of Inglewood hereby is amended so that the same shall be and read as follows:

"Article XXXIII

Contracts for Purchases and Public Works

Section 1. Every purchase or contract involving an expenditure of more than Fifteen Thousand Dollars ($15,000) shall be awarded to the lowest responsible bidder following notice by publication in the City's official newspaper by at least one insertion which shall be at least fifteen (15) days prior to the time designated for opening bids. Such notice shall be sent to at least one trade periodical pertaining to construction projects involved in sufficient time to permit such periodicals to publish said notice at least fifteen (15) days prior to the bid opening time. Such notice shall also be sent on or before the deadline for newspaper publication to those persons and firms listed in the City's latest bidders' list providing the service, commodity or article desired by the City.

Section 2. The City Council may reject any and all bids and readvertise for bids in its discretion.

After bids are rejected or if no bids are received, the City Council by resolution enacted with four (4) affirmative votes may order the work done by City personnel and equipment or authorize the purchase of the material, equipment or services involved on the open market without complying with the requirements of this Article; provided that the City Council receive competent information or data that the City itself is capable of completing the project involved in a more satisfactory or economical manner or that the materials, equipment or service may be purchased more economically on the open market.

The City Council may authorize the purchase of materials, supplies, equipment and services or order work performed by City or non-city forces without complying with the notice and bidding provisions of this Article upon a finding supported by competent information or data that such purchase or work is urgently and imminently necessary for the preservation of life, health or property. The City Council, by ordinance, shall define the terms "urgently and imminently" necessary.

Section 3. The expression "lowest responsible bidder" shall be deemed to mean the lowest bidder whose offer best responds in quality, fitness and capacity to the requirements of the proposed

work or usage. The City Council shall establish a hearing procedure for making contract awards.

Section 4. All bids must be sealed and accompanied by security, either cash, cashier's check, certified check or surety bond, in a sum equal to ten per cent (10%) of the bid. A performance bond, labor and material bond and other bonds may be required by the City Council in an amount reasonably necessary to protect the City's interest in obtaining the services or work involved. All bids shall be submitted to the City Clerk who shall safeguard them in a sealed condition until the time noticed for public bid opening.

Section 5. The City Council may authorize a purchase or award a contract, without complying with the provisions of this Article provided that, while in public session, it has received competent information, data and sworn testimony supporting the fact that the product or service desired is provided by only one person or firm. The City Council may enter into an agreement with another governmental entity without complying with the provisions of this Article.

Section 6. No acquisition or project shall be split or separated into smaller acquisitions or projects for the purpose of evading the provisions of this Article. In estimating the cost of any acquisition or project, City officers shall consider all elements of potential cost in determining whether or not to follow the formal bidding procedure designated in this Article. Purchases and acquisitions shall be made by a written instrument approved as to form by the City Attorney. Collusive or "accommodation" bidding shall be discouraged.

Section 7. Nothing shall be construed to preclude the City from awarding a written contract for professional type services, as defined by case or statutory law, without complying with the provisions of this Article.

Section 8. Every purchase or contract involving an expenditure of Fifteen Thousand Dollars ($15,000) or less but more than Five Hundred Dollars ($500) shall be made pursuant to such competitive bidding procedure as set forth by City ordinance. Such procedure shall require the submission of sealed bids for any purchase or contract exceeding $2500."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Inglewood with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Inglewood to be affixed this 11th day of December, 1973.

(SEAL)

MERLE MERGELL
Mayor of the
City of Inglewood, California
HELEN RIECK
City Clerk of the
City of Inglewood, California

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and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefore and concurring therein,* That the amendment to the Charter of the City of Inglewood, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Inglewood, County of Los Angeles.

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## RESOLUTION CHAPTER 9

*Assembly Concurrent Resolution No. 114—Relative to the Joint Rules.*

[Filed with Secretary of State January 31, 1974 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Temporary Joint Rules of the Senate and Assembly for the 1973–74 Regular Session are amended as follows:

First—That Rule 6 is amended to read:

### Resolutions Treated as Bills

6. Concurrent and joint resolutions, other than resolutions ratifying proposed amendments to the United States Constitution and resolutions calling for constitutional conventions, shall be treated in all respects as bills except as follows:

(a) They shall be given only one formal reading in each house.

(b) They shall not be deemed bills within the meaning of subdivision (a) of Section 8 of Article IV of the Constitution.

(c) They shall not be deemed bills for the purposes of Rules 10.8, 53, 55, 56, and 61, and subdivisions (b) and (d) of Rule 54 and subdivisions (a) and (b) of Rule 62.

(d) They shall not, except for those relating to voting procedures on the floor or in committee, be deemed bills for the purposes of subdivision (c) of Rule 62.

Second—That Rule 13 is amended to read:

Distribution of Legislative Publications

13. All requests by members for mailing or distribution of copies of the Weekly Histories and the Legislative Index shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of copies of the Weekly Histories and the Legislative Index to supply this list together with such number of bills and legislative publications as may be necessary for legislative requirements.

No complete list of bills shall be delivered except upon payment therefor of such sum as may be fixed by the Joint Rules Committee for any regular or extraordinary session. No more than one copy of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during a session, shall be distributed free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the President of the Senate, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's office; Secretary of State's office; Controller's office; Governor's office; the Clerk of the Supreme Court; the clerk of the court of appeal for each district; the Judicial Council; the California Law Revision Commission; the State Library; the Library of Congress; the libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall not be more than 2,500.

Third—That Rule 36 is amended to read:

Investigating Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during

sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may employ such clerical, legal, and technical assistants as may be authorized by: (a) the Joint Rules Committee in the case of a joint committee, (b) the Senate Rules Committee in the case of a Senate committee, or (c) the Assembly Rules Committee in the case of an Assembly committee.

Except as otherwise provided herein for joint committees or by the Rules of the Senate or the Assembly for single house committees, each committee may adopt and amend such rules governing its procedure as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. Such rules may include provisions fixing the quorum of the committee and the number of votes necessary to take action on any matter. With respect to all joint committees, a majority of the membership from each house constitutes a quorum and an affirmative vote of a majority of the membership from each house is necessary for the committee to take action.

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records, and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4 (commencing with Section 9400), Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant at Arms of the Senate or Assembly, or such other person as may be designated by the chairman or chairwoman of the committee, shall serve any and all subpoenas, orders, and other process that may be issued by the committee, when directed to do so by the chairman, chairwoman, or by a majority of the membership of the committee.

Every department, commission, board, agency, officer, and employee of the state government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this state, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each committee or subcommittee of either house in accordance with the rules of that respective house and each joint committee or subcommittee thereof, may meet at any time during the period in

which it is authorized to act, either at the State Capitol, or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it with the following exceptions:

(a) When the Legislature is not in joint recess:

(1) No committee or subcommittee of either house shall meet outside the State Capitol without the prior approval of the Rules Committee of the Senate with respect to Senate committees and subcommittees and the Speaker of the Assembly with respect to Assembly committees and subcommittees.

(2) No committee or subcommittee of either house, other than a standing committee or subcommittee thereof, shall meet unless notice of such meeting has been printed in the daily file for four days prior thereto. This requirement may be waived by a majority vote of either house with respect to a particular bill.

(3) No joint committee or subcommittee thereof, other than the Joint Committees on Legislative Audit, Legislative Budget, Legislative Ethics, and Rules, shall meet outside the State Capitol without the prior approval of the Joint Rules Committee.

(4) No joint committee or subcommittee thereof, other than the Joint Committees on Legislative Audit, Legislative Budget, Legislative Ethics, and Rules, shall meet unless notice of such meeting has been printed in the daily file for four days prior thereto.

(b) When the Legislature is in joint recess each joint committee or subcommittee, other than the Joint Committees on Legislative Audit, Legislative Budget, Legislative Ethics, and Rules, shall notify the Joint Rules Committee at least two weeks prior to any such meeting.

(c) The requirements placed upon joint committees by paragraphs (a) and (b) above may be waived where it is deemed necessary by the Joint Rules Committee.

Each such committee may expend such money as may be made available to it for such purpose but no committee shall incur any indebtedness unless money shall have been first made available therefor.

No living expenses shall be allowed in connection with legislative business for a day on which the member receives reimbursement for expenses while required to be in Sacramento to attend a session of the Legislature. The chairman or chairwoman of each committee shall audit and approve the expense claims of the members of the committee including claims for mileage in connection with attendance on committee business, or in connection with specific assignments by the committee chairman or chairwoman, but excluding other types of mileage, and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman or chairwoman.

Subject to the rules of each house for the respective committees

of each house, and subject to the Joint Rules for any joint committee, the chairman or chairwoman of any such committee may appoint subcommittees and chairmen or chairwomen thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairmen or chairwomen thereof shall have all the powers and authority herein conferred upon the committee and its chairman or chairwoman. The chairman or chairwoman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman or chairwoman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the state, have the same authority as if it were acting and functioning within the state, and the members thereof shall be reimbursed for expenses.

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of committees for goods or services or pursuant to contracts or for expenses of employees or members of committees be audited or approved, after approval of the committee chairman or chairwoman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency. All expense claims approved by the chairman or chairwoman of any joint committee, other than the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall be approved by the Joint Rules Committee and the Controller shall draw his warrants only upon the certification of the Joint Rules Committee.

Except salary claims of employees clearly subject to federal withholding taxes and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

Fourth—That Rule 54 is amended to read:

Introduction of Bills

54. (a) Bills may be introduced at any time except as provided in subdivision (d) and when a house is in joint recess. Each house may provide for introduction of bills during a recess other than a joint recess. Bills shall be numbered consecutively during the regular session.

(b) A member may not author a bill during a session that would have substantially the same effect as a bill he or she had previously introduced, except a previously introduced bill which has been vetoed by the Governor or which has had its provisions "chaptered

out" by a later chaptered bill pursuant to Section 9605 of the Government Code. An objection may be raised at any time. In such case the objection shall be referred to the Rules Committee of the house considering the bill for a determination. The bill shall remain on file or with a committee, as the case may be, until such determination is made. If upon consideration of the objection the Rules Committee determines that the bill objected to would have substantially the same effect as another bill previously introduced during the session by the author, the bill objected to shall be stricken from the file or returned to the desk by the committee, as the case may be, and shall not be acted upon during the remainder of the session. If the Rules Committee determines that the bill objected to would not have substantially the same effect as a bill previously introduced during the session by the author, the bill may thereafter be acted upon by the committee or the house, as the case may be. The Rules Committee may obtain such assistance as it may desire from the Legislative Counsel as to the similarity of a bill or amendments to a prior bill. This joint rule may be suspended by approval of the Rules Committee and three-fourths vote of the house.

(c) During a joint recess, the Chief Clerk or Secretary shall order the preparation of preprint bills when so ordered by any of the following:

(1) The Speaker.

(2) The Committees on Rules of the respective houses.

(3) A committee with respect to bills within the subject matter jurisdiction of the committee.

Preprint bills shall be designated as such and shall be printed in the order received and numbered in the order printed. To facilitate subsequent amendment, preprint bills shall be so prepared that when introduced as a bill, the page and the line numbers will not change. The Chief Clerk and Secretary shall publish a list periodically of such preprint bills showing the preprint bill number, the title, and the Legislative Counsel's Digest. The Speaker and Senate Rules Committee may refer preprint bills to committee for study.

(d) On April 15 of each year, the Legislative Counsel shall record his request number of the last request for a bill draft received in his office by 5 o'clock of that day. The Chief Clerk and Secretary shall not process a bill bearing a higher request number until May 16. This subdivision of this joint rule may be suspended as to a particular bill by approval of the Rules Committee and two-thirds vote of the house. The intent of this provision is to allow time for the 30-day waiting period and to permit hearings on bills in the policy committee before the June 15 deadline, with respect to bills that are intended to take effect at the end of the first year of the two-year session. With respect to the second year, it is intended to facilitate the orderly processing of legislation. It shall not be construed as a limitation on the introduction of bills.

Fifth—That Rule 56 is amended to read:

Return of Bills

56. Bills introduced in the first year of the regular session and passed by the house of origin on or before the January 30th constitutional deadline are "carryover bills." Immediately after January 30, bills introduced in the first year of the regular session that do not become "carryover bills" shall be returned to the Chief Clerk of the Assembly or Secretary of the Senate, respectively. Notwithstanding Rule 4, as used in this rule, "bills" does not include constitutional amendments.

Sixth—That Rule 59 is amended to read:

Publications

59. During periods of joint recess, weekly, if necessary, the following documents shall be published: files, histories, and journals.

Seventh—That Rule 60 is amended to read:

Hearings in Sacramento

60. (a) No standing committee or subcommittee thereof may take action on a bill at any hearing held outside of Sacramento.

(b) A committee may hear the subject matter of a bill during a period of recess Four days' notice in the daily file is required prior to any such hearing.

(c) No bill may be acted upon by a committee during a joint recess.

Eighth—That Rule 61 is amended to read:

Deadlines

61. (a) Bills in the house of origin not acted upon by the deadlines imposed by subdivisions (b) and (c) of this rule may be passed by the house during the session when the session reconvenes after the Legislature's interim study joint recess, or any time the Legislature is recalled from such joint recess.

(b) After June 15, no committee of either house other than the fiscal and Rules Committees of each house may report for passage a bill introduced in that house.

(c) After August 15, the fiscal committee of each house may not report for passage a bill introduced in that house.

(d) For the purposes of subdivisions (b) and (c), if a bill is heard in committee before the deadline and the committee decides to report the bill out with amendments that have not at the time been prepared by the Legislative Counsel, the committee may subsequently report the bill for passage with the amendments when they are prepared.

(e) The deadlines imposed by this rule shall not apply to urgency bills.

(f) This rule may be suspended as to any particular bill by approval of the Rules Committee and two-thirds vote of the members of the house.

Ninth—That Rule 62 is amended to read:

Committee Procedure

62. (a) Notice of a hearing on a bill by the committee of first reference in each house shall be published in the file at least four days prior to the hearing. Otherwise, notice shall be published in the file two days prior to the hearing. Such notice may be waived by a majority vote of the house in which the bill is being considered. A bill may be set for hearing in a committee only three times. A bill is "set" for purposes of this subdivision whenever notice of the hearing has been published in the file for one or more days. If a bill is set for hearing, and the committee, on its own initiation and not the author's, postpones the hearing on the bill or adjourns the hearing while testimony is being taken, such hearing shall not be counted as one of the three times a bill may be set. After hearing the bill, the committee may vote on the bill. If the hearing notice in the file specifically indicates that "testimony only" will be taken, such hearing shall not be counted as one of the three times a bill may be set A committee may not vote on a bill so noticed until it has been heard in accordance with this rule. After a committee has voted on a bill, reconsideration may be granted only one time. Reconsideration may be granted within 15 legislative days or prior to the interim study joint recess, whichever first occurs. A vote on reconsideration cannot be taken without the same notice required to set a bill unless such vote is taken at the same meeting at which the vote to be reconsidered was taken and the author is present. When a bill fails to get the necessary votes to pass it out of committee or upon failure to receive reconsideration, it shall be returned to the Chief Clerk of the Assembly or Secretary of the Senate of the house of the committee and may not be considered further during the session.

This subdivision may be suspended with respect to a particular bill by approval of the Rules Committee and two-thirds vote of the members of the house.

(b) If the committee adopts amendments other than those offered by the author and orders the bill reprinted prior to its further consideration, the hearing shall not be the final time a bill may be set under subdivision (a) of this rule.

(c) When a standing committee takes action on a bill, the vote shall be by rollcall vote only. All rollcall votes taken by a standing committee shall be recorded by the committee secretary on forms provided by the Chief Clerk of the Assembly and the Secretary of the Senate. The chairman or chairwoman of each standing committee

shall promptly transmit a copy of the record of the rollcall votes to the Chief Clerk of the Assembly or the Secretary of the Senate, respectively, who shall cause the votes to be published as prescribed by each house.

The provisions of this subdivision shall also apply to action of a committee on a subcommittee report. The rules of each house shall prescribe the procedure as to rollcall votes on amendments.

Any committee may, with the unanimous consent of the members present, substitute a rollcall from a prior bill, provided that the members whose votes are substituted are present at the time of the substitution.

At no time shall a bill be passed out by a committee without a quorum being present.

The provisions of this subdivision shall not apply to:

(1) Procedural motions which do not have the effect of disposing of a bill.

(2) Withdrawal of a bill from a committee calendar at the request of an author.

(3) Return of bills to the house where the bills have not been voted on by the committee.

(4) The assignment of bills to committee.

(d) The chairman or chairwoman of the committee hearing a bill, may, at any time, order a call of the committee. Upon a request by any member of a committee or the author in person, the chairman or chairwoman shall order the call.

In the absence of a quorum a majority of the members present may order a quorum call of the committee and compel the attendance of absentees. The chairman or chairwoman shall send the Sergeant at Arms for those members who are absent and not excused by their respective house.

When a call of a committee is ordered by the chairman or chairwoman with respect to a particular bill, he or she shall send the Sergeant at Arms or any other person to be appointed for that purpose for those members who have not voted on that particular bill and are not excused.

A quorum call or a call of the committee with respect to a particular bill may be dispensed with by the chairman or chairwoman without objection by any member of the committee, or by a majority of the members present.

If a motion is adopted to adjourn the committee while the committee is operating under a call, the call shall be dispensed with and any pending vote announced.

The committee secretary shall record the votes of members answering a call. The rules of each house may prescribe additional procedures for a call of a committee.

## RESOLUTION CHAPTER 10

*Assembly Joint Resolution No. 40—Relative to education benefits for Vietnam veterans.*

[Filed with Secretary of State February 1, 1974]

WHEREAS, After World War II, the veterans of the United States military were eligible for educational benefits of $75 monthly allowance and an additional $500 a year for tuition and books; and

WHEREAS, Currently, veterans are allowed only $220 total per month with which to pursue their education; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California respectfully petitions the President and the Congress of the United States to increase educational benefits for Vietnam veterans; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 11

*Assembly Joint Resolution No. 68—Relative to fuel rationing.*

[Filed with Secretary of State February 1, 1974]

WHEREAS, The State of California and the nation are presently experiencing a serious shortage of gasoline and other petroleum fuels; and

WHEREAS, There is serious consideration being given to the possibility of rationing of gasoline, with the result that people would be required to increasingly utilize public transportation, rather than private means of transportation; and

WHEREAS, Public transportation is not a feasible alternative to most physically handicapped persons because of inability to accommodate crutches, braces, or wheelchairs; and

WHEREAS, Without special consideration, rationing of fuel will work a special hardship on the thousands of physically handicapped persons in this state and across this nation who will find themselves unable to maintain gainful employment, with the result that many will be forced to seek public assistance; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, and the Federal Energy Office to provide special consideration for physically handicapped persons who are unable to use public

transportation in any program of rationing gasoline which may be put into effect because of the present fuel shortage; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 12

*Assembly Concurrent Resolution No. 76—Relative to state medical assistance to Merced County.*

[Filed with Secretary of State February 1, 1974 ]

WHEREAS, The people of Merced County, California, have the right, along with all the citizens of the State of California, to the highest quality health care; and

WHEREAS, The assurance of the highest quality health care to the people of Merced County greatly depends upon necessary and sufficient health care resources within Merced County; and

WHEREAS, The availability of a sufficient number of highly qualified and skilled medical practitioners is a vital element of the necessary health care resources required by the people of Merced County; and

WHEREAS, The present proportion of general practitioners to the population of Merced County is less than 40 percent of the average throughout the United States, and the present proportion of primary care practitioners to the population of Merced County is less than 25 percent of the average throughout the United States; and

WHEREAS, The absence of a sufficient number of highly qualified and skilled medical practitioners within Merced County is a serious threat to the health and welfare of the people of Merced County; and

WHEREAS, An unwarranted disparity exists in the distribution of medical assistance for basic medical services by the State of California, having an adverse effect upon the efforts of the people of Merced County to augment the resource of medical practitioners within their county; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Secretary of the Health and Welfare Agency of the State of California is requested to correct the disparity in the distribution of medical assistance for basic medical services between Merced County and those counties adjoining Merced County by an administrative adjustment of the relative value scale for Merced County to an amount not less than six dollars ($6) per unit charge; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of the Health and Welfare Agency of

the State of California.

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## RESOLUTION CHAPTER 13

*Senate Concurrent Resolution No. 100—Relative to a Carley V. Porter Memorial Tree.*

[Filed with Secretary of State February 4, 1974.]

WHEREAS, The late Carley V. Porter made a truly exceptional contribution to the conservation and development of California's resources and to the enhancement of California's environment in the course of his long and outstanding career as a Member of the California Legislature; and

WHEREAS, It would be fitting to plant an appropriate tree in Capitol Park in tribute to the memory of that distinguished legislator and public servant; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members request the Department of General Services to plant an appropriate tree in memory of Carley V. Porter; and be it further

*Resolved,* That a copy of this resolution be transmitted to the Director of General Services.

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## RESOLUTION CHAPTER 14

*Senate Concurrent Resolution No. 101—Relative to a Larry Townsend Memorial Tree.*

[Filed with Secretary of State February 4, 1974 ]

WHEREAS, The late Assemblyman Larry Townsend made a truly exceptional contribution to the conservation and development of California's resources and to the enhancement of California's environment in the course of his outstanding career as a Member of the California Legislature; and

WHEREAS, It would thus be fitting to plant a tree in Capitol Park in tribute to the memory of that distinguished legislator and public servant; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members request the Department of General Services to plant a tree in Capitol Park in memory of Larry Townsend; and be it further

*Resolved,* That a copy of this resolution be transmitted to the Director of General Services.

## RESOLUTION CHAPTER 15

*Assembly Concurrent Resolution No. 175—Approving amendments to the Charter of the City of Redondo Beach, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 10th day of April 1973.*

[Filed with Secretary of State February 7, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Redondo Beach, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of Los Angeles } ss
City of Redondo Beach

We, the undersigned, William F. Czuleger, Mayor of the City of Redondo Beach, State of California, and Fred M. Arnold, City Clerk of said city, do hereby certify and declare as follows:

The City of Redondo Beach, in the County of Los Angeles, State of California, was at all times mentioned herein and now is a City of the State of California, existing and acting under a Charter duly adopted and approved under and by virtue of the Constitution of the State of California.

The legislative body of said city on its own motion submitted to the electors of said city, at a general municipal election, to wit, a General Municipal Election, held within said city on the 10th day of April, 1973, certain proposed amendments to the City Charter of said city.

Said proposed amendments were published in the South Bay Daily Breeze, a newspaper having a general circulation in said city, and being the official newspaper of said city, on the 22nd day of February, 1973, and the 1st day of March, 1973, and in each edition thereof on said days, and said publication was made at the time and in the manner prescribed by the Constitution of the State of California.

Said election was duly and regularly held on the 10th day of April, 1973, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendments, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendments to said City Charter.

Said proposed amendments were duly and regularly submitted to and duly ratified by the said qualified voters of said city, and all and singular requirements of the Constitution and laws of the State of California and the Charter of said city have been complied with.

Said amendments are as follows:

Sections 16.1 and 16.3, Article XVI, are amended to read as follows:

ARTICLE XVI

Sec. 16.1 Board members.

The government and control of the public schools shall be vested in the Board of Education, consisting of five (5) members who shall have been residents of the territory included in the Redondo Beach City School District at least two (2) years next preceding the day of their election. They shall be elected at large by the qualified voters of the district and shall serve for a four (4) year term, (except as hereinafter provided for the transition from three year terms to four year terms), without compensation, except necessary expenses contracted when acting as a designated representative of the Board of Education as provided in the Education Code of the State of California.

At the Redondo Beach City School District election held in April of 1974, two members of the Board of Education shall be elected for terms of three years to fill the offices expiring June 30, 1974.

At the Redondo Beach City School District election held in April of 1975, one member of the Board of Education shall be elected for a term of four years to fill the office expiring June 30, 1975.

At the Redondo Beach City School District election held in April of 1976, two members of the Board of Education shall be elected for terms of three years to fill the offices expiring June 30, 1976.

At the Redondo Beach City School District election held in April of 1977, two members of the Board of Education shall be elected for terms of four years to fill the offices expiring June 30, 1977.

At the Redondo Beach City School District election held in April of 1979, three members of the Board of Education shall be elected for a term of four years to fill the offices expiring June 30, 1979.

Sec. 16.3 Elections.

The election of members to the Board of Education shall be held in the Redondo Beach City School District on the same date as is provided in the Education Code of the State of California, as it now exists or may later be changed.

Section 18, Article XVIII, is amended to read as follows:

ARTICLE XVIII

Section 18. General Municipal Elections.

General Municipal Elections to fill elective offices shall be held in said City on the third Tuesday in April in each odd numbered year beginning with April 1975.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and each of them, are true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Redondo Beach to be attached on

this 30th day of April 1973.

WILLIAM F. CZULEGER
(SEAL) William F. Czuleger
Mayor of the City of
Redondo Beach, California

Attest:
FRED M. ARNOLD
Fred M. Arnold
City Clerk of the City of
Redondo Beach, California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Redondo Beach, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Redondo Beach.

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## RESOLUTION CHAPTER 16

*Assembly Concurrent Resolution No. 176—Approving amendments to the Charter of the City of Sacramento, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the sixth day of November, 1973.*

[Filed with Secretary of State February 7, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

## CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

State of California
County of Sacramento } ss
City of Sacramento

We, the undersigned, Richard H. Marriott, Mayor of the City of Sacramento, State of California, and Jaci K. DeFord, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1921, organized, existing and acting under a freeholder's Charter, adopted under and by virtue of Section 3 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the majority of qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on January 24, 1921. (Statutes of 1921, page 1919).

That in accordance with the provisions of Government Code Section 34450 et seq. enacted pursuant to Section 3 of Article XI of the Constitution of the State of California, the City Council of the City of Sacramento, being the legislative body thereof, on its own motion duly and regularly submitted to the qualified electors of the City of Sacramento three proposals for the amendment of the Charter of the City of Sacramento at the General Municipal Election held within the City on November 6, 1973. That said proposals were designated as Proposal C, relating to the Civil Service Board salary survey; Proposal D, relating to personnel management; and Proposal E, relating to disability retirement.

In accordance with the provisions of the Government Code heretofore referred to, and the Charter of the City of Sacramento, the said proposed amendments were published and advertised in full, on October 23, 1973, in the Sacramento Union, a daily newspaper of general circulation, printed and published in the City of Sacramento, the official newspaper of said City of Sacramento. The foregoing is shown by the Affidavit of Publication marked Exhibit A and attached hereto and by this reference made a part hereof, and on file in the office of the City Clerk.

The copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point required by law, and copies thereof mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

Until the date of the General Municipal Election, November 6, 1973, as hereinafter set forth, there was published in said Sacramento Union an advertisement stating that copies of said proposed charter

amendments could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento, as required by law. The foregoing is shown by the Affidavit of Publication marked Exhibit B and attached hereto and by a reference made a part hereof, and on file in the office of the City Clerk.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said General Municipal Election was duly and regularly held in said City on November 6, 1973, after due notice was given and published on August 10, 1973, which date was not less than forty (40) nor more than sixty (60) days before said election. That at said election, a majority of the qualified electors voting upon the proposed charter amendments voted in favor of Proposals C, D and E as heretofore referred to and ratified the same.

That thereafter the Board of Supervisors of Sacramento County, through the County Clerk, did in the manner provided by law, duly and regularly cause the canvass of the returns of said election and report the results thereof to the City Council. That the City Council did adopt a resolution approving the results of the canvass of the returns of said election, and did also by said resolution, find, determine and declare that certain proposed amendments designated as Proposals C, D and E as heretofore referred to were ratified by a majority vote of the electors of said City voting thereon.

That as to said amendments to the Charter of Sacramento, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the said amendments to the Charter of the City of Sacramento so ratified by the qualified electors of said City are fully and completely set forth as follows:

## MEASURE C

To repeal Section 52 of Article VIII, and to amend Section 52a of Article VIII of the Charter of the City of Sacramento, relating to the elimination of the civil service board salary survey and recommendation.

Section 52 of Article VIII of the Charter of the City of Sacramento is hereby repealed.

Section 52a of Article VIII of the Charter of the City of Sacramento is hereby amended to read as follows:

Sec. 52a. Power and Duties of the Civil Service Board.

It shall be the duty of the civil service board to:

1. Adopt and maintain the classification plan. The classification plan shall consist of classes of positions in the classified service defined by class specifications, including title, a description of duties and responsibilities and a statement of employment standards to be required of applicants for employment in each class. From time to time as it deems necessary, the board may establish additional classes

and divide, combine, alter or abolish existing classes.

Each position in the classified service shall be allocated by the personnel officer to one of the classes established by the plan, provided, that whenever a new or additional position is authorized by the city manager, the personnel officer shall allocate each proposed position to an appropriate existing class or recommend the creation of a new class to the civil service board.

When action is taken by the board to establish additional classes or to divide, combine, alter or abolish existing classes, or upon the reallocation of positions by the personnel officer, the civil service board shall determine the manner in which the incumbents of positions affected shall attain status.

2. Formulate rules and regulations covering the examination of applicants for positions in the classified service and the promotion of employees in the classified service, including rules for preparation of examination announcement notices, accepting applications, administering examinations, eligibility for promotion, seniority credits, establishing eligible registers and reinstatement lists, certification, appointment, probationary period, and any other matter necessary to the recruitment and selection of employees.

3. Hear appeals, upon written request from any employee in any city department in the classified service, who may be suspended without pay, demoted, dismissed, or otherwise disciplined by the appointing authority. The board shall define the manner, time and place by which such appeal shall be heard and the judgment of the board shall be final.

4. Hear appeals, upon written request, from any employee in any city department in the classified service, with reference to the allocation or reallocation of his position by the personnel officer.

5. Provide, by rule, for the interpretation and administration of ordinances affecting personnel, when specifically directed to do so by the city council; and to provide, by rule, for the regulation of any other matter pertaining to personnel administration not in contradiction with the provisions of this section.

## MEASURE D

To repeal Sections 98, 100, 104, 106, 107, 131, 150 and 166 of the Charter of the City of Sacramento and to amend Sections 97 and 304 of said charter relating to the elimination of obsolete and unnecessary provisions in the personnel management area.

Sections 98, 100, 104, 106, 107, 131, 150 and 166 of the Charter of the City of Sacramento are hereby repealed.

Section 97 of the Charter of the City of Sacramento is hereby amended to read as follows:

Sec. 97. Organization.

The fire department shall consist of a chief of the department and such other employees as the City Council may from time to time

prescribe.

Section 304 of the Charter of the City of Sacramento is hereby amended to read as follows:

Sec. 304. Same—General definitions.

The following words and phrases as used in this article, unless a different meaning is plainly required by the context, shall have the following meaning:

"Accumulated normal contributions" shall mean normal contributions plus interest.

"Benefit" shall include "allowance," "retirement allowance," "disability retirement allowance" and "death benefit."

"Board" or "retirement board" shall mean retirement board as referred to created in section 292 of this Charter.

"Charter" shall mean the Charter of the City of Sacramento.

"Compensation," as distinguished from benefits under Division 4 of the Labor Code of the State of California, shall mean all remuneration whether in cash or by other allowances made by the city for service qualifying for credit under this article, but excluding remuneration paid for overtime, remuneration paid as a credit for accumulated sick leave, and payments paid by the system in lieu of disability retirement allowance under section 319. For the purposes of this plan, overtime is the aggregate service performed by a member in all categories of employment in excess of the hours of work considered normal for employees on a full-time basis and for which monetary compensation is paid.

"Compensation earnable" shall mean the compensation as determined by the retirement board, which would have been earned by the member had he worked, throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by him during such period and at the rate of pay attached to such positions. The computation for any absence of a member shall be based on the compensation earnable by him at the beginning of the absence and that for time prior to entering the service of the city shall be based on the compensation earnable by him in the position first held by him in such service.

"Council" or "city council" shall mean the council of the City of Sacramento.

"Final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system, or if his membership is of a lesser period, it shall mean the average annual compensation earnable by the member during such period. For the purposes of this article, periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final

compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation.

"Former Charter section" shall mean a section of this Charter as said section read on the date immediately preceding the effective date of this article.

"Member of this plan" shall mean any member of the retirement system who is a member of the Equal Shares Retirement Plan created by section 302 of this article.

"Member" shall include miscellaneous members and safety members as herein defined.

"Military service" shall be defined by the city council. The absence of any officer or employee of the city from city service caused by reason of military service shall not be deemed to be such an absence from city service as shall break the continuity of service required of such officer or employee to entitle him to a retirement allowance under this article. The city council may elect to provide funds sufficient to continue the contributions of members absent and in such military service, in which case the period of such absence shall be deemed service for the city.

"Miscellaneous member," or "miscellaneous officer or employee" shall mean any officer or employee who is a member of the retirement system and is not a safety member as defined in this section.

"Retirement system" or "system" shall mean Sacramento City Employees Retirement System referred to in sections 290 and 291 of this Charter.

"Safety member" shall mean any officer or employee of the police or the fire departments whose principal duties consist of active law enforcement, or full-time firefighting and fire prevention, respectively; and does not include those persons employed in duties of a clerical, communication, identification, repair, or other nature even though such employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement or full-time firefighting and fire prevention.

"Widow," "surviving wife" and "surviving spouse" shall each mean the surviving wife, or the surviving husband. In the case of a woman who is a member of the retirement system under any retirement plan under this system, the terms "widow," "surviving wife" and "surviving spouse" shall mean her surviving husband.

Words used in the masculine gender shall include the feminine and neuter genders and singular numbers shall include the plural and the plural the singular.

## MEASURE E

To amend Section 319 of the Charter of the City of Sacramento relating to modification of disability retirement provisions.

Section 319 of the Charter of the City of Sacramento is hereby amended to read as follows:

Sec. 319. Same—Transfer, Reassignment, etc., to Other Employment in Lieu of Disability Retirement.

If the retirement board finds, on medical advice, that a member of this plan, although incapacitated for the performance of his duties, is capable of performing other duties in the service of the City, the member shall not be entitled to a disability retirement allowance if the city manager, in accordance with any applicable civil service procedures, offers and he accepts a transfer, reassignment or other change to a position with duties within his capacity to perform with his disability. If the compensation to the member in the new position is less than that of the member in the position from which he was disabled, the retirement board in lieu of a disability retirement allowance, shall pay him the difference in such compensation until his compensation in the new position equals the compensation that he received in the former position at the time he was disabled and left said position. Such payment in lieu of disability retirement allowance, to the extent that it does not exceed the amount of the disability retirement allowance to which said member would have been entitled at the time of his retirement for disability, shall be considered as a cost of providing benefits under this plan (as said term is used in Section 345), and any amount in excess of said allowance shall be charged to the City.

If the new position cannot be arranged at the time of eligibility for disability retirement allowance, such disability retirement allowance to which the member is entitled under this article shall be paid until such time as a new position is available and accepted.

If a disability retirement allowance is paid and the member later accepts such a new position, the period while on disability retirement shall not be considered as breaking the continuity of service and his rate of contribution shall be based on the same age as it was on the date of disability. If the member was a safety member of this plan, at the time disabled, and is transferred to a position which would otherwise require him to become a miscellaneous member of this plan, he may in accordance with procedures established by the retirement board elect to retain his membership as a safety member of this plan while performing the duties of his new position. The contribution rate of a member who so elects shall be based upon the contribution rate applicable to a safety member of this plan.

Nothing in this section shall be construed to require a member to accept reassignment or transfer in lieu of the disability retirement allowance.

The civil service board, notwithstanding any other provisions of

this Charter to the contrary, shall adopt reasonable rules and regulations to implement the provisions of this section insofar as it requires procedures to allow the City Manager to effectuate a transfer, reassignment or other change of position as herein provided.

We further certify that we have compared the foregoing with the original proposals submitted to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of such amendments.

In witness whereof, we have hereunto set our hands and caused the Seal of said City of Sacramento to be affixed hereto on January 23, 1974.

RICHARD H. MARRIOTT
(SEAL) Richard H. Marriott,
Mayor, City of Sacramento

JACI K. DEFORD
Jaci K. DeFord, City Clerk

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Sacramento, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Sacramento.

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## RESOLUTION CHAPTER 17

*Assembly Concurrent Resolution No. 72—Relative to water resources planning and agricultural water needs.*

[Filed with Secretary of State February 11, 1974]

WHEREAS, The Legislative Analyst in a report entitled "Water Resources Planning and Agricultural Water Needs" issued in January 1973 concluded that federal and state water planning and agricultural assistance programs are not sufficiently coordinated and interrelated, since they appear to utilize different data bases for the design of their activities; and

WHEREAS, This lack of coordination is financially burdensome on the consumer/taxpayer, and may keep farm income below what it would otherwise be if governmental goals and programs were coordinated; and

WHEREAS, To the extent that the state is involved with food and agriculture, it should seek to coordinate its programs to assure economies for the taxpayer and to assure that new irrigation developments are beneficial to the irrigated areas and the state as a whole, if not the nation; and

WHEREAS, The Department of Water Resources, through its program entitled "Continuing Formulation of the California Water Plan," gathers and evaluates hydrologic, meteorologic, land use, water use and other demand data for general planning activities with a primary objective to ". . . prepare and maintain . . . a coordinated . . . statewide plan for timely economic . . . development of . . . water resources . . . .", and within this framework the department has attempted to relate its water resources planning to agricultural water needs; and

WHEREAS, The Legislative Analyst has concluded that the simplest and most direct approach to further fiscally efficient and operationally effective relationships between water development programs and agricultural programs would be to establish all data gathering and program coordination responsibilities concerning agricultural and food needs within the Department of Food and Agriculture; and

WHEREAS, It is recommended that the Department of Water Resources include the determination of needed agricultural production in its water planning activities, treating the input from agriculture in the same general manner as it currently treats population data prepared by the Department of Finance's population projections unit; and

WHEREAS, The report further concludes that once such a system becomes operational, the Department of Food and Agriculture's input to the Department of Water Resources should substantially improve the effectiveness of water resource planning; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Food and Agriculture is requested to review, using presently available staff and data, the agricultural data inputs to be used in the next comprehensive planning report of the Department of Water Resources, known as Bulletin 160-74, Water for California, the California Water Plan, Outlook in 1974; and be it further

*Resolved,* That copies of this resolution be transmitted to the Director of Food and Agriculture and the Director of Water Resources.

## RESOLUTION CHAPTER 18

*Assembly Concurrent Resolution No. 101—Relative to the El Camino Real.*

[Filed with Secretary of State February 11, 1974]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Transportation is hereby requested to replace those mission bells missing, destroyed, or damaged along the El Camino Real (those portions of State Highway Routes 280, 82, 101, 5, and 72 and extending in a continuous route from San Francisco southerly to the international border and near the route historically known as El Camino Real); and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

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## RESOLUTION CHAPTER 19

*Senate Concurrent Resolution No. 71—Relative to the Henry Edgar Beck, Jr., Memorial Bridge.*

[Filed with Secretary of State February 28, 1974]

WHEREAS, Henry Edgar Beck, Jr., a native of Happy Camp, who died on February 3, 1968, served as a highway maintenance equipment operator and acting foreman for the State Division of Highways from 1926 to 1965, a total of 39 years; and

WHEREAS, Mr. Beck was a devoted and dedicated employee, highly thought of by the men who worked with and under him; and

WHEREAS, He faithfully and energetically helped maintain and improve State Highway Route 96, his assigned area from the time the state took it over in 1926 until he retired; and

WHEREAS, This often involved many days of being away from his home, patrolling and maintaining the road in a piece of equipment, and camping along the way so that he could better perform his job; and

WHEREAS, He became known and highly thought of by residents along Route 96, who came to know and respect him for his devotion to his job; and

WHEREAS, He and his wife, Lottie, were also active in community affairs, which included the teaching and preservation of Indian traditions, culture, and crafts; and

WHEREAS, He and his wife raised two daughters and four sons, in whom they instilled their same qualities of service to community and country, the sons each having served 20 years in the United States Navy and seen service in World War II and the Korean War; and

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WHEREAS, His dedication to his job typifies the very finest tradition of state service; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the new bridge numbered 04-240, located on State Highway Route 96 across Perch Creek north of Orleans, is hereby officially designated the Henry Edgar Beck, Jr., Memorial Bridge; and be it further

*Resolved,* That the Department of Transportation be directed to erect appropriate signs and markers, consistent with signing requirements for the state highway system, showing this official designation; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Transportation.

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## RESOLUTION CHAPTER 20

*Senate Concurrent Resolution No. 76—Relative to the University of California and the California State University and Colleges.*

[Filed with Secretary of State March 4, 1974 ]

WHEREAS, The student demand for admission to graduate and professional programs at the University of California and the California State University and Colleges has in recent years greatly exceeded the enrollment capacity of such programs; and

WHEREAS, As a consequence, many able and motivated California resident students have found it impossible to be accommodated in such programs, while significant numbers of nonresidents have been admitted; and

WHEREAS, The Legislature is concerned that all qualified and motivated California residents be provided a greater opportunity for graduate and professional study; and

WHEREAS, The Legislature also recognizes that California might suffer significant disadvantages if all non-California students were excluded from participation in these programs; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Regents of the University of California and the Trustees of the California State University and Colleges are hereby requested to take the following steps:

(1) Conduct a thorough analysis of resident and nonresident enrollments over the last five years and of the admission policies and procedures of the respective graduate and professional schools, colleges, and departments, and for those purposes distinguishing between and giving separate consideration to foreign nonresidents and other nonresidents;

(2) Identify and critically evaluate both the educational benefits and disadvantages to California which would result from restrictions upon nonresident enrollments, and for those purposes distinguishing

between and giving separate consideration to foreign nonresidents and other nonresidents;

(3) Review the policies in other states which have restricted nonresident enrollment in graduate and professional fields, and evaluate the effect of such policies on higher education in such states and develop and adopt systemwide policies governing nonresident admissions to graduate and professional curricula, such review and policies to distinguish between, and give separate consideration to, foreign nonresidents and other nonresidents; and

(4) Submit to the Legislature, not later than the first legislative day of July 1974, final reports, resulting policies which have been adopted, and the rationale for such policies, such reports and policies to distinguish between, and give separate consideration to, foreign nonresidents and other nonresidents; and be it further

*Resolved,* That a copy of this resolution be transmitted to the Regents of the University of California and the Trustees of the California State University and Colleges.

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## RESOLUTION CHAPTER 21

*Assembly Joint Resolution No. 67—Relative to the tuna industry.*

[Filed with Secretary of State March 4, 1974.]

WHEREAS, The tuna industry is vitally important to the economic well-being of San Diego and San Pedro, as well as the State of California; and

WHEREAS, A treaty between the United States and other countries exists which attempts to limit the fishing in certain areas in order to protect and insure the future of tuna fish; and

WHEREAS, The practice of overfishing and out-of-season fishing will do irreparable harm to the environment, the tuna industry, and the economy of the State of California; and

WHEREAS, Some nations are not enforcing the provisions of the treaty which limits overfishing and out-of-season fishing; and

WHEREAS, Some countries have not agreed to the treaty and thus encourage change of registration of the fishing boats in order to circumvent the requirements of the treaty; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to expand the treaty to include all nations taking fish from this area; and be it further

*Resolved,* That the Federal Maritime Administration, which is part of the Department of Commerce, should also be encouraged to prevent the transfer of registration to other sovereign nations by American vessels; and be it further

*Resolved,* That the United Nations should encourage recalcitrant

nations to sign the treaty; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to the Secretary General of the United Nations.

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## RESOLUTION CHAPTER 22

*Senate Concurrent Resolution No. 108—Approving amendments to the Charter of the City of Marysville, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 21st day of January, 1974.*

[Filed with Secretary of State March 6, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Marysville, a municipal corporation in the County of Yuba, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF MARYSVILLE OF TWO CHARTER AMENDMENTS

State of California
County of Yuba } ss
City of Marysville

We, the undersigned, William S. Huntley, Mayor of the City of Marysville, and Kathryn J. Russell, City Clerk of the City of Marysville, do hereby certify and declare as follows:

That the City of Marysville, County of Yuba, State of California, is a City containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1919 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 25th day of February, 1919, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 5th day of April, 1919 (Statutes of 1919, page 1467).

That the Council of the City of Marysville, being the legislative body of said City, in accordance with Section 3 (a) of Article XI of the Constitution of the State of California, by its Resolution No. 73-94

adopted on November 20, 1973, duly and regularly submitted to the qualified electors of said City two proposals designated respectively Measure No. 2 and Measure No. 3 to be voted on by said qualified electors at a special municipal charter amendment election, consolidated by said Resolution No. 73-94 with the general municipal election held in said City on January 21, 1974.

That said proposed amendments were published and advertised for the time and in the manner prescribed by law of the State of California, viz., on the 28th day of November, 1973, in the Appeal-Democrat, the official newspaper of said City of Marysville, a newspaper of general circulation printed and published in said City of Marysville, and in each edition thereof during said day of publication.

That said general municipal election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 21st day of January, 1974, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendments in said Appeal-Democrat.

That a majority of the qualified voters voting on said amendment voted in favor of the ratification of and did ratify said amendment.

That the Council of said City of Marysville on January 22, 1974, officially canvassed all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by Resolution, duly find and declare that a majority of the qualified voters voting on said amendments voted in favor thereof and that said amendments were ratified.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election are in the words and figures, to wit:

City of Marysville Charter Amendment Proposals

Measure No. 2 (Charter Amendment Proposal)

Shall the Charter of the City of Marysville be amended by amending Section 2 of Article VII to read as follows:

Section 2. Election of Councilmen.

For the purpose of choosing the officers mentioned in Section 2 of Article II of this Charter, there shall be an election held in the City on the first Tuesday after the first Monday of November in 1976 and every two years thereafter, or on any other day hereafter designated by the California Legislature for the General (Statewide) Election, and the Council shall request the Board of Supervisors of Yuba County to consolidate the General Municipal and any Special Municipal Election consolidated therewith with the General (Statewide) Election.

(Charter Amendment Proposal)

Shall the Charter of the City of Marysville be amended by amending Section 2 of Article II to read as follows:

Section 2. Composition, Election and Terms of Office of Council members.

The Council of the City of Marysville shall consist of five councilmen who shall be elected by the qualified electors of said City, and shall hold their office as councilmen for a period of four years from and after the first Monday in January next succeeding their election, and until their successors are elected and qualified. At the next general municipal election following the amendment of this Charter, three councilmen shall be elected for a term of four years and at the next succeeding general municipal election two councilmen shall be elected for a term of four years and thereafter alternating three and two for a term of four years at each general municipal election thereafter.

(Charter Amendment Proposal)

Shall the Charter of the City of Marysville be amended by amending Section 27 of Article II to read as follows:

Section 27. Election and Term of Mayor.

The Council at its first meeting in January of each year shall elect one of its members as mayor of the city to serve for the term of one year.

(Charter Amendment Proposal)

Shall the Charter of the City of Marysville be amended by amending Section 30 of Article II to read as follows:

Section 30. Mayor Pro Tempore; Acting Mayor.

The Council shall also at its first meeting in January of each year elect one of its members as mayor pro tempore. During the temporary absence or disability of the mayor, the mayor pro tempore of the Council shall act as mayor. In the case of the temporary absence or disability of both the mayor and the mayor pro tempore, the Council shall elect one of its members as acting mayor. In the case of vacancy in the office of mayor, the mayor pro tempore of the Council shall act as mayor until the first meeting of January of the year following.

Measure No. 3 (Charter Amendment Proposal)

Shall the Charter of the City of Marysville be amended by amending Section 3 of Article II to read as follows:

Section 3. Eligibility for Office of Councilman.

A person is not eligible to hold office as councilman unless he is at time of assuming such office an elector of the city, and has resided

in the city for the year preceding his election.

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Marysville with the original proposals submitted to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the charter of the City of Marysville are hereby submitted to the Legislature of the State of California for approval without change by resolution of the Legislature, by roll call vote entered in the journal, a majority of the membership of each house concurring, in accordance with the provisions of Section 3 (a) of Article XI of the Constitution of the State of California. As to said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof we have hereunto set our hands and caused the seal of the City of Marysville to be affixed hereto this 5th day of February, 1974.

WILLIAM S. HUNTLEY
William S. Huntley,
(SEAL) Mayor of the City of Marysville
KATHRYN J. RUSSELL
Kathryn J. Russell,
City Clerk of the City of Marysville

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Marysville, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Marysville.

## RESOLUTION CHAPTER 23

*Senate Joint Resolution No. 51—Relative to crude oil.*

[Filed with Secretary of State March 8, 1974 ]

WHEREAS, The Federal Energy Office has recently imposed price controls on crude oil produced on state and local government-owned properties; and

WHEREAS, The price controls on crude oil produced on governmental properties will cost the State of California and its people $500,000 a day in royalties; and

WHEREAS, The public interest lies in maintaining the present level of royalties to state and local governments; and

WHEREAS, This price control of crude oil produced on governmental land benefits only oil companies and harms the public well being; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes William Simon, the head of the Federal Energy Office, to rescind his agency's decision to place price controls on crude oil produced from land owned by state and local governments; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to William Simon, head of the Federal Energy Office.

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## RESOLUTION CHAPTER 24

*Senate Joint Resolution No. 34—Relative to federal legislation to subsidize nonprofit sheltered workshops.*

[Filed with Secretary of State March 8, 1974.]

WHEREAS, Legislation introduced by Congressman Danielson to subsidize certain nonprofit sheltered workshops in the United States which have a purpose to employ and rehabilitate handicapped individuals is pending before the Congress; and

WHEREAS, The enactment of this legislation, as embodied in H.R. 7136, would enable nonprofit sheltered workshops to compete effectively with the foreign labor market for contracts with manufacturers located in the United States; and

WHEREAS, Enactment of such legislation would provide a sorely needed continuity of work contracts for nonprofit sheltered workshops, thereby creating additional employment opportunities for handicapped individuals; and

WHEREAS, Sheltered workshops provide a vital function in the lives of handicapped individuals by enabling many individuals to be self-supporting and by preparing other individuals for entry or reentry into the labor market; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation providing subsidies, when needed, to enable nonprofit sheltered workshops to compete with foreign labor markets for contracts with manufacturers located in the United States; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from the State of California in the Congress of the United States.

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## RESOLUTION CHAPTER 25

*Senate Concurrent Resolution No. 107—Relative to the Division of Forestry.*

[Filed with Secretary of State March 12, 1974 ]

WHEREAS, The Director of Conservation has ordered an administrative reorganization of the Division of Forestry which is to be completed by March 1, 1974; and

WHEREAS, The administrative reorganization was formulated without consideration of suggestions from the State Forester, State Board of Forestry, local governmental agencies, and other appropriate organizations and individuals; and

WHEREAS, The administrative reorganization was deemed necessary by the Director of Conservation as a step towards eventual departmental status for the Division of Forestry; and

WHEREAS, The manner in which the administrative reorganization was announced to the Division of Forestry and made public created substantial concern and was responsible for much criticism directed at the Department of Conservation; and

WHEREAS, The director did not afford employee representatives an opportunity to respond to the proposed reorganization before implementation, contrary to the Governor's policy on employer-employee relations; and

WHEREAS, A reduction in scale of the reorganization originally proposed has been discussed by the department but is not reflected in any official document; and

WHEREAS, No final appraisal of the reorganization, including its cost, can be made until the Department of Conservation officially approves the reorganization; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Director of Conservation is hereby requested to delay the reorganization of the Division of Forestry as proposed until such time as a proposal to reorganize the Division of

Forestry as a Department of Forestry is considered at a public hearing by the State Board of Forestry and the board's recommendations thereon are forwarded to the Legislature; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the Secretary of Resources, the Director of Conservation, the Chairman of the State Board of Forestry, and the State Forester.

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## RESOLUTION CHAPTER 26

*Assembly Concurrent Resolution No. 109—Relative to the Skyway Freeway.*

[Filed with Secretary of State March 13, 1974.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That State Highway Route 170 from the Los Angeles International Airport to State Highway Route 90 is hereby officially designated and named the Skyway Freeway; and be it further

*Resolved,* That the Division of Highways in the Department of Public Works is hereby requested to erect and maintain appropriate signs on the highway, upon its construction as a freeway, showing the official designation; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

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## RESOLUTION CHAPTER 27

*Assembly Concurrent Resolution No. 70—Relative to the California State University and Colleges.*

[Filed with Secretary of State March 19, 1974.]

WHEREAS, The Department of Finance, in agreement with the Trustees of the California State University and Colleges, restricts the promotion of faculty to a maximum of 60 percent in the ranks of associate and full professor; and

WHEREAS, Such quotas in a period of reduced growth violate the principle that faculty members should be promoted on the basis of merit and ability, now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the faculty of the California State University and Colleges should be promoted on the basis of merit and ability and should not be denied promotion on the basis of

arbitrary quotas for the rank of associate or full professor; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Director of Finance and the Trustees of the California State University and Colleges.

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## RESOLUTION CHAPTER 28

*Assembly Concurrent Resolution No. 201—Approving an amendment to the Charter of the City of Compton, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the sixth day of November, 1973.*

[Filed with Secretary of State March 19, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Compton, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF COMPTON AT A SPECIAL ELECTION HELD ON THE 6TH DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED AND SEVENTY-THREE OF CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF COMPTON, STATE OF CALIFORNIA.

State of California
County of Los Angeles
City of Compton: ss

Ms. Doris A. Davis, Mayor of the City of Compton, and Mr. Charles Davis, City Clerk of the City of Compton, do hereby certify as follows:

That said City of Compton, in the County of Los Angeles, State of California, is now and was at all the times hereinmentioned, a City containing more than Thirty-five Hundred inhabitants and with less than 79,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Compton is now and was at all the times hereinmentioned organized and existing under a Charter, adopted under the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, which Charter was duly certified by a majority of the electors of said City at a special municipal election held therein on the 3rd day of December, 1947, and approved by the Legislature of the State of California (Statutes of 1948, page 236), and by resolution of said Legislature filed with the

Secretary of State of the State of California, on the 11th day of March, 1948 (Statutes 1948, page 236); and

Pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the Legislative Body of said City, namely: The City Council of the said City, did on its own motion and pursuant to the provisions of Section Eight, or Article Eleven of the Constitution of the State of California, duly propose to the electors of said City of Compton certain amendments to the Charter of said City; and ordered that said amendment be submitted to said electors of said City at the Primary Nominating Election to be held in said City on the 6th day of November, 1973; and

That said proposed amendments were, on the 8th day of September, 1973, duly published in the "Compton Herald-American", a newspaper of general circulation, published in the City of Compton, and the official newspaper of said City, and the newspaper designated by said City Council for that purpose, and in each edition thereof;

That said proposed amendment was duly and legally printed in convenient pamphlet form, and, at and during the time and in the manner provided by law, a notice was published in said "Compton Herald-American" that such copies of said proposed amendment could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendment so printed in convenient pamphlet form was duly and legally distributed in the manner provided by law; and

That said City Council did, by Ordinance designated as Ordinance No. 1434, which was duly adopted on the 24th day of August, 1973, provide for the submission to the electors of said City of the charter amendment at a special municipal election in said City of Compton on the 6th day of November, 1973, which date was more than forty (40) and less than sixty (60) days after the completion of the publication of said proposed amendment to the Charter of the City of Compton, as aforesaid; and

That said special municipal election was held in said City on said 6th day of November, 1973, which date was more than forty (40) and less than sixty (60) days after said proposed amendment to said Charter had been published in said "Compton Herald-American", as aforesaid; and

That at said special municipal election held as aforesaid, on said 6th day of November, 1973, a majority of the voters voted in favor of said proposed amendment to the Charter of the City of Compton, and duly ratified the same; and

That the returns of said special municipal election were canvassed at a time and in the manner and form prescribed by law, and it was duly found, determined and declared that a majority of the qualified voters voting thereon, had voted in favor of and ratified said proposed amendment to the Charter of the City of Compton, which amendment is in words and figures as follows, to wit:

"Charter Amendment No. 1:

"Section 1301. Primary Nominating Elections. Primary Nominating elections shall be held on the third Tuesday in April in each odd-numbered year for the purpose of nominating not exceeding two candidates for each of the elective offices in which vacancies have occurred since the preceding general municipal election or wherein terms will expire at the next general municipal election, and for such other purposes as may be provided by Charter or ordinance. The primary nominating election may be consolidated with the election of the Compton Unified School District."

That the foregoing is a full, true and correct copy of said proposed amendment to the Charter of the City of Compton, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of the said City of Compton.

In witness whereof, Ms. Doris A. Davis, Mayor, as aforesaid, and Charles Davis, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Compton to be thereunto duly affixed, on this 14th day of January, 1974.

(SEAL)

MRS. DORIS A. DAVIS
Mayor of the City of Compton
CHARLES DAVIS
City Clerk of the City of Compton

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Compton, as proposed to, and adopted and ratified by, the electors of the city as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Compton.

## RESOLUTION CHAPTER 29

*Senate Concurrent Resolution No. 112—Approving an amendment to the Charter of the City of Watsonville, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 11th day of May, 1965.*

[Filed with Secretary of State March 19, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Watsonville, a municipal corporation in the County of Santa Cruz, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, Is follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF WATSONVILLE OF CHARTER AMENDMENT

State of California
County of Santa Cruz } ss
City of Watsonville

We, the undersigned, William Johnston, Mayor of the City of Watsonville, and Dorothy Bennett, City Clerk of the City of Watsonville, do hereby certify and declare as follows:

That the City of Watsonville, County of Santa Cruz, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1960 has been and now is organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 16th day of February, 1960, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 15th day of March, 1960.

That in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California, the Council of the City of Watsonville, being the legislative body of said city, on its own motion, by its Ordinance No. 97-65 (CM) adopted on March 9, 1965, duly and regularly proposed and submitted to the qualified electors of said City a proposal for amendment of the Charter of said City, to be voted on by said qualified electors at a general municipal election held in said City on May 11, 1965.

That said proposed amendment was published and advertised for the time and in the manner prescribed by the laws of the State of California, on the 16th day of March, 1965, in the Watsonville

Register-Pajaronian and Sun, the official newspaper of said City of Watsonville, a newspaper of general circulation printed and published in said City of Watsonville, and in each edition thereof during said day of publication.

That said general municipal election was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 11th day of May, 1965, which day was not less than forty and not more than sixty days after the completion of said publication and advertisement of the said proposed amendment in said Watsonville Register-Pajaronian and Sun.

That a majority of the qualified voters voting on the hereinafter cited amendment voted in favor of the ratification of and did ratify said amendment to said charter.

That the Council of said City of Watsonville on May 18, 1965, officially confirmed the canvass of all ballots cast at said general municipal election, and did by resolution, duly find and declare that a majority of the qualified voters voting on said Charter amendment, voted in favor thereof and that said Charter amendment was ratified.

That said Charter amendment so ratified by the majority of the qualified voters of said City voting at said general municipal election was to amend Section 1114 of Article XI of the Charter of the City of Watsonville, in words and figures following, to wit:

1. By amending Section 1114 of Article XI thereof, which Section now reads as follows:

"Section 1114. Other Funds. The Council may provide, by ordinance, for the establishment and maintenance of such other special funds as it deems necessary for the proper administration of the fiscal affairs of the City."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Watsonville with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Watsonville to be affixed this 25th day of January, 1974.

(SEAL)

WILLIAM JOHNSTON
Mayor of the City of Watsonville
DOROTHY BENNETT
City Clerk of the City of Watsonville

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment,

in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Watsonville, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Watsonville.

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## RESOLUTION CHAPTER 30

*Assembly Joint Resolution No. 73—Relative to federal parking regulations.*

[Filed with Secretary of State March 21, 1974 ]

WHEREAS, The communities of the Los Angeles metropolitan areas are dependent upon automotive travel for business and commerce to a unique degree; and

WHEREAS, The Administrator of the Environmental Protection Agency is granted the authority under the Clean Air Act Amendments of 1970 to prescribe and enforce regulations for a national ambient air quality standard, including the imposition of parking fee surcharges and an annual parking tax, in the event an acceptable state implementation plan is not submitted; and

WHEREAS, Pursuant to regulations proposed under such authority, no new parking facility with parking capacity for 250 or more motor vehicles, or any parking facility that will be modified to increase parking capacity by 250 or more motor vehicles, may be constructed without first obtaining written approval from the Administrator of the Environmental Protection Agency; and

WHEREAS, Such action and other actions for which the agency has grants of authority would have severe and adverse effects upon commerce and travel in the whole of southern California, an area presently, and for a considerable time in the future, lacking adequate mass transportation alternatives to the automobile; and

WHEREAS, The authority which has been granted to the Environmental Protection Agency is so broad and of such magnitude that it should be exercised only by an elected legislative body; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to initiate action to repeal the authority of the Administrator of the Environmental Protection Agency to implement the proposed regulations relative to the construction or modification of parking

facilities, or to exercise any other regulatory power regarding parking granted to the Environmental Protection Agency by the Clean Air Act Amendments of 1970, without the express consent of the Congress; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the Environmental Protection Agency.

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## RESOLUTION CHAPTER 31

*Assembly Joint Resolution No. 60—Relative to population estimation.*

[Filed with Secretary of State March 29, 1974 ]

WHEREAS, The Department of Finance within California state government has, for the past 15 years, conducted an outstanding program of population estimation, including preparation of population estimates and projections of counties, and current estimates of city population; and

WHEREAS, The estimates developed by the Department of Finance are used as the official estimates for revenue allocation purposes by state government and for planning purposes by cities and counties, private utilities, lending institutions and other groups and individuals in the state; and

WHEREAS, Recent provisions of state law require the State Department of Finance, for purposes of administering property tax rate limitations, to expand and place on an annual basis its estimates of city and county population in the state; and

WHEREAS, The federal government proposes to share revenues with cities and counties in California based upon population; and

WHEREAS, The United States Bureau of the Census presently prepares official estimates of statewide population and California's total share of federal revenue will be based on this estimate; and

WHEREAS, The United States Bureau of the Census proposes to establish procedures for estimating population of cities and counties in each state; and

WHEREAS, The existence of two official sets of population estimates for cities and counties in California will result in duplication, confusion and possible litigation; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President to direct the United States Bureau of the Census to utilize, for federal revenue sharing and other appropriate purposes, the official estimates of city and county population

prepared annually by the California State Department of Finance; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 32

*Senate Concurrent Resolution No. 111—Approving amendments to the Charter of the City of Alhambra, County of Los Angeles, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the sixth day of November, 1973.*

[Filed with Secretary of State April 2, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Alhambra, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THOSE CERTAIN CHARTER AMENDMENTS

State of California
County of Los Angeles } ss
City of Alhambra

We, the undersigned, Frank H. Townsend, Mayor of the City of Alhambra, and Dorothy McKusick, City Clerk, do hereby certify and declare as follows:

The City of Alhambra, a Municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a City containing a population greater than 60,000 inhabitants, and ever since the year 1915 has been and now is organized, existing and acting under a Charter adopted under and by virtue of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a Special Election held for that purpose on the 14th day of October, 1914, and approved and ratified by the Legislature of the State of California by Concurrent Resolution No. 14 thereof, introduced by Senator Newton W. Thompson on January 26, 1915, and approved by the Legislature of the State of California on January 28, 1915. (Statutes 1915, p. 1740)

The City Council of said City, being its legislative body, on its own motion, and pursuant to the provisions of Section 3 of Article XI of the Constitution of the State of California, by Resolution Nos. R73-127, R73-128, R73-129, R73-130, R73-131, R73-132, R73-133, R73-134 and R73-135, respectively, adopted on the 4th day of September, 1973, duly proposed to the qualified electors of the City of Alhambra those certain Amendments to the Charter of said City, designated as Alhambra City Charter Amendment Nos. 1 through 9, inclusive, and ordered said Charter Amendments to be submitted to said qualified electors at a Special Municipal Election to be held thereon on the 6th day of November, 1973.

By Ordinance No. 073-3590, duly adopted on the 4th day of September, 1973, said City Council ordered the holding of a Special Municipal Election in said City of Alhambra on November 6, 1973, for the purpose of submitting to a vote said proposed Charter Amendments.

By Resolution No. R73-126, adopted on August 7, 1973, said City Council requested the Board of Supervisors of the County of Los Angeles to order the consolidation of said Alhambra Special Municipal Election to be held on November 6, 1973, with the Special Statewide Election to be held on November 6, 1973 by the County of Los Angeles. Said resolution further requested the Board of Supervisors of the County of Los Angeles to place upon the same ballot as that provided for said Special Statewide Election the aforesaid Alhambra City Charter Amendments. Said resolution further requested the Board of Supervisors to canvass the returns of said Alhambra Special Municipal Election.

On August 28, 1973, said Board of Supervisors of the County of Los Angeles duly adopted an order approving the request of said City of Alhambra for complete consolidation of the Alhambra Special Municipal Election with the Special Statewide Election to be held in Los Angeles County on November 6, 1973, and instructing the Los Angeles County Registrar-Recorder to comply with said order.

Said proposed Charter Amendments were duly published and advertised on September 24, 1973, in the Post-Advocate, a daily newspaper of general circulation printed, published and circulated in the City of Alhambra, which newspaper is the official newspaper of said City.

Said proposed Charter Amendments were duly and regularly printed in convenient pamphlet form and in type of not less than 10-point, and at and during the time and in the manner provided by law a notice was continuously advertised to the date fixed for the holding of said Special Municipal Election in said Post-Advocate that such copies of said proposed Charter Amendments could be had upon application therefor in the office of the City Clerk of said City, and copies of said proposed Charter Amendments, so printed in convenient form, were duly and regularly distributed in the manner provided by law to each of the qualified electors of said City.

The date of said Special Municipal Election on November 6, 1973,

was not less than forty days nor more than sixty days after the completion of the publication of said proposed Charter Amendments as aforesaid.

Pursuant to said Charter, resolutions and ordinance, said proposed Charter Amendments were submitted to the qualified electors of said City for their ratification on said November 6, 1973, and at said Special Municipal Election a majority of the qualified electors voting thereon voted for the ratification of and did ratify those certain Amendments to the Charter of said City designated as Alhambra City Charter Amendment Nos. 1 through 9, inclusive.

Said Alhambra City Charter Amendments so ratified by the electors of the City of Alhambra are in words and figures as follows, to wit:

ALHAMBRA CITY CHARTER AMENDMENT NO. 1

(Amends Section 89 of Article XIV of the Alhambra City Charter to read as follows:)

"Article XIV. Board of Education.

Sec. 89. Annual organization meeting; selection of president; vacancies.

Members of the board of education shall meet annually on the first day of December and shall organize by choosing one of their members as president, who shall serve as president for one year. In case a vacancy should occur on the board of education, the remaining members of the board shall appoint a qualified person to fill such vacancy, and if there be less than a majority of such board then in office, such appointment shall be made by the superintendent of schools of the county in which such district is situated. In either case, such appointee shall serve only until the next general municipal election, when, if the term does not then expire, a person shall be elected to fill the vacancy."

ALHAMBRA CITY CHARTER AMENDMENT NO. 2

(Amends Section 29 of Article V of the Alhambra City Charter to read as follows:)

"Article V. Executive and Administrative Departments.

Sec. 29. Designation of councilman to supervise each department.

The council at its first meeting in December of each year, or within ten days thereafter, shall designate and assign by a majority vote, one councilman to be mayor and councilman of public affairs, one to be councilman of the department of finance, one to be councilman of the department of public works, one to be councilman of the department of public safety, and one to be councilman of the

department of supplies. The council may change such designation and assignment whenever it may deem such change for the benefit of the public service. Each such councilman shall act only in an advisory capacity in all matters arising in his respective department, and each councilman shall keep himself informed of all conditions of such respective department and report the same to the council."

ALHAMBRA CITY CHARTER AMENDMENT NO. 3

(Amends Section 10 of Article III of the Alhambra City Charter to read as follows:)

"Article III. General Provisions Relating to Officers.

Sec. 10. Composition of council—Residence requirements.

The council shall consist of five councilmen, each of whom, including the mayor, shall have a vote on all questions coming before the council.

To be eligible to the office of councilman a person must be a qualified elector of the City of Alhambra and shall have resided in said city for at least one year next preceding the date of his election or appointment.

Wherever in this Charter the word 'commission' is used, referring to the city commission of the City of Alhambra, the word 'council' shall be substituted in lieu thereof; and wherever in this Charter the word 'commissioner' is used, referring to a commissioner of the city commission of the City of Alhambra, the word 'councilman' shall be substituted in lieu thereof. Wherever hereinafter in this Charter the words 'president of the commission' are used, the word 'mayor' shall be substituted in lieu thereof. Wherever hereinafter in this Charter the words 'vice-president of the commission' are used, the words 'vice-mayor' shall be substituted in lieu thereof."

ALHAMBRA CITY CHARTER AMENDMENT NO. 4

(Repeals Article XVI of the Alhambra City Charter)

Note: Article XVI to be repealed reads as follows:

" ~~Article XVI. Alcoholic Liquors.~~

~~Sec. 101. Generally.~~

~~No person, either as principal, agent, servant or employer, shall open, establish, keep, maintain or carry on within the corporate limits of the City of Alhambra, any tippling house, dramshop, cellar, saloon, bar, barroom, sample room, club room or other place where spirituous, vinuous, malt or other alcoholic liquors are sold, furnished, divided, distributed or given away.~~

~~No person, either as owner, employer, agent, clerk or employee shall sell or deliver any of the liquors in this section mentioned, or solicit such sale, or take order for the same within the corporate~~

~~limits of the city; provided, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggist of alcohol for mechanical or scientific uses, under such restrictions and regulations as may be fixed by the commission.~~

~~Sec. 102. Penalty for violation of preceding section.~~

~~Any person violating any provision of section 101 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.~~ "

## ALHAMBRA CITY CHARTER AMENDMENT No. 5

(Repeals Section 36 of Article V of the Alhambra City Charter)

Note: Section 36 to be repealed reads as follows:

" ~~Article V. Executive and Administrative Departments.~~

~~Sec. 36. Officers' interest in city contracts; officers as sureties on bonds given to the city.~~

~~No councilman or other city officers shall be interested, directly or indirectly, in any contract to which the city is a party, or made by an officer of the city in its behalf. Any violation of this section shall be a misdemeanor, and upon conviction thereof, besides the penalties that may be imposed by a court of competent jurisdiction, the council shall declare the office vacant, and any person convicted of a violation of this section shall be forever disqualified from holding any office under this Charter. Nor shall any officer of the city be a surety on any bond given to the city, or to any person for the benefit of the city.~~ "

## ALHAMBRA CITY CHARTER AMENDMENT NO. 6

(Amends Section 11 of Article III of the Alhambra City Charter to read as follows:)

"Article III. General Provisions Relating to Officers.

Section 11. Terms of office of councilmen.

Members of the council shall hold office for a term of four years from and after the first day of December following their election and until their successors are elected and qualified.

The election for the offices of councilman of the first district, councilman of the second district, and councilman of the fifth district shall take place in the year 1974, and every fourth year thereafter.

The election for the offices of councilman of the third district and councilman of the fourth district shall take place in the year 1976, and

every fourth year thereafter.

In the case of the incumbents holding any of the foregoing offices whose terms of office expire in the year 1973 or in the year 1975, all such terms of office shall be extended until their successors are elected and qualified."

## ALHAMBRA CITY CHARTER AMENDMENT NO. 7

(Amends Section 64 of Article IX of the Alhambra City Charter to read as follows:)

"Article IX. City Attorney.

SEC. 64. Powers and duties generally.

The city attorney shall be appointed by the council and shall hold office at its pleasure, and his compensation shall be fixed by ordinance or resolution of the council. During the absence or temporary disability of the city attorney, the council may designate a qualified person to execute the functions of his office.

It shall be the duty of the city attorney to act as legal advisor of the council, and of any other officer of the city who requests his advice and he shall give such advice or opinion in writing when so requested. He shall prepare all ordinances, contracts, resolutions, bonds and written instruments which may be required of him by the council, and shall approve the same as to form, in writing.

When requested to do so by the council, he shall prosecute all criminal cases arising out of violations of this charter and ordinances of the city, and, when requested by the council, shall prosecute any or all misdemeanor offenses arising out of violation of the laws of the state. The city attorney may perform any of the functions of his office through any deputy, assistant or associate city attorney when such performance has been authorized by the council.

The city attorney shall attend to all suits, proceedings and matters in which the city is legally interested; provided, that the council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

He shall report to the council all items of the city's business coming to his knowledge, and perform such other duties as are or shall be required of him by this charter or by the laws of this state and ordinances not in conflict with such charter.

All deputy and assistant city attorneys and all other professional employees of the city attorney's office shall serve at the pleasure of the city attorney and shall not be or become a part of the city's civil service system."

## ALHAMBRA CITY CHARTER AMENDMENT NO. 8

(Repeals Section 19 of Article III of the Alhambra City Charter and amends Section 18 of Article III of the Alhambra City Charter to read

as follows:)

"Article III. General Provisions Relating to Officers.

Sec. 18. Salaries—Generally.

Each councilman shall receive a salary of fifty dollars per month, excepting the mayor, whose salary shall be seventy-five dollars per month; provided, that such salaries may be changed by a majority vote of the qualified electors at any general municipal election. Except where such power to fix is otherwise given by this Charter, the council shall fix by ordinance the salary of all other officers herein created by ordinance whose salaries are not herein fixed or otherwise provided for."

Note: Section 19 to be repealed reads as follows:

" ~~Sec. 19. Same / Change of salaries of elective officers.~~

~~The salary of an elective officer may be changed by ordinance of the council, but such ordinance must be adopted at least ninety days previous to an election at which an incumbent of such office is to be elected and shall not take effect until such incumbent takes office after such election.~~ "

ALHAMBRA CITY CHARTER AMENDMENT NO. 9

(Repeals Section 58a of Article VI of the Alhambra City Charter)

Note: Section 58a to be repealed reads as follows:

" ~~Article VI. The Council.~~

~~Sec. 58a. Appointment, power, and compensation of deputy attorney. The council shall from time to time provide for the appointment of such deputies as may be necessary in the office of the city attorney and fix their compensation. Except as otherwise provided by law, ordinance or the chapter, any such deputy shall have the exercise in the name of his principal, all of the powers of such principal, including these exercised by the principal in any ex/officio capacity; and shall be appointed by said principal, subject to the approval of the city manager and thereafter of the council.~~ "

We have compared the foregoing Charter Amendments with the original proposals submitting the same to the electors of said City and find that the foregoing Charter Amendments are true, full, correct and exact copies thereof. We further certify that the facts set forth in the preamble preceding such Amendments to said Charter are true.

As to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused

the corporate seal of the City of Alhambra to be affixed hereto this 12th day of December, 1973.

(SEAL)

FRANK H. TOWNSEND
Frank H. Townsend,
Mayor of the
City of Alhambra
DOROTHY MCKUSICK
Dorothy McKusick,
City Clerk of the
City of Alhambra

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Alhambra, County of Los Angeles, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Alhambra, County of Los Angeles.

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## RESOLUTION CHAPTER 33

*Assembly Concurrent Resolution No. 59—Relative to memorializing Harvey Robert Huss.*

[Filed with Secretary of State April 3, 1974]

WHEREAS, Harvey Robert Huss, maintenance man for the California Division of Highways, tragically lost his life while on emergency duty on State Highway Route 1 in the Big Sur area on February 11, 1973; and

WHEREAS, Such emergency duty consisted of attempting to rescue a car and its occupants from being pushed into the Pacific Ocean by a mudslide on Route 1 caused by torrential rains; and

WHEREAS, Mr. Huss responded readily to the emergency call with full knowledge that his own life would be put in jeopardy; and

WHEREAS, Upon reaching the major slide area, Mr. Huss and the equipment he was operating were swept 300 feet downward, nearly to the ocean; and

WHEREAS, Mr. Huss' unhesitating readiness to answer the emergency call was in line with his previous years of dedicated

service, during which time he was found to be a fine, conscientious young man; and

WHEREAS, Mr. Huss' actions brought great credit upon himself and the other state employees who perform conscientiously on behalf of the people of California; and

WHEREAS, In recognition of his great sacrifice, Mr. Huss was posthumously awarded the Medal of Valor, the state's highest civilian award for heroism, and this award was presented to Mrs. Huss by Governor Reagan in a State Capitol ceremony on October 16, 1973, being only the second time in California history that this award has been given posthumously; and

WHEREAS, It would seem fitting that a memorial be accorded Mr. Huss, also serving to pay tribute to many other maintenance men who in line of duty are ever ready to come to the aid of motorists in trouble; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That any structure to be constructed near Big Sur, when rebuilding State Highway Route 1, be named in memory of the late Harvey Robert Huss, in tribute to Mr. Huss and his constant attitude of readiness to serve; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

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## RESOLUTION CHAPTER 34

*Assembly Concurrent Resolution No. 135—Relative to authorizing and naming a scenic vista point in the memory of Maynard Munger.*

[Filed with Secretary of State April 3, 1974 ]

WHEREAS, Mr. Maynard Munger of Fresno was appointed by Governor Ronald Reagan to serve as a member of the California Highway Commission on February 2, 1969; and

WHEREAS, Mr. Munger was subsequently chosen by his fellow commission members to serve as their chairman from July 1, 1971, through June of 1972; and

WHEREAS, He was for many years a dedicated civic leader in Fresno and the great Central Valley; and

WHEREAS, Mr. Munger was a strong advocate for the preservation of the natural heritage of California and especially the Sierra Nevada Mountains, where he championed the need for safe and adequate highways into remote areas so that the public could see those scenic wonders which he so much enjoyed; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature of the State of California, with the full support of the California Highway Commission, designates the vista point planned on State Route 168 near Pine

Ridge as the "Maynard Munger Memorial Vista Point" as a place where the traveling public may stop and view a part of the scenic wonders of the Sierra Nevada Mountains; and be it further

*Resolved,* That the Department of Transportation be directed to place a suitable bronze plaque at the site, with appropriate public ceremonies, as a memorial to a great Californian, in recognition of his valued contributions to the development of our state; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mrs. Maynard Munger, his widow, and copies to the California Highway Commission, and to the Director of Transportation.

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## RESOLUTION CHAPTER 35

*Assembly Joint Resolution No. 95—Relative to the California Air National Guard.*

[Filed with Secretary of State April 4, 1974 ]

WHEREAS, The United States Constitution has recognized the need for a state militia; and

WHEREAS, The Congress of the United States has seen fit to authorize Air National Guard units within the several states; and

WHEREAS, The California Air National Guard has always responded to national emergencies, state civil disturbances and natural disasters; and

WHEREAS, The California Air National Guard has met these challenges in a conspicuous and meritorious manner of performance at significantly lower costs as compared to similar active military units, and continues to make distinctive and vital contributions to the national defense posture of the United States; and

WHEREAS, It has come to the attention of the Members of the California Legislature that the Department of Defense is programming the inactivation of the 129th Special Operations Group at Hayward, the 163rd Fighter Interceptor Group at Ontario and the consolidation of the 195th Tactical Airlift Group into the 146th Tactical Airlift Group, at Van Nuys; and

WHEREAS, The Congress of the United States in 1966, and again in 1967, by congressional mandate, overruled the Department of Defense and directed the retention of the California Air Guard units then programmed for inactivation; and

WHEREAS, Unless positive action is again taken at congressional levels, the State of California will suffer drastic reductions in its ability to respond to emergencies and disasters of a state and local nature, as well as diminishing the Air Guard's prime mission of providing fully trained, ready reserve units to meet any national contingency which might arise; and

WHEREAS, The President of the United States and the Congress have consistently proclaimed their intentions to maintain a ready, strong, and effective military reserve force, available for immediate response when needed; and

WHEREAS, All of the units programmed for inactivation or consolidation are currently in a combat-ready C-1 status, fully manned and trained, and available immediately for either their state or federal missions; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to retain as a part of the Air National Guard of the United States, the 129th Special Operations Group at Hayward, the 163rd Fighter Interceptor Group at Ontario and the 195th Tactical Airlift Group at Van Nuys, of the California Air National Guard and, recognizing California's continuing and abiding requirement for efficient and responsive aerospace defense and airlift capabilities and the security needs of the United States, to provide more modern aircraft to those organizations or to assign alternate missions to units of the Air National Guard of the United States from the approved military force structure, and to retain in the reserve forces program the already trained and readily available pool of dedicated citizen-soldiers who have unselfishly dedicated part of their lives to the protection of their state and country; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Secretary of Defense, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 36

*Senate Concurrent Resolution No. 85—Relative to traffic signal synchronization.*

[Filed with Secretary of State April 4, 1974.]

WHEREAS, It has become apparent that the State of California faces an energy crisis of unprecedented proportions, particularly with respect to shortages in gasoline supplies; and

WHEREAS, A comprehensive synchronization of traffic signals and revision of patterns of traffic flow within urban areas will substantially contribute to the orderly and smooth flow of traffic and encourage adherence to reasonable speed limits, thereby effecting gasoline conservation significantly through more efficient automobile engine performance; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the appropriate agency of each local

government of the State of California and the Director of Transportation are hereby requested to review existing patterns of traffic movement within their respective jurisdictions, to study and implement the synchronization of traffic signals, and to post signs where appropriate advising the public that the signals are synchronized, to the end that more efficient and orderly traffic movement be effected; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to all cities, cities and counties, and counties within the State of California and to the Director of Transportation.

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## RESOLUTION CHAPTER 37

*Assembly Concurrent Resolution No. 138—Relative to the Anderson Marsh Area.*

[Filed with Secretary of State April 8, 1974 ]

WHEREAS, The Anderson Marsh Area at the southern end of Clear Lake is a valuable fish spawning area, and a breeding and nesting ground for several rare species of birds; and

WHEREAS, The flora and fauna in this area are unique in Lake County and northern California; and

WHEREAS, It is in the best interest of the people of the state that open, wild marsh areas such as the Anderson Marsh Area be preserved for the enhancement of wildlife; and

WHEREAS, The present owners and lessees of this area have indicated their intent to fill and farm the area; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Fish and Game is hereby requested to conduct a study of the feasibility of acquiring the Anderson Marsh Area as a wildlife management area; and be it further

*Resolved,* That the Department of Fish and Game submit its findings and recommendations to the Legislature no later than January 1, 1975; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Fish and Game.

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## RESOLUTION CHAPTER 38

*Assembly Concurrent Resolution No. 183—Relative to the Joint Rules.*

[Filed with Secretary of State April 8, 1974 ]

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*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That Rule 54 of the Temporary Joint Rules of the Senate and Assembly for the 1973–74 Regular Session be amended, to read:

Introduction of Bills

54. (a) Bills may be introduced at any time except as provided in subdivision (d) and when a house is in joint recess. Each house may provide for introduction of bills during a recess other than a joint recess. Bills shall be numbered consecutively during the regular session.

(b) A member may not author a bill during a session that would have substantially the same effect as a bill he or she had previously introduced during that session. This restriction shall not apply in cases where a previously introduced bill has been vetoed by the Governor or has had its provisions "chaptered out" by a later chaptered bill pursuant to Section 9605 of the Government Code. An objection may be raised only while the bill is being considered by the house in which it is introduced. In such case the objection shall be referred to the Rules Committee of the house for a determination. The bill shall remain on file or with a committee, as the case may be, until such determination is made. If upon consideration of the objection the Rules Committee determines that the bill objected to would have substantially the same effect as another bill previously introduced during the session by the author, the bill objected to shall be stricken from the file or returned to the desk by the committee, as the case may be, and shall not be acted upon during the remainder of the session. If the Rules Committee determines that the bill objected to would not have substantially the same effect as a bill previously introduced during the session by the author, the bill may thereafter be acted upon by the committee or the house, as the case may be. The Rules Committee may obtain such assistance as it may desire from the Legislative Counsel as to the similarity of a bill or amendments to a prior bill. This joint rule may be suspended by approval of the Rules Committee and three-fourths vote of the house.

(c) During a joint recess, the Chief Clerk or Secretary shall order the preparation of preprint bills when so ordered by any of the following:

(1) The Speaker.

(2) The Committees on Rules of the respective houses.

(3) A committee with respect to bills within the subject matter jurisdiction of the committee.

Preprint bills shall be designated as such and shall be printed in the order received and numbered in the order printed. To facilitate subsequent amendment, preprint bills shall be so prepared that when introduced as a bill, the page and the line numbers will not change. The Chief Clerk and Secretary shall publish a list

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periodically of such preprint bills showing the preprint bill number, the title, and the Legislative Counsel's Digest. The Speaker and Senate Rules Committee may refer preprint bills to committee for study.

(d) On April 15 of each year, the Legislative Counsel shall record his request number of the last request for a bill draft received in his office by 5 o'clock of that day. The Chief Clerk and Secretary shall not process a bill bearing a higher request number until May 16. This subdivision of this joint rule may be suspended as to a particular bill by approval of the Rules Committee and two-thirds vote of the house. The intent of this provision is to allow time for the 30-day waiting period and to permit hearings on bills in the policy committee before the June 15 deadline, with respect to bills that are intended to take effect at the end of the first year of the two-year session. With respect to the second year, it is intended to facilitate the orderly processing of legislation. It shall not be construed as a limitation on the introduction of bills.

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## RESOLUTION CHAPTER 39

*Senate Concurrent Resolution No. 95—Relative to a study of motor vehicle inspection programs in California.*

[Filed with Secretary of State April 9, 1974 ]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Joint Committee on Motor Vehicle Inspections is hereby created, and authorized and directed to ascertain, study, and analyze all facts relating to the subject of motor vehicle inspection programs in California, including but not limited to the operation, effect, administration, financing and needed revision of any and all programs, regulations and laws in any way bearing upon or relating to the Mandatory Vehicle Emission Inspection and Testing Program as provided in Chapter 1154 of the Statutes of 1973, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

The committee shall consist of two Members of the Senate, appointed by the Senate Rules Committee, and two Members of the Assembly, appointed by the Speaker of the Assembly. Vacancies occurring in the membership of the committee shall be filled by the appointing authority.

The committee is authorized to act during the sessions of the Legislature, including any recess, and after final adjournment, until June 30, 1976, with authority to file its final report not later than June 30, 1976.

The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate

and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the committee and its members.

The committee has the following additional powers and duties:

(1) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(2) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(3) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(4) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved,* That the Joint Rules Committee may make such money available from the Contingent Funds of the Assembly and Senate as it deems necessary for the expenses of the committee and its members. In accordance with Joint Rule 36.8, any such expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

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## RESOLUTION CHAPTER 40

*Senate Concurrent Resolution No. 103—Relative to the San Francisco Sears strike.*

[Filed with Secretary of State April 9, 1974.]

WHEREAS, The Members are concerned over the length of time which the strike being conducted in San Francisco against Sears, Roebuck and Company has continued; and

WHEREAS, It appears that management and representatives of the striking employees are experiencing difficulty in getting together to resolve their different demands; and

WHEREAS, The length of the strike has brought hardship upon the members of the public; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Members urge both parties to the strike to meet and bargain in good faith and responsively resolve the differences in their respective demands in order that the current strike might end; and be it further

*Resolved,* That the right to a union security or maintenance of membership principle be embodied in such resolution of differences; and be it further

*Resolved,* That copies of this resolution be transmitted to Sears, Roebuck and Company and to the Department Store Employees Union.

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## RESOLUTION CHAPTER 41

*Assembly Joint Resolution No. 80—Relative to Amtrak service to the north coast of California.*

[Filed with Secretary of State April 18, 1974]

WHEREAS, The restoration of rail passenger service to the north coast of California, a relatively isolated and highway-dependent area in which dependence upon the automobile during the present fuel shortage is precarious at best, would fulfill an urgent need in the entire Redwood Empire area; and

WHEREAS, Prior to World War II, the north coast was served by a substantial rail passenger network extending from San Francisco Bay to the City of Eureka through the spectacular Eel River Canyon; and

WHEREAS, The original railroad rights-of-way presently exist and much of the track is presently in place, although some repairs and engineering adjustments would probably be required for the institution of passenger service; and

WHEREAS, There is presently virtually no feasible alternative to the automobile in this area, and the operation of supply and demand will undoubtedly inspire increased rail passenger patronage, once instituted; and

WHEREAS, The restoration of rail passenger service under Amtrak would connect several urban communities as well as the two major seaports of northern California, while tourism, a major industry of the Redwood Empire, would provide considerable support to this needed transportation alternative; and

WHEREAS, Samplings of public opinion throughout this area demonstrate solid public support for rail passenger service as the looming energy crisis becomes more acute and the perilous prospect of isolation more apparent as each day passes; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the National Railroad Passenger Corporation is urged to institute rail passenger service to the north coast of California extending from San Francisco Bay to the City of Eureka; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the

United States, and to the National Railroad Passenger Corporation.

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## RESOLUTION CHAPTER 42

*Assembly Joint Resolution No. 87—Relative to Amtrak.*

[Filed with Secretary of State April 18, 1974.]

WHEREAS, The restoration and expansion of rail passenger service by the National Railroad Passenger Corporation (Amtrak) has taken on an added sense of urgency and importance because of the energy crisis and resultant difficulties in traveling by private automobile; and

WHEREAS, In a great part of the northern California area there is presently virtually no feasible alternative to the automobile, and dependence upon the automobile during the present fuel shortage is precarious at best; and

WHEREAS, Amtrak makes no stops in northern California between Redding and Davis, a distance of over 150 miles, thus isolating a great many people in this area from the only feasible alternative to the automobile for transportation; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the National Railroad Passenger Corporation is urged to institute a passenger stop at Orland, California, in order to further extend the benefits of rail travel to presently isolated areas of northern California; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Railroad Passenger Corporation.

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## RESOLUTION CHAPTER 43

*Assembly Concurrent Resolution No. 204—Relative to the anniversary of the Cinco de Mayo as Mexican-American Week.*

[Filed with Secretary of State April 18, 1974 ]

WHEREAS, While the United States was engaged in the tragic Civil War testing the principle upon which this nation was founded, that "all men are created equal . . . that they are endowed by their Creator with certain inalienable rights," its neighbor, the Republic of Mexico, was invaded by an army of foreign troops from Europe; and

WHEREAS, This invading foreign army was met at Guadalupe Hill

near the City of Puebla on the fifth day of May 1862 by an outnumbered and untrained Mexican force, under the command of Ignacio Zaragoza; and

WHEREAS, The soldiers of Mexico, through their great courage and self-sacrifice, defeated this invading force in this great battle; and

WHEREAS, This victory stands as an encouragement and a symbol in the long struggle of Mexico against this foreign invader which eventually culminated in the ousting of a monarchy, which was established by these foreign troops, and the reestablishment of Mexico as a sovereign independent nation; and

WHEREAS, Cinco de Mayo has since been celebrated the world over as a day symbolizing the opposition of free peoples to foreign domination and triumph of freedom over oppression; and

WHEREAS, This day is recorded in the annals of history, along with the Fourth of July and Bastille Day, as one of the great days in the advancement of human liberty and self-government; and

WHEREAS, Concerned citizens of Mexican ancestry will be observing the 112th anniversary of this event and will commemorate the triumph at Guadalupe Hill, Cinco de Mayo; and

WHEREAS, Numerous Chicano organizations and the Spanish-speaking community will sponsor appropriate observances during the week of Cinco de Mayo; and

WHEREAS, During this week it will be fitting for all Californians to contemplate the historical contributions of Mexican culture and character to the history of this state which enriched and advanced our multiracial culture, and to acknowledge the contributions of Mexican-American citizens in areas of education, labor, industry, government, and the professions; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature hereby proclaims May 5 through May 11, 1974, as "Mexican-American Week" in California, and further urges the California public schools to sponsor appropriate programs during this week, and urges all the people of this state to take advantage of this opportunity to learn the role that the Mexican culture has played in the development of the United States and the State of California; and be it further

*Resolved,* That the Members of the Legislature of the State of California extend, on behalf of the people of this state, their congratulations and felicitous greetings to our Mexican-American citizens and our neighbors to the south in the Republic of Mexico on the anniversary of the Battle of Guadalupe, Cinco de Mayo, and convey to them our warmest expression of friendship; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Assemblymen Alatorre, Chacon, Garcia, Gonzales, and Montoya for appropriate distribution.

# RESOLUTION CHAPTER 44

*Senate Concurrent Resolution No. 88—Relative to employees of the Department of Transportation.*

[Filed with Secretary of State April 19, 1974 ]

WHEREAS, One projected consequence of the current energy shortage is a reduction in highway revenues and construction activities; and

WHEREAS, In response to this situation, the Department of Transportation is considering plans for the reduction of staff currently employed by the department; and

WHEREAS, Under such plans, it is possible that as many as 3,000 state workers may be subject to layoffs in the near future; and

WHEREAS, Any such large reduction in that work force will deprive the state of thousands of man-years of experience in the highly technical areas of transportation planning and management and will tend to reduce the efficiency and effectiveness of the state transportation staff; and

WHEREAS, If proper planning procedures are adopted by the department in meeting the projected situation, such large staff reductions can be avoided; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Transportation incorporate the following policies and procedures in formulating personnel policies:

(1) The department shall, when permitted by the terms of the contracts, terminate or reduce the time and funds committed to contracts with firms, individuals, or others in areas of administrative support, training, research and other areas to prevent or reduce the layoff of department staff and redirect wherever possible the department staff to perform the functions which were contracted out. This section shall not be applicable to contracts involving litigation or potential litigation.

(2) The department shall, where practical, refrain from entering into new contracts for work pertaining to administrative support, training, research and other areas where department staff or department staff assisted by other state agencies, including the areas of higher education, can be used to achieve objectives to prevent the layoff of department staff. This section shall not be applicable to contracts involving litigation or potential litigation.

(3) The department shall, where practical, terminate all employees in intermittent and temporary job positions and offer such positions to permanent employees who have or will be subject to layoffs.

(5) The department shall refrain from hiring new employees, except temporary personnel where necessary during a period of natural disaster or other emergency.

(6) The department shall develop its layoff procedures in cooperation with the State Personnel Board in accordance with existing layoff rules and statutes; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Department of Transportation.

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## RESOLUTION CHAPTER 45

*Assembly Concurrent Resolution No. 164—Relative to the California Law Revision Commission.*

[Filed with Secretary of State April 23, 1974 ]

WHEREAS, Section 10335 of the Government Code provides that the California Law Revision Commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress; and

WHEREAS, The commission, in its annual report covering its activities for 1973, lists the following topics, all of which the Legislature has previously authorized or directed the commission to study, as studies in progress:

Topics Under Active Consideration

(1) Whether the law relating to creditors' remedies, including but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code repossession of property provisions), civil arrest, confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, and related matters, should be revised;

(2) Whether the law and procedure relating to condemnation should be revised with a view to recommending a comprehensive statute that will safeguard the rights of all parties to such proceedings;

(3) Whether the law relating to the right of nonresident aliens to inherit should be revised;

(4) Whether the law relating to liquidated damages in contracts generally, and particularly in leases, should be revised;

(5) Whether the various sections of the Code of Civil Procedure relating to partition should be revised and whether the provisions of the Code of Civil Procedure relating to the confirmation of partition sales and the provisions of the Probate Code relating to the confirmation of sales of real property of estates of deceased persons should be made uniform and, if not, whether there is need for

clarification as to which of them governs confirmation of private judicial partition sales;

(6) Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised;

(7) Whether the law relating to the escheat of property and the disposition of unclaimed or abandoned property should be revised;

Other Topics Authorized for Study

(1) Whether the law relating to custody of children, adoption, guardianship, freedom from parental custody and control, and related matters should be revised;

(2) Whether the law relating to nonprofit corporations should be revised;

(3) Whether the law relating to modification of contracts should be revised;

(4) Whether the parol evidence rule should be revised;

(5) Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised;

(6) Whether the law relating to arbitration should be revised;

Topics Continued on Calendar for Further Study

(1) Whether the doctrine of sovereign or governmental immunity in California should be abolished or revised;

(2) Whether the Evidence Code should be revised;

(3) Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised (including but not limited to liability for damages resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised;

(4) Whether the law relating to suit by and against partnerships and other unincorporated associations should be revised and whether the law relating to the liability of such associations and their members should be revised; and

WHEREAS, The commission, in its annual report covering its activities for 1973, has recommended that the following topics, previously approved for study, be removed from its calendar:

(1) Whether the law relating to a power of appointment should be revised;

(2) Whether the law relating to counterclaims and cross-complaints should be revised;

(3) Whether the law relating to joinder of causes of action should be revised; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature approves the topics listed above as studies in progress for continued study by the California Law Revision Commission and approves the removal from the

commission's calendar of the topics listed above that the commission has recommended be removed from its calendar; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the California Law Revision Commission.

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## RESOLUTION CHAPTER 46

*Assembly Concurrent Resolution No. 214—Relative to memorializing Dr. Jack Tull Casey.*

[Filed with Secretary of State April 23, 1974 ]

WHEREAS, Dr. Jack Tull Casey was born in San Francisco in 1909 and passed away in Costa Mesa on March 12, 1974; and

WHEREAS, Dr. Casey was elected to the Assembly at a special election in November 1960 to fill the unexpired term of the late Dorothy Donahoe, and served until 1966, representing the eastern portion of Kern County which became the 28th district during his term of office; and

WHEREAS, He served on the following Assembly Committees: Rules, Education, Finance and Insurance, Conservation and Wildlife, Public Utilities and Corporations, Government Organization, Social Welfare (Chairman), Natural Resources, Planning, and Public Works (Vice Chairman); and

WHEREAS, He was a trained economist and education was his special field of interest; and

WHEREAS, Before entering the Legislature, Dr. Casey was with the Bakersfield Community College for 14 years as an instructor in economics and California and American history; and

WHEREAS, In 1967, he returned to the field of education as an instructor in Social Science at West Valley Community College, was a past president of their Academic Senate, and was on the Community College Accreditation Team at Orange Coast College in Costa Mesa at the time of his death; and

WHEREAS, He received his Master's degree in California History and his Doctor of Philosophy in Economics from the University of California at Berkeley; and

WHEREAS, He was a member of the Commonwealth Club of California, Native Sons of the Golden West, Tejon Lodge #733 F.&A.M., San Jose Scottish Rite Bodies, American Association of University Professors, and the California Arts Commission; and

WHEREAS, While in the Legislature, Dr. Casey authored the historic California Medi-Cal bill, the 1961 foreign language instruction legislation, and a proposal to set up a graduate study fellowship program; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of the California Legislature mourn the passing of Dr. Jack Tull Casey; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to his widow, Ruth, and his daughter, Sharon Marie.

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## RESOLUTION CHAPTER 47

*Assembly Joint Resolution No. 59—Relative to resource conservation district services.*

[Filed with Secretary of State April 26, 1974 ]

WHEREAS, Worldwide food and fiber shortages are causing increasingly higher prices; and

WHEREAS, Agriculture in the United States, and specifically in California, has been called upon to meet this demand; and

WHEREAS, Such increased agricultural production will greatly increase the pressures on California's land and water resources; and

WHEREAS, Unwise land use management under such crisis conditions can do irreparable damage to the state's land and water resources; and

WHEREAS, The federal government has adopted a new policy of consolidating offices providing technical services to resource conservation districts, which policy will result in the closing of many offices; and

WHEREAS, This policy will have the effect of severely curtailing soil and water conservation services in the areas where they are needed and will necessarily require more extensive travel by technical service personnel, with concomitant increases in the consumption of motor vehicle fuel and in nonproductive commuting time of technical service personnel; and

WHEREAS, The larger number of nonprofessional farmers and ranchers now working the land has increased the amount of resource conservation assistance time required for each site; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take appropriate steps to reverse the decision to promote the consolidation of offices providing local resource conservation district services; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 48

*Assembly Joint Resolution No. 83—Relative to the centennial celebration of the American Gynecological Society*

[Filed with Secretary of State April 26, 1974 ]

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Philatelic Division of the United States Postal Service to issue a postage stamp in the spring of 1976 commemorating the centennial celebration of the American Gynecological Society; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States and the Philatelic Division of the United States Postal Service.

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## RESOLUTION CHAPTER 49

*Assembly Constitutional Amendment No. 88—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 23 of Article XX thereof, relating to public higher education.*

[Filed with Secretary of State April 26, 1974 ]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 23 of Article XX thereof, to read:

SEC. 23. Notwithstanding any other provision of this Constitution, the Speaker of the Assembly and the President pro Tempore of the Senate shall each be an ex officio member, having equal rights and duties with the nonlegislative members, of any state agency created by the Legislature in the field of public higher education which is charged with the management, administration, and control of the State College System of California.

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# RESOLUTION CHAPTER 50

*Senate Joint Resolution No. 30—Relative to the federal government's Sausalito base yard and dock complex.*

[Filed with Secretary of State April 26, 1974 ]

WHEREAS, It has come to the attention of the Members that federal officials are considering the relocation or termination of a portion of the United States Army Engineers' Sausalito base yard and dock complex; and

WHEREAS, The yard contains the San Francisco Bay hydraulic model, an indispensable tool for understanding the complex bay-delta water environment and, therefore, for guiding water development, pollution control and shoreline alteration decisions; and

WHEREAS, The yard supports federal dredging operations critical to the continued safety of commercial navigation throughout the bay area; and

WHEREAS, The yard supports federal debris clearing operations essential to the safety of the bay's thousands of recreational boaters and commercial shipping; and

WHEREAS, The yard also contains the South Pacific Division Soils and Materials Testing Laboratory which provides analyses vital to the successful undertaking of public works projects throughout a multistate region; and

WHEREAS, The yard's dock complex serves in times of rough seas as the bay area's only haven for transient commercial craft and as a moorage for potentially dangerous derelict boats; and

WHEREAS, The dock serves the northern California commercial fishing fleet as a critically important fish receiving site; and

WHEREAS, The dock is vital to the maintenance program and expansion plans of the Golden Gate Bridge, Highway, and Transportation District's commuter ferry operations; and

WHEREAS, No alternative locations exist at which these essential functions could be performed without an insupportable rise in expenditures; and

WHEREAS, The yards and docks are an integral operation from which no part could be extracted without weakening the entire enterprise, which constitutes the highest and best use of the area; and

WHEREAS, The continuation of the aforementioned services at the Sausalito base yard and dock complex is essential to the health, safety and industry of the people of this state; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to direct the Secretary of the Army to maintain the Sausalito base yard and dock complex at its present site without diminution or reduction in area in order to continue the vital services it renders in the

interests of the state and nation; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Army, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 51

*Senate Concurrent Resolution No. 31—Relative to donations of blood.*

[Filed with Secretary of State April 26, 1974]

WHEREAS, Transfusion of human whole blood is medically necessary to the performance of many types of surgical procedures and to the treatment of certain diseases; and

WHEREAS, The maintenance of an adequate reserve of whole blood for such purposes is essential to the provision of health care services to the citizens of the state, but there is an inadequate number of voluntary donors to assure the availability of ample amounts of whole blood throughout the state; and

WHEREAS, The lack of sufficient voluntary donors has required the use of paid donors, who because of their low economic status and living conditions, are more likely than the general population to have diseases, such as hepatitis, which can be transmitted to the recipient of the transfusion; and

WHEREAS, All citizens of this state who are able should be encouraged to give blood and there exists a vast number of potential voluntary blood donors in state employment; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the secretary of each state agency, the President of the University of California, and the Chancellor of the California State University and Colleges are requested to conduct informational and educational programs, including the use of bulletin board posters and other materials, encouraging employees within their respective divisions of responsibility to donate blood; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the Secretary of the Agriculture and Services Agency, the Secretary of the Business and Transportation Agency, the Secretary of the Health and Welfare Agency, the Secretary of the Resources Agency, the President of the University of California, and the Chancellor of California State University and Colleges.

# RESOLUTION CHAPTER 52

*Assembly Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by repealing Article XXIII thereof and adding Article XXIII thereto, relating to recall of public officers*

[Filed with Secretary of State April 29, 1974 ]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That Article XXIII is repealed.

Second—That Article XXIII is added to read:

## ARTICLE XXIII

### RECALL OF PUBLIC OFFICERS

SECTION 1. Recall is the power of the electors to remove an elective officer.

SEC. 2. (a) Recall of a State officer is initiated by delivering to the Secretary of State a petition alleging reason for recall. Sufficiency of reason is not reviewable. Proponents have 160 days to file signed petitions.

(b) A petition to recall a statewide officer must be signed by electors equal in number to 12 percent of the last vote for the office, with signatures from each of 5 counties equal in number to 1 percent of the last vote for the office in the county. Signatures to recall Senators, Assemblymen, members of the Board of Equalization, and judges of courts of appeal and trial courts must equal in number 20 percent of the last vote for the office.

(c) The Secretary of State shall maintain a continuous count of the signatures certified to him.

SEC. 3. An election to determine whether to recall an officer and, if appropriate, to elect a successor shall be called by the Governor and held not less than 60 days nor more than 80 days from the date of certification of sufficient signatures. If the majority vote on the question is to recall, the officer is removed and, if there is a candidate, the candidate who receives a plurality is the successor. The officer may not be a candidate, nor shall there be any candidacy for an office filled pursuant to subdivision (d) of Section 16 of Article VI.

SEC. 4. The Legislature shall provide for circulation, filing, and certification of petitions, nomination of candidates, and the recall election.



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SEC. 5. If recall of the Governor or Secretary of State is initiated, his recall duties shall be performed by the Lieutenant Governor or Controller, respectively.

SEC. 6. A State officer who is not recalled shall be reimbursed by the State for his recall election expenses legally and personally incurred. Another recall may not be initiated against him until 6 months after the election.

SEC. 7. The Legislature shall provide for recall of local officers. This section does not affect counties and cities whose charters provide for recall.

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## RESOLUTION CHAPTER 53

*Assembly Concurrent Resolution No. 213—Relative to a recess of the Assembly.*

[Filed with Secretary of State April 29, 1974]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Assembly shall be in recess from adjournment on Thursday, May 23, 1974, until 9 o'clock a.m., Wednesday, June 5, 1974.

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## RESOLUTION CHAPTER 54

*Resolución Concurrente en la Asamblea Número 205—Relativo al aniversario del Cinco de Mayo como Semana Mexico-Americana.*

[Filed with Secretary of State May 2, 1974]

SIENDO ASÍ, Mientras que los Estados Unidos peleaba en la trágica Guerra Civil poniendo a prueba el fundamento sobre el cual esta nación fué fundada, que "todos los hombres fueron creados iguales . . . que ellos son dotados por su Creador con ciertos derechos inalienables," su vecino, la República de México, fué invadido por un ejército de tropas extranjeras de Europa; y

SIENDO ASÍ, Este ejército invasor extranjero fué confrontado en el Cerro de Guadalupe cerca de la ciudad de Puebla en el quinto día de mayo de 1862, por una fuerza mexicana, más numerosa y faltando instrucción militar, bajo la comandancia de Ignacio Zaragoza; y

SIENDO ASÍ, Los soldados de México por medio de su gran valentía y sacrificio de sí mismos derrotaron esta fuerza invasora en esta gran batalla; y

SIENDO ASÍ, Esta victoria sirve como un incentivo y un símbolo en la larga lucha de México contra este invasor extranjero que ultimamente se culmino con el desposeimiento de una monarquía

establecida por estas tropas extranjeras, y el reestablecimiento de México como una nación soberana e independiente; y

SIENDO ASÍ, Desde entonces el mundo entero ha celebrado el Cinco de Mayo como un día que simboliza la resistencia de pueblos libres a la dominación extranjera y el triunfo de la libertad sobre la opresión; y

SIENDO ASÍ, Este día se registra en los anales de historia junto al Cuatro de Julio y el Día de Bastille como un gran día en el adelantamiento de la libertad humana y el gobierno del pueblo por sí mismo; y

SIENDO ASÍ, Ciudadanos interesados en el linaje mexicano estarán observando el aniversario ciento doce de este evento y conmemoraran el triunfo en el Cerro de Guadalupe, el Cinco de Mayo; y

SIENDO ASÍ, Numerosas organizaciones chicanas y la comunidad de habla española auspiciará festividades apropriadas durante la semana del Cinco de Mayo; y

SIENDO ASÍ, Durante esta semana sería propio que todos los californianos contemplaran las contribuciones a la historia de este estado de la cultura y el carácter mexicano que enriquecieron y avanzaron nuestra cultura multirracial y para reconocer las contribuciones de ciudadanos mexico-americanos en áreas de educación, labor, industria, gobierno, y las profesiones; ahora, por lo tanto; sea

*Resuelto por la Asamblea del Estado de California, el Senado de ello concurriendo,* Que la Legislatura por la presente proclama el 5 de mayo hasta el 11 de mayo, 1974, como "Semana Mexico-Americana" en California y además insta a las escuelas públicas de California que auspícien programas apropriados durante esta semana y insta a toda la gente de este estado que tome ventaja de esta oportunidad de conocer la función que la cultura mexicana ha tenido en el desarrollo de los Estados Unidos y el estado de California; y además sea

*Resuelto,* Que los miembros de la Legislatura del estado de California, en nombre de la gente de este estado, extienden sus felicitaciones y saludos congratulatorios a nuestros ciudadanos Mexico-Americanos y a nuestros vecinos del sur en la República de México en el aniversario de la Batalla de Guadalupe, el Cinco de Mayo, y les evían nuestras más sinceras expresiones de amistad; y además sea

*Resuelto,* Que el Secretario Mayor de la Asamblea transmite copias adecuadamente preparadas de esta resolución a los Representantes Alatorre, Chacón, García, Gonzales, y Montoya para su distribución apropiada.

## RESOLUTION CHAPTER 55

*Senate Concurrent Resolution No. 102—Relative to the Harold G. Larsen Vista Point.*

[Filed with Secretary of State May 2, 1974.]

WHEREAS, Harold G. Larsen served as the District Engineer in Eureka for the Division of Highways from October 1967 until his untimely death on April 19, 1972; and

WHEREAS, After receiving his degree in civil engineering from San Diego State College in July 1950, he served in various positions of responsibility with the Division of Highways in Fresno, San Diego, and San Francisco prior to his appointment as District Engineer in Eureka; and

WHEREAS, As a person dedicated to serving the needs of others, he served as a Planning Commissioner with the Walnut Creek Planning Commission, as an active member of the Calvary Lutheran Church, the Eureka Rotary Club, and the Executive Board of the Redwood Area Boy Scouts of America, and was instrumental in forming the Humboldt County United Crusade; and

WHEREAS, The Department of Transportation has scheduled for completion during the summer of 1974 a vista point on State Highway Route 101 overlooking Humboldt Bay at Spruce Point; and

WHEREAS, It is most fitting that this vista point be named after Harold G. Larsen in recognition of his dedicated service to the people of this state; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the vista point on State Highway Route 101 overlooking Humboldt Bay at Spruce Point is hereby officially designated the Harold G. Larsen Vista Point; and be it further

*Resolved,* That the Department of Transportation is hereby requested to erect and maintain suitable plaques or markers indicating such designation; and be it further

*Resolved,* That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Mrs. Harold G. Larsen and a copy of this resolution to the Director of Transportation

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## RESOLUTION CHAPTER 56

*Assembly Concurrent Resolution No. 184—Relative to mental health.*

[Filed with Secretary of State May 3, 1974.]

WHEREAS, A question has arisen as to whether private charitable contributions are to be considered fees paid for the purposes specified in Section 5713 of the Welfare and Institutions Code; and

WHEREAS, It is the intent of the Legislature that general unrestricted contributions by public or private sources to private charitable organizations shall not be deducted from the cost of providing Short-Doyle services; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That Section 5713 of the Welfare and Institutions Code be construed to the effect that general unrestricted contributions by public or private sources shall not be deducted from the cost of providing Short-Doyle services; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Health.

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## RESOLUTION CHAPTER 57

*Assembly Concurrent Resolution No. 231—Approving amendments to the Charter of the City of Needles, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the ninth day of April, 1974.*

[Filed with Secretary of State May 3, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Needles, a municipal corporation in the County of San Bernardino, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of San Bernardino } ss
City of Needles

We, the undersigned, Ralph W. Fisher, Mayor of the City of Needles, State of California, and John J. Lidin, City Clerk of said City, do hereby certify and declare as follows:

The City of Needles, in the County of San Bernardino, State of California, was at all times mentioned herein and now is a City of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI, of the Constitution of the State of California.

The legislative body of said City on its own motion submitted to the electors of said City, at a General Municipal Election, held within said City on the 9th day of April, 1974, certain proposed amendments to the City Charter of said City.

Said proposed amendments were published in the Desert Star, being a newspaper of general circulation printed and published in said City and having a general circulation therein, and being an official newspaper of said City, and said publication was made at the

time and in the manner prescribed in Section 34455 of the Government Code of the State of California.

Said election was duly and regularly held on said 9th day of April, 1974, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendments of said City Charter.

Said amendments are as follows:

Charter Amendment No. 1

Section 400 of the City Charter is amended to read:

Section 400. Enumeration.

The elective officers of the City shall consist of a mayor and city council composed of six members.

Section 401 of the City Charter is amended to read:

Section 401. Elected at large.

The mayor and the members of the council shall be elected at large at the times and in the manner provided in this Charter, and shall serve for terms prescribed in this Charter and until their respective successors qualify.

Article IVa is added to read:

Article IVa. The Mayor

Section 450. Mayor; Term of office.

The mayor shall be elected at the next general municipal election following approval of these Charter amendments by the electorate. The mayor shall serve a two year term, commencing on the first Tuesday following his election. Any candidate who is elected shall qualify within 10 days after receiving his certificate of election. No mayor shall serve more than 4 successive terms.

Section 451. Eligibility.

No person shall be eligible to be nominated for or to hold office as mayor unless he is and shall have been for at least two years next preceding his election or appointment, a resident and qualified elector of the City of Needles or of territory annexed thereto.

Section 452. Mayor to hold no other office.

The mayor shall hold no other city office or city employment except as otherwise provided by this Charter.

The mayor shall not be eligible to be appointed to any city position, office or employment which was created or the compensation of which was increased by the Council while he was mayor of this city, until one year after the expiration of the term for which he was last elected or appointed.

Section 453. Compensation.

The mayor shall be entitled to receive the same salary and compensation as a city councilman.

Section 454. Vacancy.

A vacancy in the office of mayor from whatever cause or rising

shall be filled by appointment by the council.

In the event that the council shall fail to fill any such vacancy by appointment within thirty days after such office shall become vacant or is prohibited by provisions of this Charter to make such an appointment, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent.

Section 455. Powers vested in the mayor.

The mayor shall be presiding officer of the city council. He shall have a voice in all its proceedings, but shall not be empowered to move or second council action. He shall be empowered to vote in said council only to break a tie vote. The mayor shall possess veto power over any council action taken by less than ¾ vote of those present, but this veto shall only be exercised during the same meeting and immediately following the ordinance, resolution, or motion in question. The city council can override such veto by a ¾ vote of its members present.

The mayor shall be official head of the city and shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the council.

Section 456. Vice-Mayor.

A vice-mayor shall be appointed by the council for the same term and the same tenure office as the mayor. The vice-mayor shall be selected from members of the council. The vice-mayor shall perform the office of mayor at such times as the mayor is absent from the city or unable for any reason to perform his official duties.

## Article V. The Council

Section 500 is amended to read:

Section 500. Councilmen; term of office.

At the first general municipal election and at all subsequent general municipal elections following approval of these Charter amendments by the electorate, three members of the Council shall be elected, the three candiates having the highest number of votes at such election to serve for a term of four years. Ties among candidates for any office shall be settled by the drawing of lots.

The term of each member of the council shall commence on the first Tuesday following his election. Any candidate who is elected shall qualify within ten days after receiving his certificate of election.

Section 505 shall be deleted from the Charter.

Section 608 shall be amended to read:

Section 608. Noninterference with administrative service.

Except as otherwise provided in this Charter, neither the mayor nor the council nor any of its members shall interfere with the execution by the city manager of his powers and duties, or order, directly or indirectly, the appointment by the city manager, or by any of the department heads in the administrative service of the city, of any person to any office or employment, or his removal therefrom.

Except for the purpose of inquiry, the mayor, the council or its members shall deal with the administrative service under the jurisdiction of the city manager solely through the city manager, and neither the mayor, nor the council, nor any members thereof shall give orders to any subordinate of the city manager, either publicly or privately.

Charter Amendment No. 2

Section 402 shall be amended to read:

Section 402. When an elective office becomes vacant.

An elective office becomes vacant when the incumbent dies, resigns, is adjudged insane, convicted of a felony or of an offense involving a violation of his official duties, ceases to be a resident of the city, fails to qualify within the time prescribed by the provisions of this Charter, or shall have been absent from the state without permission of the council for more than sixty consecutive days, or fails to attend all meetings of the council for a like period from and after the last such meeting attended by him without being excused therefrom by said body, or fails to attend fifty percent of the regular council meetings for any consecutive twelve month period of time during his tenure of office, except that any period of leave granted by the council shall not be considered an absence for the purpose of this section.

Charter Amendment No. 3

Section 706 shall be deleted from the Charter.

We certify that the facts set forth in the preamble preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the Corporate Seal of the City of Needles to be attached on this 17th day of April, 1974.

(SEAL)

RALPH W. FISHER
Ralph W. Fisher Mayor
of the City of Needles,
California

JOHN J. LIDIN
John J. Lidin, City Clerk
of the City of Needles,
California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the

State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the Members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Needles, as proposed to, and adopted and ratified by, the electors of the city as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Needles.

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## RESOLUTION CHAPTER 58

*Assembly Joint Resolution No. 76—Relative to issuance of a postage stamp commemorating "Snowshoe" Thompson.*

[Filed with Secretary of State May 3, 1974 ]

WHEREAS, The centenary of the death of John A. Thompson will shortly be observed on May 15, 1976; and

WHEREAS, Born Jon Thorsen Rue on April 30, 1827, at Telemark, Norway, the birthplace of skiing, and emigrating with his family first to Illinois and then Wisconsin, Thompson was drawn to California in 1851 by the lure of the Gold Rush; and

WHEREAS, Commencing with the winter of 1856, "Snowshoe" Thompson offered his services to the U.S. Post Office and the people of California to carry the mail across the Sierra Nevada on the "snow skates" of his boyhood; and

WHEREAS, During the succeeding six winters he closed the mountain break in the Pony Express route, making twice monthly trips across the Sierras over the 90 miles from the Carson Valley to "Hangtown" (Placerville), California, often carrying 100 pounds of mail and parcels and usually completing his round trip traverse of virtually trackless mountains in an incredible five days; and

WHEREAS, "Snowshoe" Thompson's feats of courage and endurance have earned him a permanent place among the heroes of the West; he is also to be commended for his high sense of public duty, for not only did he participate in the making of history by carrying the first ore samples from the Comstock Lode to be assayed, but from month to month he carried the ordinary mail as well, bringing news and letters that were of inestimable value to the isolated settlers and miners of California; and

WHEREAS, The measure of "Snowshoe" Thompson's stature is that his ski tracks were displaced only by the tracks of steel of the Central Pacific Railroad Company; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to authorize the issuance of a commemorative postage stamp in honor of "Snowshoe"

Thompson; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 59

*Assembly Joint Resolution No. 108—Relative to offshore oil and gas production.*

[Filed with Secretary of State May 3, 1974]

WHEREAS, The President of the United States has indicated that the leasing of offshore waters for oil or gas production in coastal areas under federal control may be increased by 10 million acres in the next year; and

WHEREAS, The Council on Environmental Quality has informed the President recently that drilling for oil and gas in the Atlantic Ocean offshore from the States of Virginia, Maryland, Delaware, and other East Coast states is acceptable; and

WHEREAS, Expert testimony on known crude oil reserves off the California coast has estimated proven and potential reserves of crude oil in the billions of barrels; and

WHEREAS, Federal authorization for oil or gas drilling off the California coast is imminent and, in fact, the United States Bureau of Land Management has taken initial steps to authorize the leasing of more than seven million acres off the southern California coast, with tracts to be announced for lease in July 1974; and

WHEREAS, At the present time the State of California has no control or voice in the decisionmaking process for the leasing of offshore waters under federal jurisdiction, even though the state has a primary interest in the safety, pollution prevention, economics, and aesthetics of such operations; and

WHEREAS, The state has itself leased more than 175,000 acres of tidelands and submerged lands along the coast, and permitted, under state control, the drilling of more than 4,000 wells and core holes with no significant pollution incidents; and

WHEREAS, The state is known to have superior expertise in this area, with more stringent controls and safeguards than are required by the federal government; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and adopt such laws and regulations as will permit the State of California to participate in all decisionmaking relating to the leasing of federal submerged lands off the California coast for oil or

gas production, including granting to California the right to recommend denial of any proposal which endangers the state's coastline or life or property in the state, constitutes an immediate or potential geologic hazard, or is environmentally incompatible on an aesthetic or total use basis; and be it further

*Resolved,* That the Legislature of the State of California respectfully requests that federal laws and regulations relating to the leasing of offshore lands for oil or gas production be at least as comprehensive and stringent as laws and regulations governing oil and gas development under leases by the state on state tidelands and submerged lands, and that the federal staff assigned to carry out and enforce the federal laws and regulations be at least as competent and at a comparable manpower level as the staff employed by the State of California for these purposes; and be it further

*Resolved,* That the Legislature of the State of California respectfully requests that the state be compensated by an adequate portion of the revenue derived from oil or gas production on federal submerged lands off the coast of California or by a share of the crude oil production itself, inasmuch as the various jurisdictions within the state, and the state itself, will be required to supply, and bear the cost of supplying, many support functions, including, but not limited to, police, fire protection, and community services; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 60

*Assembly Joint Resolution No. 90—Relative to the proposed closure of Fort MacArthur.*

[Filed with Secretary of State May 7, 1974 ]

WHEREAS, Fort MacArthur, established in 1888 as a military reservation, is situated in the San Pedro District of the Greater Los Angeles complex, adjacent to the Port of Los Angeles, and is the only active Army installation in the whole of southern California; and

WHEREAS, Los Angeles is one of the most important population, economic and industrial centers in the nation; and

WHEREAS, The annual payroll at the fort is $28 million, which generates $74 million worth of business in the San Pedro area and the loss of this payroll and business would cause a serious economic blow to the local economy; and

WHEREAS, In addition to the pay of personnel, Fort MacArthur procures goods and services with an annual value of approximately $13 million for local businesses within a 75-mile radius; and

WHEREAS, Fort MacArthur is more than a convenience and necessity for retired servicemen and more than a factor in the local economy, it is a significant member of the community; and

WHEREAS, Some 4,500 young people, in such groups as the Boy Scouts, the YMCA, the Explorer Scouts and the Girl Scouts, are welcomed and enjoy the post facilities each year; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States and the United States Department of Defense to reconsider the decision to close Fort MacArthur; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 61

*Senate Joint Resolution No. 54—Relative to Amtrak.*

[Filed with Secretary of State May 9, 1974.]

WHEREAS, During these times of fuel scarcities it is especially important that rail passenger service, which is potentially the most efficient means of transportation, be developed and improved to serve the maximum number of people; and

WHEREAS, At present no north-south passenger train serves the City of Sacramento or other major population centers in the Sacramento Valley area of northern California, an area whose dependence upon the private automobile for transportation during the energy crisis is precarious at best; and

WHEREAS, If Amtrak trains 11 and 14, the Coast Daylight/Starlight, were routed from Redding through Chico, Marysville, Roseville, and Sacramento to Davis, the system would directly serve nearly 800,000 additional people at an increase of only 26 miles, all of which would be over Southern Pacific Company mainline tracks; and

WHEREAS, The institution of Amtrak service from Oakland to Bakersfield through the San Joaquin Valley, which commenced on March 6, 1974, will bring the benefits of rail passenger service to over 675,000 more people if such service were either routed through Sacramento or if, as an alternative, Amtrak provided connecting bus service between Sacramento and the Stockton passenger terminal; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the National Railroad Passenger Corporation is urged to route the Coast Daylight/Starlight through Chico, Marysville,

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Roseville, and Sacramento, and either to route the Oakland-Bakersfield train through Sacramento or to provide connecting bus service between Sacramento and the Stockton passenger terminal; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to Mr. Roger Lewis, Chairman of the National Railroad Passenger Corporation.

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## RESOLUTION CHAPTER 62

*Assembly Concurrent Resolution No. 234—Approving an amendment to the Charter of the City of Anaheim, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the ninth day of April, 1974.*

[Filed with Secretary of State May 9, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Anaheim, a municipal corporation in the County of Orange, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ANAHEIM OF AN AMENDMENT TO THE CITY CHARTER

State of California
County of Orange } ss
City of Anaheim

We, the undersigned, W. J. "Bill" Thom, Mayor of the City of Anaheim, State of California, and Alona M. Farrens, City Clerk of said City, do hereby certify and declare as follows:

That said City of Anaheim, in the County of Orange, State of California, is now, and was at all times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That the electors of said city, in accordance with the provisions of Section 3, Article XI, of the Constitution of the State of California, cause to be framed a proposed charter amendment for its own government and duly and regularly submitted to the qualified electors of the City of Anaheim a proposition of the adoption of the proposed charter amendment of the City of Anaheim at a General

Municipal election called and held for that purpose in said city on the 9th day of April, 1974;

That such proposed charter amendment was published and advertised in accordance with the provisions of Article XI of the Constitution and Title 4, Division 2, Chapter 3 of the Government Code of the State of California, on the 25th day of February, 1974, in the Bulletin, a daily newspaper of general circulation printed and published in the City of Anaheim, the official newspaper of said City of Anaheim.

That copies of said proposed charter amendment were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Anaheim within the time and manner required by law.

And until the date fixed for the election, April 9, 1974, as hereinafter set forth, there was published in said The Bulletin an advertisement stating that copies of said proposed charter amendment could be had, upon application therefor, at the office of the City Clerk of said City of Anaheim.

That copies of said pamphlet containing said proposed charter amendment could be had upon application therefor at the office of the City Clerk of said City at all times, to and including April 9, 1974, the date fixed for said election, all as required by said Article XI of the Constitution and Title 4, Division 2, Chapter 3 of the Government Code of the State of California.

That in accordance with the provisions, and in the manner provided by law, the said General Municipal election was duly and regularly held in said city, after due notice given and published, on April 9, 1974, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed charter amendment in The Bulletin, the official newspaper of said City of Anaheim.

That, in accordance with law, the City Clerk of the City of Anaheim, State of California, did duly and regularly canvass the returns of said election and did certify to the City Council of the City of Anaheim the result of such canvass; that said City Council on the 16th day of April, 1974, did duly find, determine and declare the result of said General Municipal election as determined from the canvass of the returns thereof aforesaid to be that a majority of the qualified electors of said city voting on said proposed charter amendment had voted for, ratified and adopted said charter amendment.

That said charter amendment so prepared, proposed, submitted, ratified and adopted is in the words and figures following, to wit:

PROPOSED CHARTER AMENDMENT

It is proposed that Section 504 of the Charter of the City of Anaheim be amended to read as follows:

Section 504. Mayor. The Mayor shall be a regular voting member of the City Council, elected from such Council membership at each regular election of the Councilmen:

(a) Duties, Term and Eligibility—The Mayor may make and second motions and shall have a voice and vote in all proceedings. He shall be the official head of the City for ceremonial purposes. He shall have the primary, but not the exclusive responsibility for communicating the policies, programs and needs of the City government to the people, and as occasion requires, he may inform the people of any major change in policy or program. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council.

The elected Mayor shall serve for a term of two years and until his successor is elected and qualified. No one shall be eligible to hold the office of Mayor, except a duly elected and qualified Councilman who has served as Councilman for two years preceding his election as Mayor.

(b) Election of Mayor—At each general City election, each incumbent Councilman may file for election to the office of Mayor. Those members of the City Council whose terms expire and are filing for re-election, may also file for the office of Mayor, in addition to filing for re-election as Councilman. Councilmen who desire to file for the office of Mayor, shall file a declaration of intention with the Office of the City Clerk at the same time and in the same manner as candidates for the office of Councilman. At the election for Mayor, the candidate receiving the highest number of votes shall be declared elected. In determining which candidate shall be elected Mayor, no write-in vote shall be counted. In preparing the ballot for the Mayor's election, the City Clerk shall have printed in large boldface type the following language

"VOTE ONLY FOR A DECLARED CANDIDATE"

In case of a tie vote, the Council shall select the Mayor from the candidates tied for highest vote. In case of a vacancy in the office of Mayor, the Council shall select a Mayor from the eligible Councilmen to fill the vacancy. The office of Mayor shall be deemed vacant when the person holding such office no longer holds office as Councilman for any reason.

(c) The City Council shall designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

(d) Concurrently with those amendments to the Charter, there shall be presented to the electors of the City, the names of the candidates for the office of Mayor to be first elected, in conjunction with and pursuant to said Charter amendments, and his qualifications and mode of nomination and election shall be as provided in Section 504 of the Charter as amended, and said Mayor

first elected shall qualify and thereafter assume the duties of his office on the first Tuesday, following the filing with the Secretary of State of the approval of said amendment by the State Legislature, and said Mayor shall hold office until the first Tuesday following the next general municipal election, and until his successor is elected and qualified, unless sooner removed from office by recall or otherwise.

In witness whereof, we have hereunto set our hands and hereto affixed the seal of said City of Anaheim this 25th day of April, 1974.

(SEAL)

W. J. BILL THOM
Mayor of the City of Anaheim
ALONA M. FARRENS
City Clerk of the City of Anaheim

Approved:
ALAN R. WATTS
City Attorney

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Anaheim, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Anaheim.

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## RESOLUTION CHAPTER 63

*Assembly Concurrent Resolution No. 173—Relative to the study of legislative space needs*

[Filed with Secretary of State May 10, 1974]

WHEREAS, The Legislature has enacted legislation which requires that an evaluation of various proposals for legislative space needs be conducted before construction of a new legislative building is undertaken; and

WHEREAS, One such proposal that deserves further study is that

which would limit all space within the existing Capitol Building to occupancy by the Legislature; and

WHEREAS, Such a proposal would involve relocation of executive offices and other constitutional officers to other quarters; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Joint Rules Committee consider, with its other studies, the feasibility of meeting legislative space needs by the removal of all nonlegislative functions from the State Capitol Building to other quarters.

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## RESOLUTION CHAPTER 64

*Senate Concurrent Resolution No. 120—Relative to the Joint Committee on Community Development and Housing Needs.*

[Filed with Secretary of State May 16, 1974.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Joint Committee on Community Development and Housing Needs is continued in existence until March 31, 1975, notwithstanding the provisions of the concurrent resolution which created the committee. The committee shall continue to have the powers and the duties granted and imposed by the resolution creating it. The committee may expend any funds heretofore or hereafter made available and further allocations may be made by the Joint Rules Committee; provided that, in accordance with Joint Rule 36.8, any expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

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## RESOLUTION CHAPTER 65

*Assembly Concurrent Resolution No. 240—Approving amendments to the Charter of the City of Roseville, State of California, ratified by the qualified electors of the city at a municipal election held therein on the ninth day of April, 1974.*

[Filed with Secretary of State May 23, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Roseville, a municipal corporation in the County of Placer, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

## CERTIFICATE OF ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF ROSEVILLE

State of California
County of Placer } ss
City of Roseville

We, the undersigned, Kenneth F. Royer, Mayor of the City of Roseville, and Pauline Brockman, City Clerk of the City of Roseville, do hereby certify and declare as follows:

That the City of Roseville is a municipal corporation in the County of Placer, State of California, and is now and at all times hereinafter referred to was, a City containing a population of more than Thirty-five Hundred (3500) inhabitants and less than Fifty-thousand (50,000) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of Roseville is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 3, Article XI, of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on December 22, 1954, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 10th day of January 1955;

That, in pursuance of Section 3 of Article XI of the Constitution of the State of California and on its own motion, the Council of the City of Roseville, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City of Roseville certain proposals for amendment of the Charter of said City to be voted upon by said qualified electors at a general municipal election held in said City on the 9th day of April, 1974, which proposals were designated as proposed Measure "A", Measure "B", Measure "C", Measure "D", and Measure "E";

That said proposed amendments were published and advertised, in the form and manner and for the length of time and in accordance with applicable law, in the Roseville Press-Tribune, which was then and there a newspaper of general circulation, printed and circulated at and within the City of Roseville, County of Placer, State of California;

That the election at which said proposed Charter amendments were voted upon was by Resolution set and called for the 9th day of April 1974, which date was not less than forty and not more than sixty days after the completion of the advertising in the newspaper as aforesaid;

That thereafter, the City Council of the City of Roseville did, in the manner provided by law, duly and regularly canvass the returns of said election, and that said Council by Resolution 7425, adopted on the 15th day of April, 1974, declared the result of said election as determined from the canvass of the returns thereof;

That at said municipal election held on the 9th day of April, 1974, said proposed Charter amendments were ratified and adopted by a majority of the electors of said City voting thereon;

That said proposed Charter amendments so ratified by the electors of said City of Roseville is in the words and figures as follows, to wit:

MEASURE "A"

Sections 2.02 and 2.03 of Article II of the Charter of the City of Roseville are hereby repealed or repealed and reenacted to read as follows:

Article II
Plan of Government

Sec. 2.02. Elective Officers

The electors of the City shall elect a council of five (5) members, at large, for a four (4) year term of office. The council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in this Charter, to exercise all powers of the City, and to adopt such ordinances and resolutions as may be proper in the exercise thereof. The Mayor and members of the City Council in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties for the balance of the term for which they were elected, or until their successors are elected and qualified. Two (2) Councilmen shall be elected at the general municipal election in 1956, three (3) Councilmen at the general municipal in 1958, and the above numbers of councilmen shall be elected alternately at the general municipal election each even numbered year thereafter. No councilman shall serve more than two (2) four-year terms, commencing as of a date subsequent to April 9, 1974.

Sections 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15 and 2.16 are hereby renumbered consecutively to read Sections 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, 2.13, 2.14 and 2.15.

Section 3.09 of Article III of the Charter of the City of Roseville relating to councilmanic vacancies is hereby amended to read as follows:

Sec. 3.09. Councilmanic Vacancies

The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy. Any vacancy on the Council shall be filled by a majority vote of the remaining Councilmen within thirty days after the vacancy occurs. If the Council fails, for any reason, to fill such vacancy within said thirty-day period, it shall forthwith call an election for the earliest possible date to fill such vacancy. A person appointed by the Council to fill a vacancy shall hold office until the general municipal election and until his successor qualifies. The candidates receiving the most votes shall

serve the longer, if any, of the unexpired terms, and in case of ties, the terms shall be fixed by lot. A Councilman elected to fill a vacancy shall hold office for the remainder of the unexpired term.

No person appointed to fill a vacancy on the Council shall be designated as an incumbent, a member of the City Council, a City Councilman, or any other designation indicating incumbency, for purposes of the next election for such office.

MEASURE "B"

Sections 3.01 and 3.04 of Article III of the Charter of the City of Roseville are hereby amended to read as follows:

Article III
Provisions Regarding Officers and Employees

Sec. 3.01. Eligibility for Office

Only United States citizens may be officers of the City and only registered qualified electors who have been residents of the City or any territory legally annexed thereto for at least one (1) year immediately preceding the date of election shall be eligible to an elective City office. No person who is in default to the City shall assume the office to which he has been elected or appointed until he has corrected such default.

Sec. 3.04. Financial Interests Prohibited

City officers shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members; nor shall they be purchasers at any sale, or vendors at any purchase, made by them in their official capacity. No officer or employee of the City shall be financially interested in any contract, sale, purchase, lease or transfer of real or personal property to which the City is a party. Any contract, sale or transaction made in violation of this section may be voided at the instance of any party except the officer or employee interested therein. City officers shall disclose any direct personal financial interest in any non-contractual matter coming before any body, board or commission of the City upon which such officer serves. Upon conviction of violating any provision of this section, the person convicted shall forfeit his office or employment and be forever disqualified from holding any office or employment in the City, in addition to any other penalties which may imposed by law for such violation.

MEASURE "C"

Section 3.05 of Article III of the Charter of the City of Roseville is hereby amended to read as follows:

Sec. 3.05. Compensation of Councilmen and Mayor

Each Councilman shall be compensated at the rate of fifteen dollars ($15) per Council meeting attended, but the maximum

amount of compensation in any month shall not exceed sixty dollars ($60). The Mayor shall receive, in addition to his compensation as a Councilman, fifty dollars ($50) per month, not subject to audit, to defray miscellaneous official ceremonial expenses. Councilmen may, upon order of the Council, be reimbursed for reasonable and necessary expenses actually incurred in the service of the City.

MEASURE "D"

Section 4.01 of Article IV of the Charter of the City of Roseville is hereby amended to read as follows:

Sec. 4.01. Regular Meetings

The Council shall hold regular meetings on the first Wednesday of each month; provided that, if a regular meeting date falls on a legal holiday, the meeting shall be held the following day. It shall provide by resolution for the time of day and place of its meetings.

Sections 5.02, 5.03 and 5.09 of Article V of the Charter of the City of Roseville are hereby amended to read as follows:

Sec. 5.02. Enactment, Amendment and Repeal of Ordinances

Ordinances may be enacted, amended or repealed by the affirmative vote of not less than three (3) Councilman, except that when an ordinance is given immediate effect, Section 5.03 of this Charter shall govern. Unless by the affirmative vote of not less than three Councilmen, no office shall be created or abolished, no tax or assessment be imposed, no street, alley or public ground be vacated, no real estate or any interest herein be sold or disposed of, no private property be taken for public use, nor any vote of the Council be reconsidered or rescinded, nor any money appropriated except as otherwise provided by this Charter. Except in the case of ordinances which are declared to be emergency ordinances, no ordinance shall be finally passed by the Council until two (2) weeks after the meeting at which the ordinance is introduced. Introduction of an ordinance shall require the affirmative vote of not less than three (3) Councilmen. At least the title and a summary of the ordinance as introduced shall be published in a newspaper of general circulation in the City at least one week before the final passage, either separately or as part of any published proceedings of the Council. No ordinance shall be amended by reference to its number and title only, but the section or sections of the ordinance amended shall be reenacted and published in full in a newspaper of general circulation in the City. An ordinance may be repealed in total by reference to its number and title only and publication of the action may be similarly limited.

Sec. 5.03. When Ordinances Take Effect

The effective date of all ordinances shall be prescribed therein, but the effective date shall not be earlier than thirty (30) days after their enactment nor before publication thereof, except that ordinances relating to an election, relating to street improvement proceedings, relating to taxes or appropriations for the usual and current expenses

of the City, or ordinances immediately necessary for the preservation of the public peace, health or safety may be given earlier effect by the affirmative vote of not less than three (3) Councilmen if three or four Councilmen are present at the meeting, and by the affirmative vote of not less than four (4) Councilmen if five Councilmen are present at the meeting. In case an ordinance is given effect earlier than thirty (30) days after its enactment, all requirements for publication may be met by posting copies thereof in conspicuous locations in three (3) public places in the City, and the Clerk shall, immediately after such posting, enter in the ordinance book under the record of the ordinance a certificate under his hand stating the time and place of such publication by posting, which certificate shall be conclusive evidence of the due publication and posting of the ordinance.

Sec. 5.09. Initiative and Referendum

Ordinances may be initiated, or the referendum exercised on ordinances passed by Council in accordance with the provisions of the general laws of the State as the same now exist or may hereafter be amended applicable to general law cities.

Sections 6.01 and 6.02 of Article VI of the Charter of the City of Roseville are hereby amended to read as follows:

Sec. 6.01. General and Special Municipal Elections

General municipal elections for the election of officers and for such other purposes as the Council may prescribe, shall be held in the City on the date specified by the Elections Code of the State of California for general municipal elections. Such general municipal elections shall be conducted in each even numbered year. All other municipal elections that may be held by authority of this Charter, or of general law, or by ordinance, shall be known as special municipal elections.

Sec. 6.02. Procedure for Holding Elections

Unless otherwise provided by ordinances hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities, insofar as the same are not in conflict with this Charter.

Sections 7.06, 7.17 and 7.18 of Article VII of the Charter of the City of Roseville are hereby amended to read as follows:

Sec. 7.06. Appropriations; Transfers

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered, except as provided later in this section and in Sections 7.07 and 7.08.

No money shall be drawn from the City treasury nor shall any obligation for the expenditure of money incurred, except pursuant to the budget appropriation. The Council may, by ordinance adopted

by the affirmative vote of at least three (3) members, transfer any unencumbered appropriation balance or any portion thereof, from one department, fund or agency to another, or appropriate available revenue not included in the budget.

Sec. 7.17. Presentation of Demands

The procedure for processing demands shall be established by the Council by ordinance. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the Council. Any person dissatisfied with the refusal of the Manager to approve any demand, in whole or in part, may present the same to the Council, which, after examining into the matter, may approve or disapprove the demand, in whole or in part.

Sec. 7.18. Actions Against the City

No suit shall be brought on any claim for money or damages against the City or any department, officer or agency thereof until a demand for the same has been presented to the City Clerk and rejected in whole or in part.

All claims and the processing thereof shall conform to the laws of the State of California relating to claims against local public entities.

Section 8.02 of Section VIII of the Charter of the City of Roseville is hereby amended to read as follows:

Sec. 8.02. Powers and duties of the Personnel Board

The Personnel Board shall have the power and shall be required:

a. To advise the Council and administrative officials on all matters relating to personnel administration in the City service.

b. To review, upon request of the Council, all or any part of the compensation plan, including hours of work, holidays, vacation, leave, retirement, overtime and other working conditions which pertain to employees within the classified or unclassified service and present its recommendations to the Manager and the Council.

c. To review all proposed rules, together with revisions thereto, and submit them to the Council with recommendations. A compensation plan and rules and regulations relating to hours of work, holidays, vacation, leave, retirement overtime and other working conditions shall not be deemed to be personnel rules and shall be governed by Section 8.02(b).

d. To investigate and pass upon the complaint of an employee or group of employees alleging unfair treatment resulting from a management decision, or lack of decision; concerning the interpretation of City rules or regulations governing personnel practices or working conditions within the control of the department head; in which case, the decision of the Board, with regard to the interpretation of said rules or regulations, shall be binding upon the appointing authority.

e. To investigate and pass upon the claim of any person that his application for employment or promotion has not been processed and considered pursuant to the provisions of this Charter and the personnel rules governing the classified service; in which case, the decision of the Board shall be binding on the appointing authority.

f. To hear appeals from any action of suspension, reduction in rank or pay, or discharge of any employee in the classified service and to report its findings and decisions in writing to the appointing authority; such findings and decisions shall be final and binding on the appointing authority.

g. To subpoena witnesses and administer oaths.

MEASURE "E"

Section 8.01 of Article VII of the Charter of the City of Roseville is hereby amended to read as follows:

Sec. 8.01. Personnel Board

A Personnel Board consisting of five (5) resident and qualified voters shall be appointed by the City Council for four-year overlapping terms of office. Vacancies shall be filled by the Council by appointment for the unexpired portion of the term. A member of the Personnel Board shall be removed from office by the City Council only for malfeasance, misfeasance or nonfeasance and after charges have been filed and such member has been given a reasonable opportunity to defend himself in an open public hearing before the Council. The Board shall provide for its own organization and rules for conduct of meetings; provided, that all meetings shall comply with the public meeting requirements of State law. Three (3) members shall constitute a quorum. Members of the Board shall serve without pay, but shall be entitled to actual and reasonable expenses incurred outside of the City in the performance of their duties.

No member of the Personnel Board shall serve more than two (2) consecutive terms.

Incumbent members of the Personnel Board at the time of the approval of this Charter amendment shall complete their current terms of office. Reappointment of incumbents to the Personnel Board shall be for four-year terms in accordance with this section.

That we have compared the foregoing Amendments with the original proposals, submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such Amendments to said Charter are and each of them is true.

That as to said Amendments, this Certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Roseville to be affixed hereto, this 8th day of May, 1974

KENNETH F. ROYER
Kenneth F. Royer
Mayor

(SEAL)

Attest:
PAULINE BROCKMAN
Pauline Brockman
City Clerk

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Roseville, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Roseville.

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## RESOLUTION CHAPTER 66

*Senate Concurrent Resolution No. 124—Relating to National Suicide Prevention Week.*

[Filed with Secretary of State May 23, 1974.]

WHEREAS, The statistics of the American Association of Suicidology indicate that several thousand California citizens fall victim to suicide annually; and

WHEREAS, Suicide rates in California are increasing, especially among youth, minorities, and women; and

WHEREAS, a host of public and private organizations and voluntary service groups have joined together to provide public education regarding suicide and to enhance suicide prevention efforts; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That in recognition of suicide as a major health problem and in support of efforts to cope with and solve that problem, the week of May 19 to May 25, 1974, is hereby recognized and proclaimed as National Suicide Prevention Week and all citizens of California are requested to join and assist in this effort to reduce the suicide death toll.

# RESOLUTION CHAPTER 67

*Senate Concurrent Resolution No. 89—Relative to creating the Joint Committee on the Arts.*

[Filed with Secretary of State May 24, 1974 ]

WHEREAS, The enjoyment of and participation in the arts in California are vital to this state's quality of life; and

WHEREAS, The arts play an important role in the economy of this state; and

WHEREAS, The California Arts Commission in its 1973–74 budget for the first time has substantial funding to administer a large-scale grantmaking program in the arts; and

WHEREAS, The State of California has never adopted a study and appraisal of the condition of the arts within its jurisdiction and the role state government might play in the arts; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That:

1. The Joint Committee on the Arts is hereby created and authorized and directed to study, investigate and analyze the following matters:

(a) The goals appropriate to the future of the art and cultural life of California.

(b) The role the Legislature and state government should play in the achievement of these goals.

(c) The activities and method of operation of the California Arts Commission and what, if any, change in them is appropriate.

(d) The extent of communication and cooperation between the Legislature, other state and local agencies, private arts groups, organized labor in the arts, and individual artists toward appropriate arts goals in California.

2. The committee shall report to the Legislature as directed by the Joint Rules Committee and shall include in its report recommendations for appropriate legislation.

3. The committee shall consist of the following members:

(a) Two Members of the Senate appointed by the Senate Rules Committee.

(b) Two Members of the Assembly appointed by the Speaker of the Assembly.

The chairman of the committee shall be appointed by the Joint Rules Committee.

4. The committee shall continue in existence until December 31, 1975.

5. The committee has the following powers and duties:

(a) All of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated

herein and made applicable to the committee and its members.

(b) To contract, subject to the Joint Rules, with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The Joint Rules Committee may make funds available from the Contingent Funds of the Assembly and Senate for the purposes of this resolution, and the joint committee may expend such funds for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution; provided, that, in accordance with Joint Rule 36.8, any expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

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## RESOLUTION CHAPTER 68

*Assembly Joint Resolution No. 91—Relative to the Trinity River Division of the Central Valley Project.*

[Filed with Secretary of State May 24, 1974 ]

WHEREAS, The United States Bureau of Reclamation in 1963 completed construction of the Trinity River Division of the Central Valley Project, and began the export of Trinity River water to the Sacramento Valley; and

WHEREAS, Since 1960, when Trinity Lake began to fill, extensive habitat modification (sedimentation and riparian vegetation encroachment) has occurred in the Trinity River downstream from Lewiston Dam; and

WHEREAS, These changes are largely the result of alterations in the Trinity River's historic flow patterns, most notably a major reduction in annual flow past Lewiston and the elimination of peak spring flows, caused by the export of Trinity River water to the Sacramento Valley by the project; and

WHEREAS, The numbers of adult steelhead entering the Trinity River in recent years have declined dramatically; and

WHEREAS, The Federal Fish and Wildlife Coordination Act requires preservation of fish and wildlife at federal projects; and

WHEREAS, The California Department of Fish and Game has requested significant additional water releases into the Trinity River in order to experimentally determine the amounts necessary to preserve the river's historic steelhead trout resource; and

WHEREAS, The United States Bureau of Reclamation lacks authority to provide such releases into the Trinity River; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to authorize the United States Bureau of Reclamation to provide an additional 195,000 acre-feet of water annually for fishery preservation purposes in the Trinity River; and be it further

*Resolved,* That the Bureau of Reclamation be authorized to negotiate directly with the California Department of Fish and Game regarding ultimate amounts and schedules by which such water shall be released for fishery preservation purposes; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 69

*Assembly Concurrent Resolution No. 241—Approving an amendment to the Charter of the City of Pomona, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 16th day of April, 1974.*

[Filed with Secretary of State May 24, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Pomona, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CORRECTED

## CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF POMONA IN FRAMING A CHARTER AMENDMENT FOR ITS OWN GOVERNMENT

State of California
County of Los Angeles } ss
City of Pomona

We, the undersigned, Ray J. Lepire, Mayor of the City of Pomona, County of Los Angeles, State of California, and L. B. Thomas, Clerk of said city, do hereby certify and declare as follows:

That the City of Pomona now is and at all times herein mentioned was a city containing a population of over 50,000 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; that the Council of said city did, on its own motion, cause to be framed a proposed amendment to the Charter of the City of Pomona, and on February 11, 1974, said proposed charter amendment was filed in the Office of the City Clerk of said city; that at a regular meeting held on February 11, 1974, said Council, by ordinance duly adopted, called a special municipal election to be held in said city for the purpose of submitting to the qualified electors of said city a proposal for the adoption of said proposed charter amendment; that by order of said Council said election was held on April 16, 1974.

That said proposed charter amendment was published in the Progress-Bulletin, the official newspaper of said city and a newspaper of general circulation printed and published in said city, on March 28, 1974, and in each edition thereof during the day of publication; that said date of publication was within 15 days after said proposed charter amendment was filed with the City Clerk and said election was held not less than 40 nor more than 60 days after the completion of said advertising in said official newspaper.

That beginning with the date of said publication of the proposed charter amendment and continuing until the day fixed for said election, a notice was published and advertised in said Progress-Bulletin that copies of said proposed charter amendment may be had upon application therefor at the office of the City Clerk of said city; that such copies were so available; that copies of said proposed charter amendment were printed in convenient pamphlet form and in type of not less than 10-point and copies thereof were mailed to each of the qualified electors of said city;

That said election was duly called, notices thereof were duly given, and said election was duly held and conducted at the time and in the form and manner required by the existing charter of said city and by law on April 16, 1974; that the following said election returns of said election were duly canvassed as provided by law and the results of said canvass were certified to said Council and said Council

thereupon, by resolution, entered into its minutes, declared the results of the canvass of the returns of said election, and found, determined and declared that a majority of the qualified voters voting upon said proposed charter amendment and that said charter amendment shall be deemed ratified and shall be submitted to the Legislature at its present session; that the results as so declared show that at said election 3954 votes were cast in favor of the adoption of said charter amendment, and 1041 votes were cast against such adoption;

That in connection with the submission, approval and ratification of said charter amendment, all of the provisions of Article XI of the Constitution of the State of California, of the laws of said State and of the existing charter of said city have been fully complied with in each and every particular; and that said proposed amendment to the charter of the City of Pomona proposed to the electors of the City of Pomona at said election, which was approved by the electors, was that Section 1001 of said charter be amended to provide as follows: "For the purpose of nominating candidates to be voted upon at the general municipal election and for such other purposes as the Council may prescribe, a primary election shall be held in the City on the first Tuesday after the first Monday in March preceding the general municipal election."

We further certify that we have compared the foregoing with the proposed charter amendment filed and submitted as aforesaid and find that the foregoing is a full, true and correct copy of said charter amendment ratified by the electors of said city as aforesaid.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Pomona to be affixed hereto on this 14th day of May, 1974.

(SEAL)

RAY J. LEPIRE
Ray J. Lepire, Mayor of the City of Pomona
L. B. THOMAS
L. B. Thomas, City Clerk of the City of Pomona

Approved as to form:
PATRICK J. SAMPSON
Patrick J. Sampson, City Attorney

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each*

*house voting therefor and concurring therein,* That the amendment to the Charter of the City of Pomona, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Pomona.

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## RESOLUTION CHAPTER 70

*Assembly Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 6 of Article IX thereof, by amending Section 11 of Article XI thereof, by amending the title of Article XVI thereof, by adding subdivision (e) to Section 12 of Article IV thereof, by adding Sections 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 to Article XVI thereof, by adding Section 6 to Article XX thereof, by adding Article XIII thereto, by repealing Sections 10, 11, 12, 13 and 15 of Article IX thereof, by repealing Article XIII thereof, and by repealing Article XXVIII thereof, relating to partial revision of the Constitution of the State of California.*

[Filed with Secretary of State May 30, 1974 ]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That subdivision (e) be added to Section 12 of Article IV, to read:

(e) The Legislature may control the submission, approval, and enforcement of budgets and the filing of claims for all State agencies.

Second—That Section 6 of Article IX be amended, to read:

SEC. 6. Each person, other than a substitute employee, employed by a school district as a teacher or in any other position requiring certification qualifications shall be paid a salary which shall be at the rate of an annual salary of not less than twenty-four hundred dollars ($2,400) for a person serving full time, as defined by law.

The Public School System shall include all kindergarten schools, elementary schools, secondary schools, technical schools, and State colleges, established in accordance with law and, in addition, the school districts and the other agencies authorized to maintain them. No school or college or any other part of the Public School System shall be, directly or indirectly, transferred from the Public School System or placed under the jurisdiction of any authority other than one included within the Public School System.

The Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in said fund for apportionment in each fiscal year, an amount not less than one hundred eighty dollars ($180) per pupil in average daily attendance in the kindergarten schools, elementary schools, secondary schools, and technical schools in the Public School System during the next preceding fiscal year.

The entire State School Fund shall be apportioned in each fiscal year in such manner as the Legislature may provide, through the school districts and other agencies maintaining such schools, for the support of, and aid to, kindergarten schools, elementary schools, secondary schools, and technical schools except that there shall be apportioned to each school district in each fiscal year not less than one hundred twenty dollars ($120) per pupil in average daily attendance in the district during the next preceding fiscal year and except that the amount apportioned to each school district in each fiscal year shall be not less than twenty-four hundred dollars ($2,400).

Solely with respect to any retirement system provided for in the charter of any county or city and county pursuant to the provisions of which the contributions of, and benefits to, certificated employees of a school district who are members of such system are based upon the proportion of the salaries of such certificated employees contributed by said county or city and county, all amounts apportioned to said county or city and county, or to school districts therein, pursuant to the provisions of this section shall be considered as though derived from county or city and county school taxes for the support of county and city and county government and not money provided by the State within the meaning of this section.

Third—That Section 10 of Article IX be repealed.

Fourth—That Section 11 of Article IX be repealed.

Fifth—That Section 12 of Article IX be repealed.

Sixth—That Section 13 of Article IX be repealed.

Seventh—That Section 15 of Article IX be repealed.

Eighth—That Section 11 of Article XI be amended to read:

SEC. 11. (a) The Legislature may not delegate to a private person or body power to make, control, appropriate, supervise or interfere with county or municipal corporation improvements, money, or property, or to levy taxes or assessments, or perform municipal functions.

(b) The Legislature may, however, provide for the deposit of public moneys in any bank in this state and for the payment of interest, principal and redemption premiums of public bonds and other evidences of public indebtedness by banks within or without this state. It may also provide for investment of public moneys in securities and the registration of bonds and other evidences of indebtedness by private persons or bodies, within or without this state, acting as trustees or fiscal agents.

Tenth—That Article XIII be repealed.

Eleventh—That Article XIII be added, to read:

# ARTICLE XIII

## TAXATION

SEC. 1. Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value.

SEC. 2. The Legislature may provide for property taxation of all forms of tangible personal property, shares of capital stock, evidences of indebtedness, and any legal or equitable interest therein not exempt under any other provision of this article. The Legislature, two-thirds of the membership of each house concurring, may classify such personal property for differential taxation or for exemption. The tax on any interest in notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, or mortgages shall not exceed four-tenths of one percent of full value, and the tax per dollar of full value shall not be higher on personal property than on real property in the same taxing jurisdiction.

SEC. 3. The following are exempt from property taxation:

(a) Property owned by the State.

(b) Property owned by a local government, except as otherwise provided in Section 11(a).

(c) Bonds issued by the State or a local government in the State.

(d) Property used for libraries and museums that are free and open to the public and property used exclusively for public schools, community colleges, state colleges, and state universities.

(e) Buildings, land, equipment, and securities used exclusively for educational purposes by a nonprofit institution of higher education.

(f) Buildings, land on which they are situated, and equipment used exclusively for religious worship.

(g) Property used or held exclusively for the permanent deposit of human dead or for the care and maintenance of the property or the dead, except when used or held for profit. This property is also exempt from special assessment.

(h) Growing crops.

(i) Fruit and nut trees until 4 years after the season in which they were planted in orchard form and grape vines until 3 years after the season in which they were planted in vineyard form.

(j) Immature forest trees planted on lands not previously bearing merchantable timber or planted or of natural growth on lands from which the merchantable original growth timber stand to the extent



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of 70 percent of all trees over 16 inches in diameter has been removed. Forest trees or timber shall be considered mature at such time after 40 years from the time of planting or removal of the original timber when so declared by a majority vote of a board consisting of a representative from the State Board of Forestry, a representative from the State Board of Equalization, and the assessor of the county in which the trees are located.

The Legislature may supersede the foregoing provisions with an alternative system or systems of taxing or exempting forest trees or timber, including a taxation system not based on property valuation. Any alternative system or systems shall provide for exemption of unharvested immature trees, shall encourage the continued use of timberlands for the production of trees for timber products, and shall provide for restricting the use of timberland to the production of timber products and compatible uses with provisions for taxation of timberland based on the restrictions. Nothing in this paragraph shall be construed to exclude timberland from the provisions of Section 8 of this article.

(k) $3,000 of the full value of a dwelling, as defined by the Legislature, when occupied by an owner as his principal residence, unless the dwelling is receiving another real property exemption. The Legislature may increase this exemption and may deny it if the owner received State or local aid to pay taxes either in whole or in part, and either directly or indirectly, on the dwelling.

No increase in this exemption above the amount of $3,000 shall be effective for any fiscal year unless the Legislature increases the rate of State taxes in an amount sufficient to provide the subventions required by Section 25.

(*l*) Vessels of more than 50 tons burden in this State and engaged in the transportation of freight or passengers.

(m) Household furnishings and personal effects not held or used in connection with a trade, profession, or business.

(n) Any debt secured by land.

(o) Property in the amount of $1,000 of a claimant who—

(1) is serving in or has served in and has been discharged under honorable conditions from service in the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or Revenue Marine (Revenue Cutter) Service; and—

(2) served either

(i) in time of war, or

(ii) in time of peace in a campaign or expedition for which a medal has been issued by Congress, or

(iii) in time of peace and because of a service-connected disability was released from active duty; and—

(3) resides in the State on the current lien date; and—

(4) resided in the State either

(i) on November 3, 1964, or

(ii) at the time of entry into one of the branches of the armed forces named in paragraph (1) of this subsection.

An unmarried person who owns property valued at $5,000 or more, or a married person, who, together with the spouse, owns property valued at $10,000 or more, is ineligible for this exemption.

If the claimant is married and does not own property eligible for the full amount of the exemption, property of the spouse shall be eligible for the unused balance of the exemption.

(p) Property in the amount of $1,000 of a claimant who—

(1) is the unmarried spouse of a deceased veteran who met the service requirement stated in paragraphs (1) and (2) of subsection 3(o), and

(2) does not own property in excess of $10,000, and

(3) is a resident of the State on the current lien date, and either

(i) resided in the State on November 3, 1964, or

(ii) is the unmarried spouse of a deceased veteran who met the residency requirement stated in paragraph 4 of subsection 3(o).

(q) Property in the amount of $1,000 of a claimant who—

(1) is the parent of a deceased veteran who met the service requirement stated in paragraphs (1) and (2) of subsection 3(o), and

(2) receives a pension because of the veteran's service, and

(3) is a resident of the State on the current lien date, and either

(i) resided in the State on November 3, 1964, or

(ii) is the parent of a deceased veteran who met the residency requirement stated in paragraph (4) of subsection 3(o).

Either parent of a deceased veteran may claim this exemption.

An unmarried person who owns property valued at $5,000 or more, or a married person, who, together with the spouse, owns property valued at $10,000 or more, is ineligible for this exemption.

(r) No individual residing in the State on the effective date of this amendment who would have been eligible for the exemption provided by the previous section 1¼ of this article had it not been repealed shall lose eligibility for the exemption as a result of this amendment.

SEC. 4. The Legislature may exempt from property taxation in whole or in part:

(a) The home of a person or a person's spouse, including an unmarried surviving spouse, if the person, because of injury incurred in military service, is blind in both eyes, has lost the use of 2 or more limbs, or is totally disabled unless the home is receiving another real property exemption.

(b) Property used exclusively for religious, hospital, or charitable purposes and owned or held in trust by corporations or other entities (1) that are organized and operating for those purposes, (2) that are nonprofit, and (3) no part of whose net earnings inures to the benefit of any private shareholder or individual.

(c) Property owned by the California School of Mechanical Arts, California Academy of Sciences, or Cogswell Polytechnical College, or held in trust for the Huntington Library and Art Gallery, or their successors.

(d) Real property not used for commercial purposes that is

reasonably and necessarily required for parking vehicles of persons worshipping on land exempt by Section 3(f).

SEC. 5. Exemptions granted or authorized by Sections 3(e), 3(f), and 4(b) apply to buildings under construction, land required for their convenient use, and equipment in them if the intended use would qualify the property for exemption.

SEC. 6. The failure in any year to claim, in a manner required by the laws in effect at the time the claim is required to be made, an exemption or classification which reduces a property tax shall be deemed a waiver of the exemption or classification for that year.

SEC. 7. The Legislature, two-thirds of the membership of each house concurring, may authorize county boards of supervisors to exempt real property having a full value so low that, if not exempt, the total taxes and applicable subventions on the property would amount to less than the cost of assessing and collecting them.

SEC. 8. To promote the conservation, preservation and continued existence of open space lands, the Legislature may define open space land and shall provide that when this land is enforceably restricted, in a manner specified by the Legislature, to recreation, enjoyment of scenic beauty, use or conservation of natural resources, or production of food or fiber, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses.

SEC. 9. The Legislature may provide for the assessment for taxation only on the basis of use of a single-family dwelling, as defined by the Legislature, and so much of the land as is required for its convenient use and occupation, when the dwelling is occupied by an owner and located on land zoned exclusively for single-family dwellings or for agricultural purposes.

SEC. 10. Real property in a parcel of 10 or more acres which, on the lien date and for 2 or more years immediately preceding, has been used exclusively for nonprofit golf course purposes shall be assessed for taxation on the basis of such use, plus any value attributable to mines, quarries, hydrocarbon substances, or other minerals in the property or the right to extract hydrocarbons or other minerals from the property.

SEC. 11. (a) Lands owned by a local government that are outside its boundaries, including rights to use or divert water from surface or underground sources and any other interests in lands, are taxable if (1) they are located in Inyo or Mono County and (a) they were assessed for taxation to the local government in Inyo County as of the 1966 lien date or in Mono County as of the 1967 lien date, whether or not the assessment was valid when made, or (b) they were acquired by the local government subsequent to that lien date and were assessed to a prior owner as of that lien date and each lien date thereafter, or (2) they are located outside Inyo or Mono County and were taxable when acquired by the local government. Improvements owned by a local government that are outside its boundaries are taxable if they were taxable when acquired or were

constructed by the local government to replace improvements which were taxable when acquired.

(b) Taxable land belonging to a local government and located in Inyo County shall be assessed in any year subsequent to 1968 at the place where it was assessed as of the 1966 lien date and in an amount derived by multiplying its 1966 assessed value by the ratio of the statewide per capita assessed value of land as of the last lien date prior to the current lien date to $766, using civilian population only. Taxable land belonging to a local government and located in Mono County shall be assessed in any year subsequent to 1968 at the place where it was assessed as of the 1967 lien date and in an amount determined by the preceding formula except that the 1967 lien date, the 1967 assessed value, and the figure $856 shall be used in the formula. Taxable land belonging to a local government and located outside of Inyo and Mono counties shall be assessed at the place where located and in an amount that does not exceed the lower of (1) its fair market value times the prevailing percentage of fair market value at which other lands are assessed and (2) a figure derived in the manner specified in this Section for land located in Mono County.

If land acquired by a local government after the lien date of the base year specified in this Section was assessed in the base year as part of a larger parcel, the assessed value of the part in the base year shall be that fraction of the assessed value of the larger parcel that the area of the part is of the area of the larger parcel.

If a local government divests itself of ownership of land without water rights and this land was assessed in Inyo County as of the 1966 lien date or in Mono County as of the 1967 lien date, the divestment shall not diminish the quantity of water rights assessable and taxable at the place where assessed as of that lien date.

(c) In the event the Legislature changes the prevailing percentage of fair market value at which land is assessed for taxation, there shall be used in the computations required by Section 11(b) of this Article, for the first year for which the new percentage is applicable, in lieu of the statewide per capita assessed value of land as of the last lien date prior to the current lien date, the statewide per capita assessed value of land on the prior lien date times the ratio of the new prevailing percentage of fair market value to the previous prevailing percentage.

(d) If, after March 1954, a taxable improvement is replaced while owned by and in possession of a local government, the replacement improvement shall be assessed, as long as it is owned by a local government, as other improvements are except that the assessed value shall not exceed the product of (1) the percentage at which privately owned improvements are assessed times (2) the highest full value ever used for taxation of the improvement that has been replaced. For purposes of this calculation, the full value for any year prior to 1967 shall be conclusively presumed to be 4 times the assessed value in that year.

(e) No tax, charge, assessment, or levy of any character, other than those taxes authorized by Sections 11(a) to 11(d), inclusive, of this Article, shall be imposed upon one local government by another local government that is based or calculated upon the consumption or use of water outside the boundaries of the government imposing it.

(f) Any taxable interest of any character, other than a lease for agricultural purposes and an interest of a local government, in any land owned by a local government that is subject to taxation pursuant to Section 11(a) of this Article shall be taxed in the same manner as other taxable interests. The aggregate value of all the interests subject to taxation pursuant to Section 11(a), however, shall not exceed the value of all interests in the land less the taxable value of the interest of any local government ascertained as provided in Sections 11(a) to 11(e), inclusive, of this Article.

(g) Any assessment made pursuant to Sections 11(a) to 11(d), inclusive, of this Article shall be subject to review, equalization, and adjustment by the State Board of Equalization, but an adjustment shall conform to the provisions of these Sections.

SEC. 12. Taxes on personal property, possessory interests in land, and taxable improvements located on land exempt from taxation which are not a lien upon land sufficient in value to secure their payment shall be levied at the rates for the preceding tax year upon property of the same kind where the taxes were a lien upon land sufficient in value to secure their payment.

SEC. 13. Land and improvements shall be separately assessed.

SEC. 14. All property taxed by local government shall be assessed in the county, city, and district in which it is situated.

SEC. 15. The Legislature may authorize a local government to provide for assessment or reassessment of taxable property physically damaged after the lien date to which the assessment or reassessment relates by the disaster in an area subsequently proclaimed by the Governor to be in a state of disaster.

SEC. 16. The county board of supervisors, or one or more assessment appeals boards created by the county board of supervisors, shall constitute the county board of equalization for a county. Two or more county boards of supervisors may jointly create one or more assessment appeals boards which shall constitute the county board of equalization for each of the participating counties.

Except as provided in subdivision (g) of Section 11, the county board of equalization, under such rules of notice as the county board may prescribe, shall equalize the values of all property on the local assessment roll by adjusting individual assessments.

County boards of supervisors shall fix the compensation for members of assessment appeals boards, furnish clerical and other assistance for those boards, adopt rules of notice and procedures for those boards as may be required to facilitate their work and to insure uniformity in the processing and decision of equalization petitions, and may provide for their discontinuance.

The Legislature shall provide for: (a) the number and qualifications of members of assessment appeals boards, the manner of selecting, appointing, and removing them, and the terms for which they serve, and (b) the procedure by which two or more county boards of supervisors may jointly create one or more assessment appeals boards.

SEC. 17. The Board of Equalization consists of 5 voting members: the Controller and 4 members elected for 4-year terms at gubernatorial elections. The Legislature shall redistrict the State after each decennial census into 4 districts as nearly equal in population as practical and provide for the election of a member from each district.

SEC. 18. The Board shall measure county assessment levels annually and shall bring those levels into conformity by adjusting entire secured local assessment rolls. In the event a property tax is levied by the state, however, the effects of unequalized local assessment levels, to the extent any remain after such adjustments, shall be corrected for purposes of distributing this tax by equalizing the assessment levels of locally and state-assessed properties and varying the rate of the state tax inversely with the counties' respective assessment levels.

SEC. 19. The Board shall annually assess (1) pipelines, flumes, canals, ditches, and aqueducts lying within 2 or more counties and (2) property, except franchises, owned or used by regulated railway, telegraph, or telephone companies, car companies operating on railways in the State, and companies transmitting or selling gas or electricity. This property shall be subject to taxation to the same extent and in the same manner as other property.

No other tax or license charge may be imposed on these companies which differs from that imposed on mercantile, manufacturing, and other business corporations. This restriction does not release a utility company from payments agreed on or required by law for a special privilege or franchise granted by a government body.

The Legislature may authorize Board assessment of property owned or used by other public utilities.

The Board may delegate to a local assessor the duty to assess a property used but not owned by a state assessee on which the taxes are to be paid by a local assessee.

SEC. 20. The Legislature may provide maximum property tax rates and bonding limits for local governments.

SEC. 21. Within such limits as may be provided under Section 20 of this Article, the Legislature shall provide for an annual levy by county governing bodies of school district taxes sufficient to produce annual revenues for each district that the district's board determines are required for its schools and district functions.

SEC. 22. Not more than 25 percent of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

SEC. 23. If State boundaries change, the Legislature shall

determine how property affected shall be taxed.

SEC. 24. The Legislature may not impose taxes for local purposes but may authorize local governments to impose them.

Money appropriated from state funds to a local government for its local purposes may be used as provided by law.

Money subvened to a local government under Section 25 may be used for State or local purposes.

SEC. 25. The Legislature shall provide, in the same fiscal year, reimbursements to each local government for revenue lost because of Section 3(k).

SEC. 26. (a) Taxes on or measured by income may be imposed on persons, corporations, or other entities as prescribed by law.

(b) Interest on bonds issued by the State or a local government in the State is exempt from taxes on income.

(c) Income of a nonprofit educational institution of collegiate grade within the State of California is exempt from taxes on or measured by income if: (1) it is not unrelated business income as defined by the Legislature, and (2) it is used exclusively for educational purposes.

SEC. 27. The Legislature, two-thirds of the membership of each house concurring, may tax corporations, including State and national banks, and their franchises by any method not prohibited by this Constitution or the Constitution or laws of the United States. Unless otherwise provided by the Legislature, the tax on State and national banks shall be according to or measured by their net income and shall be in lieu of all other taxes and license fees upon banks or their shares, except taxes upon real property and vehicle registration and license fees.

SEC. 28. (a) "Insurer," as used in this section, includes insurance companies or associations and reciprocal or interinsurance exchanges together with their corporate or other attorneys in fact considered as a single unit, and the State Compensation Insurance Fund. As used in this paragraph, "companies" includes persons, partnerships, joint stock associations, companies and corporations.

(b) An annual tax is hereby imposed on each insurer doing business in this state on the base, at the rates, and subject to the deductions from the tax hereinafter specified.

(c) In the case of an insurer not transacting title insurance in this state, the "basis of the annual tax" is, in respect to each year, the amount of gross premiums, less return premiums, received in such year by such insurer upon its business done in this state, other than premiums received for reinsurance and for ocean marine insurance.

In the case of an insurer transacting title insurance in this state, the "basis of the annual tax" is, in respect to each year, all income upon business done in this state, except:

(1) Interest and dividends.

(2) Rents from real property.

(3) Profits from the sale or other disposition of investments.

(4) Income from investments.

"Investments" as used in this subdivision includes property acquired by such insurer in the settlement or adjustment of claims against it but excludes investments in title plants and title records. Income derived directly or indirectly from the use of title plants and title records is included in the basis of the annual tax.

In the case of an insurer transacting title insurance in this state which has a trust department and does a trust business under the banking laws of this state, there shall be excluded from the basis of the annual tax imposed by this section, the income of, and from the assets of, such trust department and such trust business, if such income is taxed by this state or included in the measure of any tax imposed by this state.

(d) The rate of the tax to be applied to the basis of the annual tax in respect to each year is 2.35 percent.

(e) (1) Each insurer shall have the right to deduct from the annual tax imposed by this section upon such insurer in respect to a particular year the amount of real estate taxes paid by it, in that year, before, or within 30 days after, becoming delinquent, on real property owned by it at the time of payment, and in which was located, in that year, its home office or principal office in this state. Such real property may consist of one building or of two or more adjacent buildings in which such an office is located, the land on which they stand, and so much of the adjacent land as may be required for the convenient use and occupation thereof.

(2) In the event a portion of the real property described in paragraph (1) of this subdivision is occupied by a person or persons other than the insurer the deduction granted the insurer by said paragraph shall be limited to that percentage, not to exceed 100 percent, equal to the sum of (i) the percentage of occupancy of the insurer obtained by deducting from 100 percent the ratio that the square footage of said building or buildings occupied by the person or persons other than the insurer bears to the total square footage of said building or buildings plus (ii) the lesser of one-half of said percent of occupancy of the insurer or 25 percent, provided, however, that the limitation set forth in this paragraph shall not be applicable to such real property occupied by a domestic insurer as its home office or principal office in this state on January 1, 1970, or to such real property upon which construction of the home office or principal office of the domestic insurer commenced prior to January 1, 1970. As used in this paragraph, "domestic insurer" means an insurer organized under the laws of this state and licensed to transact insurance in this state on or before December 31, 1966.

(3) The phrase "person or persons other than the insurer" as used in paragraph (2) of this subdivision shall not include (i) another insurance company or association affiliated directly or indirectly with the insurer through direct ownership or common ownership or control; or (ii) the corporate or other manager of the insurer to the extent of its insurance management activities. The Legislature may define the terms used in this paragraph for the sole purpose of

facilitating the operation of this paragraph.

(f) The tax imposed on insurers by this section is in lieu of all other taxes and licenses, state, county, and municipal, upon such insurers and their property, except:

(1) Taxes upon their real estate.

(2) That an insurer transacting title insurance in this state which has a trust department or does a trust business under the banking laws of this state is subject to taxation with respect to such trust department or trust business to the same extent and in the same manner as trust companies and the trust departments of banks doing business in this state.

(3) When by or pursuant to the laws of any other state or foreign country any taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements or other material obligations, prohibitions or restrictions are or would be imposed upon California insurers, or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this state; so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses and other fees, in the aggregate, or fines, penalties or deposit requirements or other material obligations, prohibitions, or restrictions, of whatever kind shall be imposed upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in California. Any tax, license or other fee or other obligation imposed by any city, county, or other political subdivision or agency of such other state or country on California insurers or their agents or representatives shall be deemed to be imposed by such state or country within the meaning of this paragraph (3) of subdivision (f).

The provisions of this paragraph (3) of subdivision (f) shall not apply as to personal income taxes, nor as to ad valorem taxes on real or personal property nor as to special purpose obligations or assessments heretofore imposed by another state or foreign country in connection with particular kinds of insurance, other than property insurance; except that deductions, from premium taxes or other taxes otherwise payable, allowed on account of real estate or personal property taxes paid shall be taken into consideration in determining the propriety and extent of retaliatory action under this paragraph (3) of subdivision (f).

For the purposes of this paragraph (3) of subdivision (f) the domicile of an alien insurer, other than insurers formed under the laws of Canada, shall be that state in which is located its principal place of business in the United States.

In the case of an insurer formed under the laws of Canada or a province thereof, its domicile shall be deemed to be that province in

which its head office is situated.

The provisions of this paragraph (3) of subdivision (f) shall also be applicable to reciprocals or interinsurance exchanges and fraternal benefit societies.

(4) The tax on ocean marine insurance.

(5) Motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the state upon vehicles, motor vehicles or the operation thereof.

(6) That each corporate or other attorney in fact of a reciprocal or interinsurance exchange shall be subject to all taxes imposed upon corporations or others doing business in the state, other than taxes on income derived from its principal business as attorney in fact.

A corporate or other attorney in fact of each exchange shall annually compute the amount of tax that would be payable by it under prevailing law except for the provisions of this section, and any management fee due from each exchange to its corporate or other attorney in fact shall be reduced pro tanto by a sum equivalent to the amount so computed.

(g) Every insurer transacting the business of ocean marine insurance in this state shall annually pay to the state a tax measured by that proportion of the underwriting profit of such insurer from such insurance written in the United States, which the gross premiums of the insurer from such insurance written in this state bear to the gross premiums of the insurer from such insurance written within the United States, at the rate of 5 per centum, which tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such insurer, except taxes upon real estate, and such other taxes as may be assessed or levied against such insurer on account of any other class of insurance written by it. Deductions from the annual tax pursuant to subdivision (e) cannot be made from the ocean marine tax. The Legislature shall define the terms "ocean marine insurance" and "underwriting profit," and shall provide for the assessment, levy, collection and enforcement of the ocean marine tax.

(h) The taxes provided for by this section shall be assessed by the State Board of Equalization.

(i) The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may by law change the rate or rates of taxes herein imposed upon insurers.

(j) This section is not intended to and does not change the law as it has previously existed with respect to the meaning of the words "gross premiums, less return premiums, received" as used in this article.

SEC. 29. The Legislature may authorize counties, cities and counties, and cities to enter into contracts to apportion between them the revenue derived from any sales or use tax imposed by them which is collected for them by the State. Before any such contract becomes operative, it shall be authorized by a majority of those voting on the question in each jurisdiction at a general or direct

primary election.

SEC. 30. Every tax shall be conclusively presumed to have been paid after 30 years from the time it became a lien unless the property subject to the lien has been sold in the manner provided by the Legislature for the payment of the tax.

SEC. 31. The power to tax may not be surrendered or suspended by grant or contract.

SEC. 32. No legal or equitable process shall issue in any proceeding in any court against this State or any officer thereof to prevent or enjoin the collection of any tax. After payment of a tax claimed to be illegal, an action may be maintained to recover the tax paid, with interest, in such manner as may be provided by the Legislature.

SEC. 33. The Legislature shall pass all laws necessary to carry out the provisions of this article.

Twelfth—That the title of Article XVI be amended to read:

## ARTICLE XVI

### PUBLIC FINANCE

Thirteenth—That Section 3 be added to Article XVI, to read:

SEC. 3. No money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state institution, nor shall any grant or donation of property ever be made thereto by the State, except that notwithstanding anything contained in this or any other section of the Constitution:

(1) Whenever federal funds are made available for the construction of hospital facilities by public agencies and nonprofit corporations organized to construct and maintain such facilities, nothing in this Constitution shall prevent the Legislature from making state money available for that purpose, or from authorizing the use of such money for the construction of hospital facilities by nonprofit corporations organized to construct and maintain such facilities.

(2) The Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions.

(3) The Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, and no person

concerned with the administration of aid to needy blind persons shall dictate how any applicant or recipient shall expend such aid granted him, and all money paid to a recipient of such aid shall be intended to help him meet his individual needs and is not for the benefit of any other person, and such aid when granted shall not be construed as income to any person other than the blind recipient of such aid, and the State Department of Social Welfare shall take all necessary action to enforce the provisions relating to aid to needy blind persons as heretofore stated.

(4) The Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State.

(5) The State shall have at any time the right to inquire into the management of such institutions.

(6) Whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances, or needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, or needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control.

An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Fourteenth—That Section 4 be added to Article XVI, to read:

SEC. 4. The Legislature shall have the power to insure or guarantee loans made by private or public lenders to nonprofit corporations and public agencies, the proceeds of which are to be used for the construction, expansion, enlargement, improvement, renovation or repair of any public or nonprofit hospital, hospital facility, or extended care facility, facility for the treatment of mental illness, or all of them, including any outpatient facility and any other facility useful and convenient in the operation of the hospital and any original equipment for any such hospital or facility, or both.

No provision of this Constitution, including but not limited to, Section 1 of Article XVI and Section 14 of Article XI, shall be construed as a limitation upon the authority granted to the Legislature by this section.

Fifteenth—That Section 5 be added to Article XVI, to read:

SEC. 5. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the state, or any city, city and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI.

Sixteenth—That Section 6 be added to Article XVI, to read:

SEC. 6. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided, further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and

Provided, further, that nothing contained in this Constitution shall prohibit the use of State money or credit, in aiding veterans who served in the military or naval service of the United States during the time of war, in the acquisition of, or payments for, (1) farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans, or (2) any business, land or any interest therein, buildings, supplies, equipment, machinery, or tools, to be used by the

veteran in pursuing a gainful occupation.

And provided, still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and the duty to make such temporary transfers from the funds in custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in custody and are paid out solely through the treasurer's office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed 85 percent of the taxes accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

Seventeenth—That Section 7 be added to Article XVI, to read:

SEC. 7. Money may be drawn from the Treasury only through an appropriation made by law and upon a Controller's duly drawn warrant.

Eighteenth—That Section 8 be added to Article XVI, to read:

SEC. 8. From all state revenues there shall first be set apart the monies to be applied by the state for support of the public school system and public institutions of higher education.

Nineteenth—That Section 9 be added to Article XVI, to read:

SEC. 9. Money collected under any state law relating to the protection or propagation of fish and game shall be used for activities relating thereto.

Twentieth—That Section 15 be added to Article XVI, to read:

SEC. 15. A public body authorized to issue securities to provide public parking facilities and any other public body whose territorial area includes such facilities are authorized to make revenues from street parking meters available as additional security.

Twenty-first—That Section 16 be added to Article XVI, to read:

SEC. 16. All property in a redevelopment project established under the Community Redevelopment Law Act as now existing or hereafter amended, except publicly owned property not subject to taxation by reason of such ownership, shall be taxed in proportion to its value as provided in Section 1 of this article, and such taxes (the word "taxes" as used herein shall include, but shall not be limited to, all levies on an ad valorem basis upon land or real property) shall be levied and collected as other taxes are levied and collected by the respective taxing agencies.

The Legislature may provide that any redevelopment plan may contain a provision that the taxes, if any, so levied upon such taxable property in a redevelopment project each year by or for the benefit

of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to, and when collected shall be paid into, the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

(b) That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in paragraph designated (a) hereof, all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, then all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

The Legislature may also provide that in any redevelopment plan or in the proceedings for the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in paragraph designated (b) hereof may be irrevocably pledged for the payment of the principal of and interest on said loans, advances, or indebtedness.

It is intended by this section to empower any redevelopment agency, city, county, or city and county under any law authorized by this section to exercise the provisions hereof separately or in

combination with powers granted by the same or any other law relative to redevelopment agencies. This section shall not affect any other law or laws relating to the same or a similar subject but is intended to authorize an alternative method of procedure governing the subject to which it refers.

The Legislature shall enact such laws as may be necessary to enforce the provisions of this section.

Twenty-second—That Section 17 be added to Article XVI, to read:

SEC. 17. The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the state and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when such stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and such holding of such stock shall entitle such holder thereof to all of the rights, powers and privileges, and shall subject such holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which such stock is so held.

Notwithstanding provisions to the contrary in this section and Section 6 of Article XVI, the Legislature may authorize the investment of moneys of any public pension or retirement fund, not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares and not to exceed 5 percent of assets in preferred stock or shares of any corporation; provided:

a. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended, but such registration shall not be required with respect to the following stocks:

1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars ($50,000,000);

3) Any preferred stock;

b. Such corporation has total assets of at least one hundred million dollars ($100,000,000);

c. Bonds of such corporation, if any are outstanding, qualify for investment under the law governing the investment of the retirement fund, and there are no arrears of dividend payments on its preferred stock;

d. Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the

common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last 3 years;

e. Such investment in any one company may not exceed 5 percent of the common stock shares outstanding; and

f. No single common stock investment may exceed 2 percent of the assets of the fund, based on cost.

Notwithstanding provisions to the contrary in this section and Section 6 of Article XVI, the Legislature may authorize the investment of moneys of any public pension or retirement fund, in stock or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); provided, however, that the total investment in such stocks and shares, together with stocks and shares of all other corporations may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

Twenty-third—That Section 18 be added to Article XVI, to read:

SEC. 18. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, except that with respect to any such public entity which is authorized to incur indebtedness for public school purposes, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of repairing, reconstructing or replacing public school buildings determined, in the manner prescribed by law, to be structurally unsafe for school use, shall be adopted upon the approval of a majority of the qualified electors of the public entity voting on the proposition at such election; nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or a majority of the qualified electors, as the case may be, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted.

Twenty-fourth—That Section 19 be added to Article XVI, to read:

SEC. 19. All proceedings undertaken by any chartered city, or by any chartered county or by any chartered city and county for the construction of any public improvement, or the acquisition of any

property for public use, or both, where the cost thereof is to be paid in whole or in part by special assessment or other special assessment taxes upon property, whether the special assessment will be specific or a special assessment tax upon property wholly or partially according to the assessed value of such property, shall be undertaken only in accordance with the provisions of law governing: (a) limitations of costs of such proceedings or assessments for such proceedings, or both, in relation to the value of any property assessed therefor; (b) determination of a basis for the valuation of any such property; (c) payment of the cost in excess of such limitations; (d) avoidance of such limitations; (e) postponement or abandonment, or both, of such proceedings in whole or in part upon majority protest, and particularly in accordance with such provisions as contained in Sections 10, 11 and 13a of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 or any amendments, codification, reenactment or restatement thereof.

Notwithstanding any provisions for debt limitation or majority protest as in this section provided, if, after the giving of such reasonable notice by publication and posting and the holding of such public hearing as the legislative body of any such chartered county, chartered city or chartered city and county shall have prescribed, such legislative body by no less than a four-fifths vote of all members thereof, finds and determines that the public convenience and necessity require such improvements or acquisitions, such debt limitation and majority protest provisions shall not apply.

Nothing contained in this section shall require the legislative body of any such city, county, or city and county to prepare or to cause to be prepared, hear, notice for hearing or report the hearing of any report as to any such proposed construction or acquisition or both.

Twenty-fifth—That Section 6 be added to Article XX, to read:

SEC. 6. Except for tax exemptions provided in Article XIII, the rights, powers, privileges, and confirmations conferred by Sections 10 and 15 of Article IX in effect on January 1, 1973, relating to Stanford University and the Huntington Library and Art Gallery, are continued in effect.

Twenty-sixth—That Article XXVIII be repealed.

*And be it further resolved,* That if Assembly Constitutional Amendment No. 30 of the 1973–74 Regular Session of the Legislature is approved by the voters in the primary election to be held on June 4, 1974, that Section 15 of Article XIII of the Constitution of the state, as added in the first resolved clause of this Assembly Constitutional Amendment, shall not become operative;

*And be it further resolved,* That if Assembly Constitutional Amendment No. 30 of the 1973–74 Regular Session of the Legislature is approved by the voters in the primary election to be held on June 4, 1974, that the Constitution of the state be further amended by adding Section 15 to Article XIII thereof to read:

SEC. 15. The Legislature may authorize local government to provide for the assessment or reassessment of taxable property

physically damaged or destroyed after the lien date to which the assessment or reassessment relates.

*And be it further resolved,* That if any other amendment to this Constitution is approved by the voters in the primary election on June 4, 1974, or in the general election on November 5, 1974, by a majority of those persons voting on the amendment, the provisions of such amendment shall prevail in the event that there is a conflict between the provisions of such amendment and the provisions of this measure.

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## RESOLUTION CHAPTER 71

*Senate Joint Resolution No. 53—Relative to the implementation of Circular No. A-70 proposed by the Office of Management and Budget.*

[Filed with Secretary of State June 5, 1974.]

WHEREAS, The federal Office of Management and Budget has proposed implementation of Circular No. A-70, entitled "Policies and Guidelines for Federal Credit Programs", which would preclude local governments from issuing tax-exempt bonds to finance programs and facilities receiving federal assistance; and

WHEREAS, State and local governments traditionally have employed tax-exempt financing for municipal programs and facilities; and

WHEREAS, Local governments rely heavily on federal assistance for financing municipal programs and facilities; and

WHEREAS, The implementation of Circular No. A-70 would significantly and adversely affect the ability of the State of California and its political subdivisions to finance higher education facilities, medical care facilities, sewer, water, and pollution control facilities, highway and mass transit facilities, urban renewal and public housing projects, and privately owned low- and moderate-income housing funded by the state and by municipalities; and

WHEREAS, Over a year ago, the attempt to implement Circular No. A-70 resulted in immediate and vigorous opposition by state and local governments and national interest groups, such as the National Governors' Conference, the Municipal Finance Officers' Association, and the National League of Cities/Conference of Mayors; and

WHEREAS, Implementation of Circular No. A-70 would constitute direct federal intervention in, and substantial control of, debt management of the State of California and its municipalities, and would result in severe curtailment of the volume of tax-exempt financing, as the state and local governments would be unable to utilize it with respect to projects whose financial feasibility depends upon federal assistance; and

WHEREAS, Circular No. A-70 proposes an undesirable means of

accomplishing public policy and has massive implications for public finance throughout the country; and

WHEREAS, There exist no feasible financial alternatives to replace the combination of tax-exempt municipal financing and federal assistance to provide state and local facilities; and

WHEREAS, It has come to the attention of the Legislature that the Office of Management and Budget is planning specific action with respect to implementation of Circular No. A-70 in the near future; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California communicates its strong opposition to the implementation of Circular No. A-70 to the President of the United States and to the Director of the Office of Management and Budget; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Director of the Office of Management and Budget, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 72

*Assembly Joint Resolution No. 92—Relative to "American Business Day."*

[Filed with Secretary of State June 6, 1974.]

WHEREAS, There is a most obvious need to carry forward the message of the basic integrity and importance of American business to teacher and student; government procurator and spiritual leader; wage earner and profitmaker alike; and

WHEREAS, These underlying principles should be clearly understood by all who share in its benefits since its impairment does inevitably create a decline in employment and diminished incomes; and

WHEREAS, The vast economic and social well-being programs serving the more than 210 million people of the United States and countless millions around the world are indisputably linked to the continuing success of American business; and

WHEREAS, The free market price mechanism, built by the investment of private capital and maintained by our demand and supply system is the most efficient manner to distribute our country's resources and wealth and the byproducts they produce; and

WHEREAS, The continuing independence and security of all our countrymen depend on the freedom as well as the inherent ability of American business to develop the products, services, and jobs a constantly growing population—27 million new workers by 1990—will need in the future; and

WHEREAS, We favor and advocate that one day, to be selected and made law by the United States Senate and the House of Representatives, be declared a time of national commemoration and celebration, so that all Americans may reaffirm their fundamental dependence on the keystone of the archway to the total American Experience—American business, and the free exchange of goods and services in an open market with guaranteed protections; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and promulgate this resolution to create an "American Business Day"; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 73

*Assembly Concurrent Resolution No. 244—Approving amendments to the Charter of the City of Newport Beach, State of California, ratified by the qualified electors of the city at a regular general municipal election held therein on the ninth day of April, 1974.*

[Filed with Secretary of State June 6, 1974]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Newport Beach, a municipal corporation in the County of Orange, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF NEWPORT BEACH

State of California
County of Orange } ss
City of Newport Beach

We, the undersigned, Donald A. McInnis, Mayor of the City of Newport Beach, and Laura Lagios, City Clerk of said City, do hereby certify and declare as follows:

That the City of Newport Beach, a municipal corporation in the County of Orange, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a

freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California;

That the City Council, pursuant to its right and authority so to do, ordered submitted to the qualified electors of said city at a regular general municipal election duly and regularly called and held in said city on the 9th day of April, 1974, certain amendments to the Newport Beach City Charter;

That on the 14th and 21st days of February, 1974, said City Council caused the synopses of said Newport Beach Charter Amendments to be duly and regularly published and advertised in each and every edition of said 14th and 21st days of February, 1974, in the Newport Harbor Ensign, the official newspaper of said city, printed, published and circulated in said city;

That said regular general municipal election was duly and regularly held in said city on the date fixed by said Council, to wit, April 9, 1974, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed charter amendments, and the returns of said regular general municipal election were duly and regularly canvassed and the results declared and entered; namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify the Newport Beach Charter Amendments, hereinafter specifically set forth;

That said amendments to the Charter of said city as approved by the voters of said city are as follows, to wit:

## NEWPORT BEACH CHARTER AMENDMENTS

1. Section 401 of the Charter of the City of Newport Beach was amended to read as follows:

"Section 401. Eligibility. No person shall be eligible to hold office as a member of the City Council unless he is and shall have been for at least ninety days immediately preceding his nomination or appointment, a registered elector of the district from which he is nominated or appointed, and for at least one year immediately preceding his election or appointment, a registered elector of the City."

2. Section 402 of the Charter of the City of Newport Beach was amended to read as follows:

"Section 402A. Compensation. The members of the City Council shall receive no compensation for their services as such.

"Section 402B. Reimbursement for Expenses. The members of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling expenses when on official duty. In addition, each member shall receive the sum of Three Hundred Dollars ($300) per month, adjusted annually in accordance with the U. S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, as reimbursement for other expenditures imposed upon him in serving as a City Councilman. Absence of a

Councilman from all regular and special meetings of the Council during any calendar month shall render such Councilman ineligible to receive such sum for such calendar month."

3. Section 404 of the Charter of the City of Newport Beach was amended to read as follows:

"Section 404. The Mayor. Mayor Pro Tempore. On the first Tuesday following any general or special municipal election at which any Councilman is elected, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. He shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and, as occasion requires, he may inform the people of any major change in policy or program. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

"In addition to the payment for expenses as a Councilman under Section 402B, the City Council may provide by resolution for the payment to the Major of an allowance of not exceeding One Hundred Fifty Dollars ($150) per month, adjusted annually in accordance with the U. S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, to reimburse him for the additional expenses incurred by him in serving as Mayor.

"The City Council shall also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability."

4. Section 408 of the Charter of the City of Newport Beach was amended to read as follows:

"Section 408. Special Meetings. Special meetings may be called at any time by the Mayor, or by four members of the City Council, by written notice delivered personally to each member and to each local newspaper of general circulation and to each radio and television station which has made written request at least twenty-four hours before the time specified for the proposed meeting. A special meeting may also be validly held without the giving of such written notice, if required to be held by this Charter or if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent."

5. Section 417 of the Charter of the City of Newport Beach was entirely deleted.

6. Section 705 of the Charter of the City of Newport Beach was amended to read as follows:

"Section 705. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council. In addition, the City Council may by resolution fix an amount as reimbursement of other expenditures incurred by the members of boards and commissions while in the performance of their official duties.

"Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a registered elector of the City, his office shall become vacant and shall be so declared by the City Council."

7. Section 706 of the Charter of the City of Newport Beach was amended to read as follows:

"Section 706. Planning Commission. Members. There shall be a Planning Commission consisting of seven members."

8. Section 709 of the Charter of the City of Newport Beach was amended to read as follows:

"Section 709. Parks, Beaches and Recreation Commission. Powers and Duties. There shall be a Parks, Beaches and Recreation Commission consisting of seven members.

The Parks, Beaches and Recreation Commission shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, beaches, recreation, parkways and street trees.

(b) Consider the annual budget for parks, beaches, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(c) Assist in the planning of parks and recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

(d) Establish policies for the acquisition, development and improvement of parks, beaches and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council.

(e) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter."

9. Section 712 was added to the Charter of the City of Newport Beach to read as follows:

"Section 712. City Arts Commission. There shall be a City Arts Commission consisting of seven members and it shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to artistic, aesthetic and cultural aspects of the City.

(b) Recommend to the City Council the adoption of such ordinances, rules and regulations as it may deem necessary for the administration and preservation of fine arts, performing arts, historical, aesthetic and cultural aspects of the community.

(c) On behalf of the City, actively encourage programs for the cultural enrichment of the community.

(d) Perform such other duties relating to the Arts as the City Council may require."

10. Section 900 of the Charter of the City of Newport Beach was amended to read as follows:

"Section 900. Retirement System. Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the Public Employees' Retirement Act, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the Public Employees' Retirement System. The City Council may terminate any contract with the Board of Administration of the Public Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at an election at which such proposal is presented."

11. Section 1110 of the Charter of the City of Newport Beach was amended to read as follows:

"Section 1110. Contracts on Public Works. Every project for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds, and every purchase of supplies or materials for any such project, when the total expenditures required for the project exceed Twelve Thousand Dollars ($12,000), or such lesser amount as may be established by ordinance, shall be let by the City Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the maintenance or repair of streets, drains or sewers are excepted from the requirements of this paragraph if the City Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized

to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten percent (10%) of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund. The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids were received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better and more economically by the City with its own employees or the supplies or materials may be purchased more economically on the open market, and after the adoption of a resolution to this effect by at least five affirmative votes of the Council may proceed to have said work done or said supplies or materials purchased in the manner stated, without further observance of the provisions of this Section. Such contracts likewise may be let without advertising for bids, if such work or supplies or materials shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least five affirmative votes of the Council and containing a declaration of the facts constituting such urgency."

12. Section 1404 of the Charter of the City of Newport Beach was amended to read as follows:

"Section 1404. Violations. The violation of any provision of this Charter shall be punishable by a fine of not exceeding One Thousand Dollars ($1,000) or by imprisonment for a term of not exceeding six months, or by both such fine and imprisonment."

That we have compared the amendments as stated herein with the original proposals submitted to and approved by the electors of said City, and find and certify that said amendments are full, true and correct copies thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Newport Beach to be affixed hereto this 22nd day of April, 1974.

(SEAL)

DONALD A. MCINNIS
Donald A. McInnis,
Mayor of the City of
Newport Beach,
California

LAURA LAGIOS
Laura Lagios,
City Clerk of the City of
Newport Beach,
California

and
and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Newport Beach, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Newport Beach.

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## RESOLUTION CHAPTER 74

*Senate Concurrent Resolution No. 131—Relative to memorializing the Honorable Ford A. Chatters.*

[Filed with Secretary of State June 6, 1974.]

WHEREAS, On April 10, 1974, the people of California suffered an irreplaceable loss with the death of a former Member of the Assembly of the State of California, Ford A. Chatters, much of whose life was devoted to public service in our state; and

WHEREAS, At the age of 15, Assemblyman Chatters moved from his native Michigan to Lindsay, California, where he was to become owner and publisher of the Lindsay Gazette for 48 years, and where he was named "Man of the Year" in 1967; and

WHEREAS, In 1918, he married Mabel McConkie, who worked with him at the Gazette through the years and who preceded him in death in 1970; and

WHEREAS, As one of Tulare County's leading citizens, Assemblyman Chatters was a member of the Tulare County Farm Bureau, the Lindsay Unified School District Board, and the First United Methodist Church of Lindsay; charter member of the Lindsay Kiwanis Club, adjutant and commander of Lindsay Post 128 of the American Legion, and president of the Lindsay Chamber of Commerce and of the Associated Chambers of Commerce Council

of Tulare County; and

WHEREAS, He served as president of the California Newspaper Publishers' Association and was responsible for incorporating the organization; and

WHEREAS, In 1933, Assemblyman Chatters was elected to the first of two terms in the Assembly of the California Legislature, where he served as chairman of the Education Committee; and

WHEREAS, Perhaps his greatest service to the State of California was his foresight in recognizing the potential of the Central Valley as the world's leading agricultural area, resulting in his coauthorship of Assembly Bill 259, which established the California Central Valley Project Act in 1933; and

WHEREAS, Appointed a member of the Board of Trustees of College of the Pacific in 1943, Assemblyman Chatters remained to see the college achieve university status and to serve on the Board of Regents until 1963; and

WHEREAS, He was a member of the State Board of Education and of the California Highway Commission; and

WHEREAS, Following appointment to the State Personnel Board by Governor Earl Warren, Assemblyman Chatters was a dedicated and highly respected member of that body for 25 years until his retirement in 1969; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Members pay honor to the memory of the Honorable Ford A. Chatters in recognition of his lifetime of public service and the achievement of innumerable benefits for the people of the State of California; and be it further

*Resolved,* That suitably prepared copies of this resolution be transmitted to Assemblyman Chatters' sons, Robert L. Chatters and Donald W. Chatters.

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## RESOLUTION CHAPTER 75

*Senate Concurrent Resolution No. 139—Relative to the Joint Rules.*

[Filed with Secretary of State June 12, 1974.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That Rule 61 of the Temporary Joint Rules of the Senate and Assembly for the 1973–74 Regular Session be amended as follows:

Deadlines

61. (a) Bills in the house of origin not acted upon by the deadlines imposed by subdivisions (b) and (c) of this rule may be passed by the house during the session when the session reconvenes

after the Legislature's interim study joint recess, or any time the Legislature is recalled from such joint recess.

(b) After June 15, the Secretary of the Senate and the Chief Clerk shall not receive a report from any committee other than the fiscal and rules committees of each house, respectively, which requires further action on a bill introduced in that house.

(c) After August 15, the Secretary of the Senate and the Chief Clerk shall not receive a report from the fiscal committee of each house, respectively, which requires further action on a bill introduced in that house.

(d) For the purpose of subdivisions (b) and (c), if a bill is acted upon in committee before the deadline and the committee votes to report the bill out with amendments that have not at the time of the vote been prepared by the Legislative Counsel, the Secretary of the Senate and the Chief Clerk may subsequently receive a report recommending the bill for passage with the amendments.

(e) The deadlines imposed by this rule shall not apply to urgency bills.

(f) This rule may be suspended as to any particular bill by approval of the rules committee and two-thirds vote of the members of the house.

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## RESOLUTION CHAPTER 76

*Assembly Concurrent Resolution No. 210—Relative to the creation of the Joint Committee on Health Sciences Education.*

[Filed with Secretary of State June 13, 1974.]

WHEREAS, The education of health care professionals in and for California continues to be a matter of concern to the Legislature and the people of California; and

WHEREAS, The University of California's Master Plan for Health Sciences Education needs to be modified to reflect the establishment of new programs and program objectives, in part as a result of analysis and recommendations by the Joint Committee on the Siting of Teaching Hospitals; and

WHEREAS, Decisions to be made concerning capital outlay programs for health sciences education will result in the commitment of large sums of money for capital and ongoing program expenditures; and

WHEREAS, The Joint Committee on the Siting of Teaching Hospitals will go out of existence on July 1, 1974; and

WHEREAS, The responsiveness of institutions of higher education to meeting public needs for health sciences education programs can best be assured by the continuation of a legislative body to serve as a successor to the Joint Committee on the Siting of Teaching

Hospitals; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* As follows:

(1) The Joint Committee on Health Sciences Education is hereby created and authorized and directed to:

(a) Ascertain, study, and analyze all facts relating to the health sciences education programs and facilities of the University of California, the California State University and Colleges, community colleges in California, and other health sciences education programs operated by public and private institutions in the state;

(b) Consider such programs and facilities in the light of the state's health care delivery system and the need for health care professionals;

(c) Include within its activities the analysis of facts relating to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

(2) The joint committee shall consist of five Members of the Senate, appointed by the Committee on Rules thereof, and five Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

(3) An Advisory Committee to the Joint Committee on Health Sciences Education is hereby created. The advisory committee shall consist of six persons appointed by the Chairman of the Joint Committee on Health Sciences Education.

(4) Members of the advisory committee shall serve for the life of the committee and shall receive reimbursement for expenses necessarily incurred while performing their duties on the advisory committee.

(5) The joint committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until June 30, 1975.

(6) The joint committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

(7) The joint committee has the following additional powers and duties:

(a) To select a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in

investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(8) The Joint Rules Committee may make such money available from the Contingent Funds of the Assembly and Senate as it deems necessary for the expenses of the joint committee and advisory committee and their members. In accordance with Joint Rule 36.8, any such expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

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## RESOLUTION CHAPTER 77

*Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 1d of Article XIII thereof, relating to taxation.*

[Filed with Secretary of State June 18, 1974.]

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 1d of Article XIII thereof to read:

SEC. 1d. The homeowners' property tax exemption shall apply to each dwelling, as defined by the Legislature, occupied by an owner thereof on the lien date as his principal place of residence. This exemption shall not apply to any dwelling if an owner thereof has been granted an exemption for the assessment year pursuant to Section 1¼, 1¼a or 1¼b of this article, nor shall it apply to any property which the Legislature, by general laws, excludes from the exemption by reason of the fact that the tax on such property is paid either in whole or in part, either directly or indirectly, by the state or any political subdivision thereof. Only one homeowners' property tax exemption shall apply to each dwelling.

There is exempt from taxation the amount of $1,750 of the assessed value of the dwelling and this shall be known as the homeowners' property tax exemption. The amount of the exemption may be increased or decreased by the Legislature, a majority of all of the members elected to each of the two houses voting in favor thereof,

but such exemption shall not be reduced below $1,750 of such assessed value.

The Legislature shall provide by general laws for subventions to counties, cities and counties, cities, and districts in this state in an amount equal to the amount of revenue lost by each such county, city and county, city, and district by reason of the homeowners' property tax exemption. No increase by the Legislature in the homeowners' property tax exemption above the amount of $1,750 shall be effective for any fiscal year, unless the Legislature increases the rate of state taxes in an amount sufficient to provide subventions, and shall provide subventions, during such fiscal year to each county, city and county, city and district in this state a sum equal to the amount of revenue lost by each by reason of such increase.

If the Legislature increases the homeowners' property tax exemption, it shall provide increases in benefits to qualified renters, as defined by law, comparable to the average increase in benefits to homeowners as calculated by the Legislature.

Any revenues subvented by the state to replace revenues lost by reason of the homeowners' property tax exemption may be used by a county, city and county, city, or district for state purposes or for county, city and county, city, or district purposes, as the case may be.

Nothing in this Constitution shall constitute a limitation on the taxation of property, or on the bonding capacity of the state or of any city, city and county, county, or district, when based on a percentage of assessed or market value of property; provided, however, that the Legislature may establish maximum property tax rates and bonding limitations for units of local government.

*And be it further resolved,* That if Assembly Constitutional Amendment No. 32 of the 1973–74 Regular Session of the Legislature is approved by the voters in the general election to be held on November 5, 1974, that Section 1d of Article XIII, as amended in the first resolved clause of this senate constitutional amendment shall not become operative;

*And be it further resolved,* That if Assembly Constitutional Amendment No. 32 of the 1973–74 Regular Session of the Legislature is approved by the voters in the general election to be held on November 5, 1974, that the Constitution of the state be further amended by adding subdivision (k) to Section 3 of Article XIII, to read as follows:

(k) $7,000 of the full value of a dwelling, as defined by the Legislature, when occupied by an owner as his principal residence, unless the dwelling is receiving another real property exemption. The Legislature may increase this exemption and may deny it if the owner received State or local aid to pay taxes either in whole or in part, and either directly or indirectly, on the dwelling.

No increase in this exemption above the amount of $7,000 shall be effective for any fiscal year unless the Legislature increases the rate of State taxes in an amount sufficient to provide the subventions required by Section 25.



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If the Legislature increases the homeowners' property tax exemption, it shall provide increases in benefits to qualified renters, as defined by law, comparable to the average increase in benefits to homeowners, as calculated by the Legislature.

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## RESOLUTION CHAPTER 78

*Senate Concurrent Resolution No. 132—Relative to making additional funds available to the Joint Legislative Budget Committee, established by Chapter 1667 of the Statutes of 1951.*

[Filed with Secretary of State June 21, 1974 ]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That in addition to any money heretofore made available to it, the sum of one million nine hundred fifty thousand dollars ($1,950,000), or so much thereof as may be necessary, is hereby allocated from the Contingent Funds of the Assembly and Senate for the payment of any and all expenses incurred by the Joint Legislative Budget Committee or its members pursuant to and under the authority of law or the provisions of Joint Rule No. 37.

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## RESOLUTION CHAPTER 79

*Senate Concurrent Resolution No. 127—Relative to the H. Lyle Davis Memorial Bridge.*

[Filed with Secretary of State June 27, 1974 ]

WHEREAS, H. Lyle Davis, a native of Iron Mountain, Michigan, died March 13, 1974, operating heavy equipment while pioneering a new road for State Highway Route 96 near Windy Point between Orleans and Somes Bar; and

WHEREAS, He was a dedicated and devoted community member, highly thought of by the men who worked with him; and

WHEREAS, His faithful and energetic efforts to help develop this portion of Route 96, until his untimely death on the job, earned him the highest respect of the residents along Route 96; and

WHEREAS, His dedication to his job typifies the finest tradition of state service and should be recognized; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the bridge numbered 02-156, located on State Highway Route 96 across the Klamath River five miles north of Somes Bar, is hereby officially designated the H. Lyle Davis Memorial Bridge; and be it further

*Resolved,* That the Department of Transportation be directed to

erect appropriate signs and markers, consistent with signing requirements for the state highway system, showing this official designation; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Transportation.

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## RESOLUTION CHAPTER 80

*Assembly Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by repealing Article XXXIV thereof, relating to public housing.*

[Filed with Secretary of State June 27, 1974 ]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by repealing Article XXXIV thereof.

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## RESOLUTION CHAPTER 81

*Assembly Constitutional Amendment No. 81—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending subdivision (a) of Section 3 of Article XI thereof, relating to city and county charters.*

[Filed with Secretary of State June 27, 1974 ]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending subdivision (a) of Section 3 of Article XI thereof to read:

SEC. 3. (a) For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. The charter is effective when filed with the Secretary of State. A charter may be amended, revised, or repealed in the same manner. A charter, amendment, revision, or repeal thereof shall be published in the official state statutes. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent

therewith. The provisions of a charter are the law of the State and have the force and effect of legislative enactments.

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## RESOLUTION CHAPTER 82

*Assembly Joint Resolution No. 94—Relative to the importation of dairy products.*

[Filed with Secretary of State June 27, 1974 ]

WHEREAS, The dairy industry is a major segment of the agricultural economy of the United States and the State of California; and

WHEREAS, The consumers of this state and nation are dependent upon the domestic production of adequate supplies of wholesome, reasonably priced milk and dairy products; and

WHEREAS, The dairy industry, both in California and throughout the nation, has suffered severe economic damage in the last year, to the extent that milk production has been drastically reduced, and further reductions in output seem probable; and

WHEREAS, There has been a demonstrated willingness on the part of officials responsible for administering federal programs affecting price levels for milk and dairy product imports to pursue actions which deny the American dairy farmer the opportunity to receive an adequate price for his production; and

WHEREAS, This has been accomplished through the repeated expansion of dairy product imports over the last year and denial of petitions of the domestic dairy farmer for relief in terms of improved price levels for his production; and

WHEREAS, Many of the imported products enter the United States from countries which make extensive use of export subsidy programs to permit their products to come into this market below the price of domestic production; and

WHEREAS, The dairy farmers and processors of this country have made substantial investments to meet the state and federal sanitation requirements for milk and milk products while similar requirements are not imposed upon producers and processors in foreign countries; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States, the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Health, Education, and Welfare of the United States to take those actions necessary to restore and maintain the economic vitality of the American dairy industry, including the full and vigorous enforcement of the Countervailing Duty Statute on dairy product imports which existing law requires of the Secretary of the Treasury; and be it further

*Resolved,* That policies regarding the importation of dairy products into this country should be implemented in a manner that will not result in discouraging domestic milk production or rendering it economically unfeasible, and that responsible officials must assure the American consumer that any imported dairy product is safe and wholesome by requiring full inspection of imports and by establishing a system of inspection that assures that products entering this country are produced from milk and are processed under conditions equal to those required for domestic production; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Health, Education, and Welfare of the United States.

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## RESOLUTION CHAPTER 83

*Assembly Concurrent Resolution No. 203—Relative to the Stephen P. Teale Consolidated Data Center.*

[Filed with Secretary of State June 28, 1974.]

WHEREAS, The Stephen P. Teale Consolidated Data Center is in a very early state of development; and

WHEREAS, The consolidation plan includes printing services for the California Legislature which are now being provided by the Office of State Printing; and

WHEREAS, The Office of State Printing utilizes an electronic computer and electronic photocomposition equipment in performing this service; and

WHEREAS, The administration proposes to convert all programs to the Stephen P. Teale Consolidated Data Center by November 1974 and dispose of the existing electronic computer operated by the Department of General Services on or about February 1, 1975; and

WHEREAS, A parallel process has been planned and scheduled for legislative printing services during October 1974 prior to conversion from the Office of State Printing to the Teale Consolidated Data Center; and

WHEREAS, It is essential that legislative printing be provided without interruptions and at a reasonable cost; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislative Counsel select a maximum peak workload month from the period of October 1, 1973 to September 30, 1974; and be it further

*Resolved,* That the Secretary of the Business and Transportation

Agency impose the workload selected by the Legislative Counsel on the Teale center during parallel test operations during October 1974; and be it further

*Resolved,* That the State Printer and Legislative Counsel report to the Joint Rules Committee by February 1, 1975, the status and results of the parallel test operations; and be it further

*Resolved,* That the Department of Finance delay disposal of the computer currently utilized for legislative printing services in the Department of General Services pending approval by the Joint Rules Committee.

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## RESOLUTION CHAPTER 84

*Senate Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Article XIX thereto, and by adding subdivision (o) to Section 4 of Article XXIV thereof, relating to housing.*

[Filed with Secretary of State June 28, 1974 ]

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That Article XIX is added, to read:

### ARTICLE XIX

#### HOUSING

SECTION 1. The use of public funds and credit to provide decent, safe, and sanitary dwellings for all people in this state serves a public purpose. Housing financed by any agency or public corporation of the state, other than housing developed, acquired, constructed, or rehabilitated for the purpose of providing publicly owned and operated rental housing, shall not be subject to the provisions of Article XXXIV, nor shall such housing be subject to local referendum.

Any agency or public corporation of the state authorized to finance housing may be granted sole custody and control of public moneys, which may be deposited by the agency or public corporation in the same manner as other moneys belonging to the state. However, pursuant to such requirements and conditions as the Legislature may determine, moneys advanced by the agency or public corporation for the purpose of financing housing may be transferred to the

7 40 28 6 555 778

construction lender at the time that the construction loan for the housing is recorded.

Second—That subdivision (o) is added to Section 4 of Article XXIV, to read:

(o) The members of the board of directors of the California Housing Finance Corporation and such officers, attorneys, and employees of the California Housing Finance Corporation, not to exceed six in the aggregate, as are designated by the Legislature or, if not, by the board of directors of the California Housing Finance Corporation.

*And be it further resolved,* That, if Assembly Constitutional Amendment No. 40 of the 1973–74 Regular Session of the Legislature is approved by the voters in the general election to be held on November 5, 1974, and this Senate constitutional amendment is also approved by the voters, then Article XIX, as added in the first resolved clause of this measure, shall not become operative and the Constitution of the state shall instead be amended by adding Article XIX, to read:

## ARTICLE XIX

### HOUSING

SECTION 1. The use of public funds and credit to provide decent, safe, and sanitary dwellings for all people in this state serves a public purpose. Housing financed by any agency or public corporation of the state, other than housing developed, acquired, constructed, or rehabilitated for the purpose of providing publicly owned and operated rental housing, shall not be subject to local referendum.

Any agency or public corporation of the state authorized to finance housing may be granted sole custody and control of public moneys, which may be deposited by the agency or public corporation in the same manner as other moneys belonging to the state. However, pursuant to such requirements and conditions as the Legislature may determine, moneys advanced by the agency or public corporation for the purpose of financing housing may be transferred to the construction lender at the time that the construction loan for the housing is recorded.

*And be it further resolved,* That the Secretary of State shall not submit this measure to the voters, unless Senate Bill No. 1633 or Assembly Bill No. 2966 of the 1973–74 Regular Session of the Legislature, or both, are chaptered and Senate Bill No. 1634 or Assembly Bill No. 2967 of the 1973–74 Regular Session of the Legislature, or both, are also chaptered.

## RESOLUTION CHAPTER 85

*Senate Constitutional Amendment No. 45—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending subdivision (a) of, and by amending and renumbering subdivision (b) of, Section 9 of Article IX thereof, relating to the University of California.*

[Filed with Secretary of State June 28, 1974]

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That subdivision (a) of Section 9 of Article IX is amended to read:

SEC. 9. (a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the university and the security of its funds. Said corporation shall be in form a board composed of seven ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however that the present appointive members shall hold office until the expiration of their present terms.

(b) The terms of the members appointed prior to November 5, 1974, shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceeding paragraph.

In case of any vacancy, the term of office of the appointee to fill

such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term for which such vacancy exists.

(c) The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his service as a member of the board. Any person so appointed shall serve for not less than one year commencing on July 1.

(d) Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the state, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents.

(e) In the selection of the Regents, the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President Pro Tempore of the Senate and two public members appointed by the Rules Committee of the Senate, two public members appointed by the Governor, the chairman of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President Pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.

(f) The regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise. The Regents shall receive all funds derived from the sale of lands pursuant to the act of Congress of July 2, 1862, and any subsequent acts amendatory thereof. The university shall be entirely

independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.

Second—That subdivision (b) of Section 9 of Article IX is amended and renumbered to read:

(g) Meetings of the Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.

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## RESOLUTION CHAPTER 86

*Senate Concurrent Resolution No. 148—Relative to child care services.*

[Filed with Secretary of State June 28, 1974 ]

WHEREAS, The Department of Health adopted emergency regulations June 7, 1974, to become effective July 1, 1974, that would, among other things, eliminate the use of target poverty areas as a method of determining eligibility for child care services; and

WHEREAS, Such regulations would eliminate up to 80 percent of currently eligible two-parent families in some poverty areas and make it impossible for most poverty two-parent families, not on welfare, to be eligible for child care services; and

WHEREAS, Under current state and federal law, the use of poverty areas as a method of determining child care eligibility is allowable and federal funds for child care for the 1974–75 fiscal year have not been decreased; and

WHEREAS, Since federal regulations eliminating the use of target poverty areas as a method of determining eligibility for child care services will not be effective until January 1, 1975, and on two separate occasions the federal government postponed the implementation of and revised federal regulations, and there is great likelihood that the federal regulations will again change, it is doubtful that there is an urgent need for this state to change its regulations concerning these target poverty areas; and

WHEREAS, It was the intent of the Legislature in enacting the Child Development Act to generate maximum federal reimbursement whenever possible for the federally eligible children and to conduct public hearings essential to the establishment and promotion of all aspects of the act (Sections 16702 and 16726, Education Code); and

WHEREAS, Since no urgent need exists to change state regulations concerning the eligibility of target poverty areas for child care services and the sudden displacement of these services for currently eligible families will cause an undue hardship; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly*

*thereof concurring,* That the Department of Health repeal the emergency regulations of June 7, 1974, and reinstate former regulations relating to child care programs and give notice and hold proper public hearings on eligibility regulations relative to child care programs to be effective January 1, 1975, in the event that federal regulations require such action; and be it further

*Resolved,* That a copy of this resolution be transmitted to the Department of Health.

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## RESOLUTION CHAPTER 87

*Senate Concurrent Resolution No. 147—Approving amendments to the Charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at the direct primary election held therein on the fourth day of June, 1974.*

[Filed with Secretary of State June 29, 1974.]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the 26th day of March, 1931, and approved by the Legislature of the State of California and filed in the office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The governing body of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county seven (7) amendments to said charter; and

WHEREAS, Said governing body in accordance with the provisions of Article XI of the Constitution of the State of California and the provisions of Chapter 3, Part I. Division 2, Title 4 of the Government Code of the State of California, did cause said seven (7) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said governing body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter

amendments advertised in said "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said governing body of said city and county ordered placed upon the ballot at the direct primary election held in the City and County of San Francisco on the fourth day of June, 1974, the said seven (7) several proposals to amend the Charter of the City and County of San Francisco; and

WHEREAS, Said direct primary election was held in said City and County of San Francisco on the fourth day of June, 1974 which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Examiner," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 25th day of June, 1974, duly certify to the board of supervisors the results of said direct primary election as determined from the canvass of the returns thereof; and

WHEREAS, At said direct primary election so held on the fourth day of June, 1974, five (5) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as propositions B, D, E, F and G, and two (2) other charter amendments submitted at said direct primary election, to wit, charter amendments designated as propositions C and H received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco, are now submitted to the Legislature of the State of California for approval or rejection as a whole without change by resolution of said Legislature in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

CHARTER AMENDMENT

Proposition "B"

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Section 8.105 thereof relating to conflicts of interests concerning officers and employees of the city and county.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 4, 1974, a proposal to amend the Charter of said city and county by amending Section 8.105 thereof to

read as follows:

8.105 Conflict of Interest and other Prohibited Practices

(a) No member of any board or commission shall accept any employment relating to the business or the affairs of any person, firm or corporation which are subject to regulation by the board or commission of which he is a member. No officer or employee of the city and county, shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by, the city and county, or which shall be sold for taxes and assessments, or by virtue of legal process at the suit of the city and county; nor shall any person in this section designated during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the city and county, or any department or officer thereof, or in any franchise, right or privilege granted by the city and county, unless the same shall be devolved upon him by law; and any such contract or transaction in which there shall be such an interest shall be null and void; nor shall any person in this section become surety upon any bond given to the city and county; nor shall any person mentioned in this section give or promise any money or other valuable thing, or any portion of his compensation, in consideration of his nomination, appointment, or election to any city and county office or employment; or accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employee or from any candidate or applicant for a position as employee or subordinate under him.

(b) It shall be the duty of every officer and employee who shall have knowledge of any violation of the provisions of this section immediately to report such violation to the district attorney, for possible criminal action and failing so to do may be removed from his office or employment.

(c) No officer or employee of the city and county shall wilfully or knowingly disclose any privileged information concerning property, government, or affairs of the city and county, unless a duty to do so is imposed upon said person by law, nor shall that person use any privileged information obtained by him by virtue of his office or employment to advance the financial or other private interest of himself or others.

(d) No person who has served as an officer or employee of the city and county shall within a period of two (2) years after termination of such service or employment appear before the board or agency of the city and county of which he was a member in order to represent any private interest, provided, however, that said officer or employee may appear before said board or agency for the purpose of representing himself.

(e) No officer or employee of the city and county shall receive, directly or indirectly, any compensation, reward or gift from any

source except compensation from the City and County of San Francisco, or any other governmental agency to which he has been duly appointed for any service, advice, assistance or other matter related to the governmental processes of the city and county, except for fees for speeches or published writing.

(f) No officer or employee shall have an interest in any matter for his consideration or determination which arises from a close business association of a continuing nature. A close business association of a continuing nature means any undertaking for profit, including, but not limited to, a corporation, partnership, officeholding or employment in or by any labor or employee organization, trust, proprietorship, association, or joint venture.

(g) The civil service commission with respect to officers and employees whose positions are subject to the civil service provisions of the charter other than officers and members of the fire and police departments, the fire commission with respect to officers and members of the fire department and the police commission with respect to officers and members of the police department, are each empowered to prescribe and enforce such reasonable rules and regulations as each commission deems necessary to effectuate the purposes and intent of this section. Such rules and regulations may provide for restrictions against activities, employments and enterprises other than those described or mentioned herein when such restrictions are found necessary for the preservation of the honor or efficiency of the city and county civil service or for the protection of the best interests of the city and county service in any respect.

(h) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon a final judgment of conviction of same, such person shall be removed from office.

(i) A prohibited conflict of interest exists whenever an officer or employee of the city and county must pass judgment upon a matter which either directly or indirectly affects a private party who is a child or spouse of the officer or employee.

(j) An officer or employee shall not be deemed interested in or in the performance of any contract, work, business, or the sale of any article, the expense, price or consideration of which is payable from the treasury, within the meaning of subsection (a) unless such contract, work, business or sale is awarded, entered into, or authorized by him in his capacity as officer or employee, or by an officer or employee under his supervision and control, or by a board or commission of which he is a member.

(k) An officer of the city and county shall not be deemed to have a conflicting interest in any such contract, work, business or sale awarded, entered into or authorized by a board or commission of which he is a member if he has only a remote interest therein and the fact of such interest is disclosed to the board or commission of which he is a member and noted in its official records and the board or commission authorizes, approves, or ratifies the contract in good

faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest, unless the contract must be awarded to the highest or lowest responsible bidder as the case may be on a particular day and the vote of such officer or member is necessary to a quorum on that day.

(l) As used in this section "remote interest" means:

(1) The ownership of less than three per cent of the shares of a corporation for profit;

(2) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty: provided, however, that the city and county treasurer is solely responsible for such reimbursement and that only those expenses which are strictly necessary for the performance of that duty shall be reimbursed;

(3) That of a parent in the earnings of his minor child for personal services;

(m) All contracts, work, business or sales herein mentioned heretofore awarded, entered into or authorized by any board or commission of the City and County of San Francisco in which an officer or member had a remote interest as hereinabove defined are hereby ratified and confirmed.

(n) The provisions of subsections (j) through (m) of this section shall not be applicable to any officer or employee who influences or attempts to influence the award, execution or authorization of any contract, work, business or sale, the expense, price or consideration of which is payable from the treasury, in which he has a direct or indirect interest.

(o) No member of any board or commission of the city and county shall knowingly vote on or in any way attempt to influence the outcome of governmental action on any measure or question involving his own character or conduct, his right as a member, his appointment to any office, position, or employment, or on any measure or question wherein the said member's financial interest is immediate, particular, and distinct from the public interest. The word "knowingly" as used in this paragraph shall mean actual or constructive knowledge of the existence of the interest which would disqualify the vote under the provisions of this section.

If under any provision of this charter, or of any ordinance, resolution, rule or regulation, action on any measure or question must be taken on a particular day and such action cannot be taken by a qualified voting quorum of the board or commission on that day by reason of the disqualification from voting under the provisions of this section, said action may be postponed until, but not later than, there are sufficient qualified members present to vote and take action on said measure or question. The term "a qualified voting quorum" as used in this paragraph shall mean the presence of a sufficient number of qualified voting members of the board or commission to take either affirmative or negative action on the measure or question before the board or commission.

(p) The city attorney, the district attorney of the City and County of San Francisco or any resident or group of residents of the City and County of San Francisco may bring a suit in the superior court to compel compliance with the provisions of this section.

CHARTER AMENDMENT

Proposition "D"

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 7.702 thereof relating to hours of public offices.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on June 4, 1974, a proposal to amend the Charter of said City and County by amending Section 7.702 thereof, to read as follows:

Section 7.702 Hours of Public Offices

Except where otherwise provided by law, all public offices shall be open for business every day, except legal holidays other than days on which an election is held throughout the State, from eight-thirty o'clock a.m., until five o'clock p.m. The supervisors by ordinance may provide that any office shall be kept open for a longer time, when necessary for the accommodation of the public, and may also provide by ordinance that any office shall be closed on Saturday of each week during all or any part of the year.

CHARTER AMENDMENT

Proposition "E"

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 8.536 thereof, and by adding Section 8.537 thereto, relating to retirement allowances of "miscellaneous" members of the Retirement System.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on June 4, 1974, a proposal to amend the Charter of said City and County by amending Section 8.536 thereof, and by adding Section 8.537 thereto, to read as follows:

8.536 Increasing Retirement Allowances of Miscellaneous Officers and Employees Retired on or after July 1, 1947, and Prior to July 1, 1974

(a) Every retirement allowance payable to or on account of a member who retired for service under the provisions of subsection (B) of section 8.509 of this charter on or after July 1, 1947, and prior to July 1, 1974, after having attained the age of sixty (60) years is

hereby increased for time commencing on July 1, 1974, to the amount it would have been if such allowances had been computed, on the date such retirement allowance was first effective, on the basis of two (2) per cent of such member's average final compensation for each year of credited service.

(b) Every retirement allowance payable to or on account of a member who retired for service under the provisions of subsection (B) of Section 8.509 of this charter on or after July 1, 1947, and prior to July 1, 1974, prior to having attained the age of sixty (60) years is hereby increased for time commencing on July 1, 1974, to the amount it would have been if such allowance had been computed, on the date such retirement allowance was first effective, on the basis of the per cent of such member's average final compensation for each year of credited service as is set forth in the following table opposite his age at retirement, taken to the preceding completed quarter year:

| Age at Retirement | Per Cent for Each Year of Credited Service |
|---|---|
| 55 | 1.5000 |
| 55¼ | 1.5250 |
| 55½ | 1.5500 |
| 55¾ | 1.5750 |
| 56 | 1.6000 |
| 56¼ | 1.6250 |
| 56½ | 1.6500 |
| 56¾ | 1.6750 |
| 57 | 1.7000 |
| 57¼ | 1.7250 |
| 57½ | 1.7500 |
| 57¾ | 1.7750 |
| 58 | 1.8000 |
| 58¼ | 1.8250 |
| 58½ | 1.8500 |
| 58¾ | 1.8750 |
| 59 | 1.9000 |
| 59¼ | 1.9250 |
| 59½ | 1.9500 |
| 59¾ | 1.9750 |

In no event shall a member's retirement allowance, as increased under the provisions of paragraph (a) or (b) of this section, exceed seventy-five per cent of his average final compensation.

(c) Every retirement allowance payable to or on account of a member who retired for disability under the provisions of subsection (C) of section 8.509 of this charter on or after July 1, 1947, and prior to July 1, 1974, is hereby increased for time commencing on July 1, 1974, to the amount it would have been if such allowance had been computed, on the date such retirement allowance was first effective

as follows:

(1) On the basis of one and eight-tenths per cent of such member's average final compensation for each year of credited service, if such retirement allowance exceeds forty (40) per cent of his said average final compensation;

(2) If such retirement allowance, as increased does not exceed forty (40) per cent of such member's average final compensation, the increase provided under this section shall be computed on the basis of one and eight-tenths percent of his average final compensation multiplied by the number of years of city-service which would be credited to him were such city-service to continue until attainment by him of the age of sixty years; provided, however, that such retirement allowance shall not exceed forty (40) per cent of his said average final compensation.

With respect to members whose retirement allowances were first effective prior to January 1, 1972, "average final compensation" as used in this section 8.536 shall mean the average monthly compensation earned by the member during any twelve consecutive months of credited service in the retirement system in which his average compensation is the highest.

This section does not give any person retired under the provisions of section 8.509, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to July 1, 1974.

Any increase in any retirement allowance resulting from the recalculation provided for in this section shall be disregarded in connection with any adjustment of retirement allowances pursuant to the provisions of section 8.526 of this charter.

8.537 Increasing Retirement Allowances of Miscellaneous Officers and Employees Retired Under Section 8.507 Prior to January 1, 1972

Every retirement allowance payable to or on account of a member who retired under the provisions of section 8.507 (formerly section 165 of the charter of 1932) prior to January 1, 1972, is hereby increased for time commencing on the effective date of this section, hereby designated as the first day of the month next following ratification by the State legislature, to the amount it would have been if such allowance had been computed, on the date such member's retirement allowance was first effective, as if the provisions of section 8.509, as they exist on the effective date of this section, had been in effect and applicable to such member and as if "average final compensation" were defined as the average monthly compensation earned by a member during any twelve consecutive months of credited service in the retirement system in which his average compensation is the highest.

This section does not give any person retired under the provisions of said section 8.507, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to the effective date of this section

Any increase in any retirement allowance resulting from the calculation provided in this section shall be disregarded in connection with any adjustment of retirement allowances pursuant to the provisions of section 8.526 (formerly section 164.1 of the charter of 1932).

Section 8.537 does not authorize any decrease in any allowance from the amount being paid as of June 4, 1974.

## CHARTER AMENDMENT

### Proposition "F"

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding Section 8.320.1 thereto, relating to the waiver of the maximum age requirement for applicants eligible for appointment from list E-25, Class H2, Fireman.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on June 4, 1974, a proposal to amend the Charter of said City and County by amending Section 8.320.1 thereof, so that the same shall read as follows:

Section 8.320.1 Qualifications of Applicants for H2 Fireman from List E-25

Notwithstanding the provisions of Section 8.320 of the Charter, any applicant who has successfully completed the examination procedures for the entrance position Class H2, Fireman, and who would otherwise be eligible for appointment from list E-25 adopted December 18, 1973, shall continue to be eligible for appointment for the duration of list E-25, Class H2, Fireman, even though such applicant is more than 32 years of age at the time of appointment.

## CHARTER AMENDMENT

### Proposition "G"

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Sections 3.540, 3.541, 3.542, 3.544, 3.547 and 8.452 thereof, relating to reorganization, tenure, ranks, fire marshal, power to remove structures and the Fire Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on June 4, 1974, a proposal to amend the Charter of said City and County by amending Sections 3.540, 3.541, 3.542, 3.544, 3.547 and 8.452 thereof, so that the same shall read as follows:

3.540 Commission

The fire department shall be under the management of a fire

commission, consisting of three members, who shall be appointed by the mayor and each of whom shall receive an annual compensation of twelve hundred dollars ($1,200). The terms of each commissioner shall be four years, commencing at twelve o'clock noon on the 15th day of January in the years of 1948, 1949 and 1950, respectively.

The fire commissioners shall be successors in office of the fire commissioners holding office in the city and county at the time this charter shall go into effect, and shall have all the powers and duties thereof, except as in this charter otherwise provided. The chief of department shall have power to send fire boats, apparatus and men outside the City and County of San Francisco for fire-fighting purposes.

The commissioners shall have the power and duty to organize, reorganize and manage the fire department. They shall by rule and subject to the fiscal provisions of the charter, have power to create new or additional ranks or positions in the department which shall be subject to the civil service provisions of the charter; provided that the fire commission subject to the recommendation of the civil service commission and the approval of the board of supervisors may declare such new or additional ranks or positions to be exempt from the civil service provisions of the charter. If the civil service commission disapproves any such exemption, the board of supervisors may approve such exemptions by a majority vote of the members thereof. The fire commission shall designate the civil service rank from which a non-civil service rank or position shall be appointed. Appointments to any non-civil service rank or position as may be created hereunder shall hold civil service status in the department in the civil service rank from which they were appointed. In no rank below that of assistant chief shall the compensation attached to a non-civil service rank or position equal or exceed the next higher civil service rank or position from which they were appointed and for this purpose the next higher civil service rank above H-2 fireman shall be H-20 lieutenant. If any new or additional rank or position is created pursuant hereto pending the adoption of salary standards for such rank or position, the fire commission shall have power to recommend the basic rate of compensation therefor to the board of supervisors and said board of supervisors shall have the power to fix the rate of compensation for said new rank or position and it shall have the power, and it shall be its duty, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance to include the provisions necessary for paying the basic rate of compensation fixed by said board of supervisors for said new rank or position for the then current fiscal year. Thereafter the compensation for said new rank or position shall be fixed as provided for in section 8.405 of this charter; provided, however, nothing contained in this section shall be deemed to interfere with the provisions of section 8.405 of this charter relating to parity or compensation for police officers and firemen for the fourth year of

service and thereafter.

Positions of officers and employees of the fire department legally authorized shall continue, and the incumbents therein legally appointed thereto shall continue as the officers and employees of the department under the conditions governing their respective appointments, and except as in this charter otherwise provided.

3.541 Chief of Department; Other Commission Appointments

The fire commission shall appoint a chief of department and a department physician who shall hold office at its pleasure.

Subject to the civil service provisions of this charter, the fire commission shall appoint a secretary, provided, however, that any person who has performed the duties of a secretary continuously for ten years prior to the date of approval of this amendment by the electorate and who on said date shall be performing said duties, is hereby confirmed in said position and thereafter shall hold the same pursuant to said civil service provisions of this charter.

3.542 Ranks in the Department

The several ranks or positions in the fire department shall be: chief of department; assistant chiefs of department; battalion chiefs; captains; lieutenants; engineers; chief's operators; fire fighters; pilots of fire boats and marine engineers of fire boats; captain, bureau of fire prevention and public safety; lieutenant, bureau of fire prevention and public safety; lieutenant, bureau of fire investigation; inspector, bureau of fire prevention and public safety; and investigator, bureau of fire investigation, and such other ranks or positions as the fire commission may from time to time create as provided for in section 3.540.

The compensation for these ranks shall be determined as provided in sections 3.540 and 8.405 (c) of this charter.

3.544 Fire Marshal

The chief of the fire department, with the approval of the fire commission, may appoint a fire marshal and assistants. The board of supervisors may empower the fire marshal to sell property saved or salvaged from any fire and for which no owner can be found. The fire Marshal may call upon police officers to assist in the protection or salvaging of property and shall have such other powers and duties as by ordinance may be prescribed relative to the protection of property at fires and the storage of property salvaged therefrom. He shall have such duties appertaining to the enforcement of laws relative to the storage, sale and use of flammable and combustible liquids, combustible materials and explosives as the fire commission by rule, or the supervisors by ordinance, may prescribe.

3.547 Power to Remove Structures

The chief of fire department or, in his absence, the chief in charge, may, during a conflagration, cause to be cut down or otherwise remove any buildings or structures for the purpose of checking the progress of such conflagration.

8.452 Fire Department

The chief of department shall recommend and the fire commission shall provide by rule for work schedules or tours of duty for the officers and members occupying the several ranks of the fire department; provided, however, that all tours of duty established for officers and members assigned to the fire-fighting companies, including the salvage corps, shall start at eight o'clock A.M. No such officer or member shall be required to work more than one hundred and twenty (120) hours in any fifteen-day period, nor shall any officer or member be required to work more than twenty-four consecutive hours except in case of a conflagration, emergency, or disaster requiring the services of more than the available on-duty officers and members of the uniformed force of the department. Officers and members may exchange watches with permission of the chief of department and time worked on such exchange of watches shall not be construed as time in violation of the limitation of 120 hours in any fifteen-day period nor twenty-four consecutive hours. Each such officer and each such member shall be entitled to at least one (1) day off duty during each week.

When, in the judgment of the chief of department, it is in the public interest that any such officer or member shall work on his day off and said officer or member consents to so work, he may at the direction of the chief of department work on said day off, and in addition to the regular compensation provided for said officer or member as set forth in this charter, said officer or member shall be entitled to be compensated at his regular rate of pay as provided for herein for said extra time served, or he shall be allowed the equivalent time off.

In any computation in the administration of the San Francisco City and County Employees' Retirement System in which the compensation, as defined in any provisions relating to the retirement system, is a factor, compensation for overtime provided for in this section shall be excluded, and no such overtime compensation shall be deemed as compensation for any purpose relating to such retirement provisions.

Officers and members of the uniformed force shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedule of compensations adopted by the board of supervisors, pursuant to the provisions of section 8.401 of the charter, as additional days off with pay. Officers or members required to perform service in said department on said days shall be compensated on the basis of straight time as herein computed or shall be granted equivalent time off duty with pay in the judgment of the fire commission.

For payroll purposes, that portion of each tour of duty which falls within each calendar day shall constitute a single tour of duty. The rate of compensation for the service performed by officers or members on a holiday or for service performed on an assigned day

off, as in this charter provided, shall be calculated by dividing the annual rates of pay for each fiscal year by the number of single tours of duty as scheduled for the several ranks in the fire fighting companies in said fiscal year.

State of California
City and County of San Francisco } ss

This is to certify that we, Dianne Feinstein, President of the Board of Supervisors of the City and County of San Francisco, and Philip P. Engler, Acting Clerk of the Board of Supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the Charter of said City and County of San Francisco with the original proposals which were submitted to the electors of said city and county at the Direct Primary Election held on Tuesday, the fourth day of June, One Thousand Nine Hundred and Seventy Four, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, We have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this 25th day of June, One Thousand Nine Hundred and Seventy Four.

(SEAL)

DIANNE FEINSTEIN
Dianne Feinstein
President of the Board of Supervisors of the City and County of San Francisco

Approved as to form:
THOMAS M. O'CONNOR
Thomas M. O'Connor
City Attorney
PHILIP P. ENGLER
Philip P. Engler
Acting Clerk of the Board of Supervisors of the City and County of San Francisco

Now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* A majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the Charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby

approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco.

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## RESOLUTION CHAPTER 88

*Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by repealing Article XII and adding Article XII thereof, and by adding Section 7 to Article XX thereof, relating to partial revision of the Constitution of the State of California.*

[Filed with Secretary of State June 29, 1974]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That Article XII is repealed.

Second—That Article XII is added, to read:

### ARTICLE XII

#### PUBLIC UTILITIES

SECTION 1. The Public Utilities Commission consists of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for staggered 6-year terms. A vacancy is filled for the remainder of the term. The Legislature may remove a member for incompetence, neglect of duty, or corruption, two thirds of the membership of each house concurring.

SEC. 2. Subject to statute and due process, the commission may establish its own procedures. Any commissioner as designated by the commission may hold a hearing or investigation or issue an order subject to commission approval.

SEC. 3. Private corporations and persons that own, operate, control, or manage a line, plant, or system for the transportation of people or property, the transmission of telephone and telegraph messages, or the production, generation, transmission, or furnishing of heat, light, water, power, storage, or wharfage directly or indirectly to or for the public, and common carriers, are public utilities subject to control by the Legislature. The Legislature may prescribe that additional classes of private corporations or other persons are public utilities.

SEC. 4. The commission may fix rates and establish rules for the

transportation of passengers and property by transportation companies, prohibit discrimination, and award reparation for the exaction of unreasonable, excessive, or discriminatory charges. A transportation company may not raise a rate or incidental charge except after a showing to and a decision by the commission that the increase is justified, and this decision shall not be subject to judicial review except as to whether confiscation of property will result.

SEC. 5. The Legislature has plenary power, unlimited by the other provisions of this constitution but consistent with this article, to confer additional authority and jurisdiction upon the commission, to establish the manner and scope of review of commission action in a court of record, and to enable it to fix just compensation for utility property taken by eminent domain.

SEC. 6. The commission may fix rates, establish rules, examine records, issue subpenas, administer oaths, take testimony, punish for contempt, and prescribe a uniform system of accounts for all public utilities subject to its jurisdiction.

SEC. 7. A transportation company may not grant free passes or discounts to anyone holding an office in this state; and the acceptance of a pass or discount by a public officer, other than a Public Utilities Commissioner, shall work a forfeiture of that office. A Public Utilities Commissioner may not hold an official relation to nor have a financial interest in a person or corporation subject to regulation by the commission.

SEC. 8. A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power to the Commission. This section does not affect power over public utilities relating to the making and enforcement of police, sanitary, and other regulations concerning municipal affairs pursuant to a city charter existing on October 10, 1911, unless that power has been revoked by the city's electors, or the right of any city to grant franchises for public utilities or other businesses on terms, conditions, and in the manner prescribed by law.

SEC. 9. The provisions of this article restate all related provisions of the Constitution in effect immediately prior to the effective date of this amendment and make no substantive change.

Third—That Section 7 is added to Article XX, to read:

SEC. 7. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

*And be it further resolved,* That Assembly Constitutional Amendment No. 36 of the 1973–74 Regular Session shall not be submitted to the people unless Assembly Bill No. 4024 of the 1973–74 Regular Session is enacted by the Legislature and deposited in the office of the Secretary of State.

## RESOLUTION CHAPTER 89

*Assembly Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 3 of Article II thereof, and Section 11 of Article XX thereof, relating to voting.*

[Filed with Secretary of State June 29, 1974 ]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That Section 3 of Article II be amended to read:

SEC. 3. The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony.

Second—That Section 11 of Article XX is amended to read:

SEC. 11. Laws shall be made to exclude persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes from office or serving on juries. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

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## RESOLUTION CHAPTER 90

*Assembly Constitutional Amendment No. 60—A resolution to propose to the people of the State of California an amendment to the Constitution of the state by adding Sections 3 and 28 to, by repealing and adding Sections 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 26 of, and by repealing Sections 8, 14½, and 21 of Article I, thereof, by amending Section 16 of Article IV thereof, and by amending and renumbering Sections 8 and 18 of Article XX thereof, relating to declaration and preservation of the rights of the people.*

[Filed with Secretary of State June 29, 1974 ]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That Section 1 of Article I be repealed.

Second—That Section 1 of Article I be added, to read:

SECTION 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

Third—That Section 2 of Article I be repealed.

Fourth—That Section 2 of Article I be added, to read:

SEC. 2. Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

Fifth—That Section 3 of Article I be added, to read:

SEC. 3. The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

Sixth—That Section 4 of Article I be repealed.

Seventh—That Section 4 of Article I be added, to read:

SEC. 4. Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion.

A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs.

Eighth—That Section 5 of Article I be repealed.

Ninth—That Section 5 of Article I be added, to read:

SEC. 5. The military is subordinate to civil power. A standing army may not be maintained in peacetime. Soldiers may not be quartered in any house in wartime except as prescribed by law, or in peacetime without the owner's consent.

Tenth—That Section 6 of Article I be repealed.

Eleventh—That Section 6 of Article I be added, to read:

SEC. 6. Slavery is prohibited. Involuntary servitude is prohibited except to punish crime.

Twelfth—That Section 7 of Article I be repealed.

Thirteenth—That Section 7 of Article I be added, to read:

SEC. 7. (a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws.

(b) A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked.

Fourteenth—That Section 8 of Article I be repealed.

Fifteenth—That Section 9 of Article I be repealed.

Sixteenth—That Section 9 of Article I be added, to read:

SEC. 9. A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be passed.

Seventeenth—That Section 10 of Article I be repealed.

Eighteenth—That Section 10 of Article I be added, to read:

SEC. 10. Witnesses may not be unreasonably detained. A person may not be imprisoned in a civil action for debt or tort, or in peacetime for a militia fine.

Nineteenth—That Section 11 of Article I be repealed.

Twentieth—That Section 11 of Article I be added, to read:

SEC. 11. Habeas corpus may not be suspended unless required by public safety in cases of rebellion or invasion.

Twenty-first—That Section 12 of Article I be repealed.

Twenty-second—That Section 12 of Article I be added, to read:

SEC. 12. A person shall be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required.

A person may be released on his or her own recognizance in the court's discretion.

Twenty-third—That Section 13 of Article I be repealed.

Twenty-fourth—That Section 13 of Article I be added, to read:

SEC. 13. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Twenty-fifth—That Section 14 of Article I be repealed.

Twenty-sixth—That Section 14 of Article I be added, to read:

SEC. 14. Felonies shall be prosecuted as provided by law, either by indictment or, after examination and commitment by a magistrate, by information.

A person charged with a felony by complaint subscribed under penalty of perjury and on file in a court in the county where the felony is triable shall be taken without unnecessary delay before a magistrate of that court. The magistrate shall immediately give the defendant a copy of the complaint, inform the defendant of the defendant's right to counsel, allow the defendant a reasonable time to send for counsel, and on the defendant's request read the complaint to the defendant. On the defendant's request the magistrate shall require a peace officer to transmit within the county where the court is located a message to counsel named by defendant.

A person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.

Twenty-seventh—That Section 14½ of Article I be repealed.

Twenty-eighth—That Section 15 of Article I be repealed.

Twenty-ninth—That Section 15 of Article I be added, to read:

SEC. 15. The defendant in a criminal cause has the right to a speedy public trial, to compel attendance of witnesses in the defendant's behalf, to have the assistance of counsel for the defendant's defense, to be personally present with counsel, and to be confronted with the witnesses against the defendant. The Legislature may provide for the deposition of a witness in the presence of the defendant and the defendant's counsel.

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Persons may not twice be put in jeopardy for the same offense, be compelled in a criminal cause to be a witness against themselves, or be deprived of life, liberty, or property without due process of law.

Thirtieth—That Section 16 of Article I be repealed.

Thirty-first—That Section 16 of Article I be added, to read:

SEC. 16. Trial by jury is an inviolate right and shall be secured to all, but in a civil cause three-fourths of the jury may render a verdict. A jury may be waived in a criminal cause by the consent of both parties expressed in open court by the defendant and the defendant's counsel. In a civil cause a jury may be waived by the consent of the parties expressed as prescribed by statute.

In civil causes and cases of misdemeanor the jury may consist of 12 or a lesser number agreed on by the parties in open court.

Thirty-second—That Section 17 of Article I be repealed.

Thirty-third—That Section 17 of Article I be added, to read:

SEC. 17. Cruel or unusual punishment may not be inflicted or excessive fines imposed.

Thirty-fourth—That Section 18 of Article I be repealed.

Thirty-fifth—That Section 18 of Article I be added, to read:

SEC. 18. Treason against the State consists only in levying war against it, adhering to its enemies, or giving them aid and comfort. A person may not be convicted of treason except on the evidence of two witnesses to the same overt act or by confession in open court.

Thirty-sixth—That Section 19 of Article I be repealed.

Thirty-seventh—That Section 19 of Article I be added, to read:

SEC. 19. Private property may be taken or damaged for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.

Thirty-eighth—That Section 20 of Article I be repealed.

Thirty-ninth—That Section 20 of Article I be added, to read:

SEC. 20. Noncitizens have the same property rights as citizens.

Fortieth—That Section 21 of Article I be repealed.

Forty-first—That Section 22 of Article I be repealed.

Forty-second—That Section 22 of Article I be added, to read:

SEC. 22. The right to vote or hold office may not be conditioned by a property qualification.

Forty-third—That Section 23 of Article I be repealed.

Forty-fourth—That Section 23 of Article I be added, to read:

SEC. 23. One or more grand juries shall be drawn and summoned at least once a year in each county.

Forty-fifth—That Section 24 of Article I be repealed.

Forty-sixth—That Section 24 of Article I be added, to read:

SEC. 24. Rights guaranteed by this Constitution are not dependent on those guaranteed by the United States Constitution. This declaration of rights may not be construed to impair or deny

others retained by the people.

Forty-seventh—That Section 26 of Article I be repealed.

Forty-eighth—That Section 26 of Article I be added, to read:

SEC. 26. All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.

Forty-ninth—That Section 28 of Article I be added, to read:

SEC. 28. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

Fiftieth—That Section 16 of Article IV be amended to read:

SEC. 16. (a) All laws of a general nature have uniform operation.

(b) A local or special statute is invalid in any case if a general statute can be made applicable.

Fifty-first—That Section 8 of Article XX be amended and renumbered to be Section 21 of Article I:

SEC. 21. Property owned before marriage or acquired during marriage by gift, will, or inheritance is separate property.

Fifty-second—That Section 18 of Article XX be amended and renumbered to be Section 8 of Article I:

SEC. 8. A person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin.

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## RESOLUTION CHAPTER 91

*Assembly Constitutional Amendment No. 85—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 9.1 to Article IX thereof, relating to public postsecondary education.*

[Filed with Secretary of State June 29, 1974.]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 9.1 to Article IX thereof, to read:

SEC. 9.1. The Legislature shall determine whether students enrolled in state-supported regular academic terms and programs at the University of California shall be charged for instruction and instructional facilities, and the amount of any such charges. Any such charges which have been established by the Regents of the University of California and which are in force at the time this section becomes effective, shall remain in force until acted upon by

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the Legislature.

## RESOLUTION CHAPTER 92

*Assembly Constitutional Amendment No. 86—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding a subdivision (n) to Section 4 of Article XXIV thereof, relating to civil service.*

[Filed with Secretary of State June 29, 1974 ]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding subdivision (n) to Section 4 of Article XXIV thereof, to read:

(n) The chief administrative officer and three deputies of the California Postsecondary Education Commission.

## RESOLUTION CHAPTER 93

*Assembly Constitutional Amendment No. 103—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 10.5 to Article XI thereof, relating to residency requirements.*

[Filed with Secretary of State June 29, 1974 ]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 10.5 to Article XI thereof, to read:

SEC. 10.5. A city or county, including any chartered city or chartered county, or public district, may not require that its employees be residents of such city, county, or district; except that such employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location.

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## RESOLUTION CHAPTER 94

*Assembly Constitutional Amendment No. 104—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 5.5 to Article VI thereof, relating to the courts.*

[Filed with Secretary of State June 29, 1974.]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 5.5 to Article VI thereof to read:

SEC. 5.5. Notwithstanding the provisions of Section 5, any city in San Diego County may be divided into more than one municipal court or justice court district if the Legislature determines that unusual geographic conditions warrant such division.

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## RESOLUTION CHAPTER 95

*Assembly Concurrent Resolution No. 256—Approving amendments to the Charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election consolidated with the consolidated primary election held thereon on the fourth day of June, 1974.*

[Filed with Secretary of State June 29, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the Charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the Mayor and City Clerk of the said City as follows, to wit:

State of California }
County of Alameda } ss.

We, the undersigned, Warren Widener, Mayor of the City of Berkeley, State of California, and Edythe Campbell, City Clerk of said City, do hereby certify as follows:

That the City of Berkeley, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned, was a City containing a population of more than 3,500 inhabitants, and has been ever since the 1st day of July, 1909, and now

is organized and existing under a freeholder's charter adopted under and by virtue of Article XI of the Constitution of the State of California, which Charter was fully ratified by the qualified electors of said City at an election duly held for that purpose on the 30th day of January, 1909, and approved by the Legislature of the State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes 1909, p. 1208).

That in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California on its own motion, the Council of the City of Berkeley, being the governing body of said City, duly and regularly submitted to the qualified electors of said City a certain proposal designated as "City of Berkeley Charter Amendment S" and a certain proposal designated as "City of Berkeley Charter Amendment T" to amend the Charter of said City and to be voted upon by said qualified electors at a special municipal election Consolidated with the Consolidated Primary Election held in said City on the 4th day of June, 1974.

That said proposed amendments were published and advertised in accordance with the provisions of Sections 34455 and 34458 of the Government Code of the State of California on the 23rd day of April, 1974, in the Berkeley Daily Gazette, a daily newspaper of general circulation published in said City of Berkeley and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City in accordance with Section 34456 of the Government Code of the State of California and the Charter of the City of Berkeley and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of Berkeley was published in said Berkeley Daily Gazette, a newspaper of general circulation published in said City, on the 24th day of April, 1974, and on each day thereafter to and including the 4th day of June, 1974, all as required by Section 34456 of the Government Code of the State of California.

That copies of said pamphlet containing said proposed Charter Amendments could be had upon application therefor at the office of the City Clerk of said City to and including the 4th day of June, 1974, the date fixed for said election.

That said special municipal election consolidated with the Consolidated Primary Election was duly and regularly held in said City of Berkeley, after due notice given and published, on the 4th day of June, 1974, which day was not less than forty (40) days, nor more than sixty (60) days after completion of the publication and advertisement of the aforementioned proposed Charter Amendments in the Berkeley Daily Gazette, the official newspaper of said City.



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That the returns of said election were, in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized that all of the amendments to the Charter of the City of Berkeley, hereinafter set forth, were ratified by a majority of the electors of said City voting thereon.

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendments to the Charter of the City of Berkeley as ratified by the electors of said City are in the words and figures as follows, to wit:

City of Berkeley Charter Amendment S

That Articles IX, XIIA, and Sections 110, 111, and 116 of Article XVI be repealed, that Section 1 of Article 1, Section 3 of Article II, Sections 14, 15, and 16 of Article V, and Sections 36 and 37 of Article VII be amended, that Section 92(1) of Article XIII be amended by adding thereto a new paragraph one, and that Article XVI be amended by adding thereto new Sections 117, 118 and 119, the amended and new sections to read as follows:

Article I

Section 1. Name of the City.

The municipal corporation now existing and known as the City of Berkeley shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Berkeley, and by such name shall have perpetual succession.

Article II

Section 3.

The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, and as such boundaries may be changed thereafter from time to time in the manner authorized by law.

Article V

Section 14. Mayor's term of office.

The Mayor shall hold office for a term of four years from and after the first day of May after his election and until his successor is elected and qualified.

Section 15. Councilmember's term of office.

The Councilmembers shall hold office for a term of four years from

and after the first day of May after their election and until their successors are elected and qualified.

At each general municipal election there shall be elected four Councilmembers.

Section 16. School Director's term of office.

The School Directors shall hold office for a term of four (4) years from and after the first day of May after their election and until their successors are duly elected and qualified.

At the general municipal election in April, 1969, and at each second general municipal election thereafter, two (2) School Directors shall be elected; and at the general municipal election in April 1971, and at each second general municipal election thereafter, three (3) School Directors shall be elected.

## Article VII

Section 36. Officers not to be interested in contracts or franchises.

No officer or employee shall be directly or indirectly interested in any contract, work or business of the City, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the City or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the City. No officer shall be in the employ of any public service corporation in the City or of any person having any contract with the City or of any grantee of a franchise granted by the City.

Provided, however, the prohibitions in this Section contained shall not apply to the following:

(a) Members of advisory Boards, Commissions or Committees of the City, who serve without salary or other compensation; provided, however, members of Boards, Commissions or Committees which perform functions other than advisory functions shall not be included within this exception.

(b) Officers or employees of the State of California or of any department, division, or constitutionally created agency thereof.

Any contract or agreement made in contravention of this Section shall be void.

Any violation of the provisions of this Section shall be deemed a misdemeanor.

The Council shall enforce the provisions of this Section by appropriate legislation.

Section 37. Non-discrimination.

No appointment to position under the City Government shall be made or be withheld by reasons of any religious or political opinions or affiliations or political services, or by reason of sex, race, color, national origin or ancestry, and no appointment to or selection for or

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removal from any office of employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services, or by sex, race, color, national origin or ancestry.

Article XIII

Section 92. Direct legislation. (New paragraph one)

(1) The qualified voters of the City shall have power through the initiative and otherwise, as provided by this Charter and the general laws of the State, to enact appropriate legislation to carry out and enforce any of the powers of the City or any of the powers of the Council.

Article XVI

Section 117. Rights of existing bondholders.

The City of Berkeley shall issue no bonds for the financing of off-street vehicular parking that in any way affect, alter or diminish the rights of bondholders who purchased municipal revenue bonds pursuant to City Council Resolution No. 35, 324-N.S.

Section 118. Additional powers.

The City Council shall have the power to enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out any of the powers of the City or any of the provisions of this Charter, and to exercise all powers not in conflict with the Constitution of this State, with this Charter or with ordinances adopted by the people of the City.

Section 119. Personnel Board.

The City Council shall have the power to establish a Personnel Board and to appoint the members thereof to serve without compensation, to administer a personnel system under rules and regulations to be made by the Council. Such Board shall, among other things, provide for the classification of all employments in the administrative service of the City not excepted by the provisions of this Charter, by the Council, or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Partial Invalidity.

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

end the provisions of this Amendment are declared to be severable.

Charter Amendment T

That Section 4 of Article III be amended by adding thereto a new paragraph two, that Section 5(5) of Article III be amended, that Section 5 of Article III be amended by adding thereto a new Subsection (12), that Section 7(3) of Article IV be amended, that Section 7 of Article IV be amended by adding thereto a new Subsection (23), that Section 10 of Article V be amended, that Section 11 of Article V be repealed, that Section 12 of Article V be amended, that Section 92 of Article XIII be amended, and that Sections 93 and 94 of Article XIV be amended, the amended sections to read as follows:

Article III

Section 4. General and Special Municipal Elections. (New paragraph two)

No special municipal election shall be held in the City, except as provided for in this section.

(a) A special municipal election may be held in accordance with the Recall provisions of Article IV of this Charter, provided, however, that if the provisions of Article IV would require such election to be held between the 10th day of June and the 10th day of October, then such election shall be held on the following first Tuesday after the first Monday in November.

(b) A special municipal election may be held to fill any vacancy in accordance with Article V, Section 12 of this Charter; provided, however, if the provisions of Article V, Section 12 would require such election to be held between the 10th day of June and the 10th day of October, then such election shall be held on the following first Tuesday after the first Monday in November.

(c) A special municipal election, other than those provided for in subsections (a) and (b) of this section, may be held upon a determination by a vote of two-thirds of the Council, that an urgent necessity exists therefor.

Section 5(5). Designation on Ballot.

On the ballot, immediately under the name of each candidate and not separated therefrom by any line, one of the following designations may appear.

1. The word "incumbent," if he or she be the incumbent, or the words "appointed incumbent", if he or she be the appointed incumbent, or

2. Not more than three words designating the profession, vocation, or occupation of the candidate as the same shall appear in the affidavit of registration of the candidate. No candidate shall indicate employment by or affiliation with any named business, partisan,

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religious or other private organization, or belief in or adherence to any political persuasion, or assume a designation which would mislead the voters; provided, however, if the designation on the candidate's nomination paper is not in accordance with the provisions of this subsection, the City Clerk shall so notify the candidate by registered mail, return receipt requested. The candidate, within 5 days from the date of mailing, shall appear before the City Clerk and, under penalty of perjury, assume a designation in accordance with the provisions of this subsection. If the candidate does not appear within 5 days, the City Clerk shall leave the designation under his or her name blank (no designation).

The designation of the candidate's affidavit shall be in accordance with the above provisions.

Section 5(12). Time for filing nomination papers.

All nomination papers, except in the case of an election to fill a vacancy under Article V, Section 12 or in the case of an election under Article IV, shall be filed with the City Clerk not later than 12 o'clock noon on the 68th day before the election.

## Article IV

Section 7(23). Withdrawal of candidate.

Candidates nominated to succeed the incumbent if he or she is recalled from office by the recall election may withdraw from candidacy no later than the date the City Council may provide by resolution.

## Article V

Section 10. Eligibility of Mayor, Auditor, Councilmember, and School Director.

To be eligible for the office of Mayor, Auditor, Councilmember, or School Director, a person must, at the time of filing nomination papers for the office, be a citizen of the United States and a qualified elector of the State of California and of the City of Berkeley.

Section 12. Vacancy in Office of Mayor or Councilmember.

(1) If a vacancy shall occur in the office of Mayor or Councilmember:

(a) If the unexpired term is less than one year, the remaining members of the Council shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall be filled only at a regular meeting of the Council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the Council by any Councilmember by placement on the agenda. Should the Council fail to fill any vacancy within 60 days after its occurrence, the Council shall, within 10 days, order a special municipal election, to be held not less than 60 nor

more than 90 days after the date of the order; provided, however, if any regular statewide or general municipal election is to be held in the City not more than 180 days nor less than 80 days from the date of the occurrence of the vacancy in the case of a regular statewide election, or not more than 180 days nor less than 60 days from the date of the occurrence of the vacancy in the case of a general municipal election, then the vacancy shall not be filled by the Council nor by special election, but at said regularly occurring election.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by special election, to be called by the Council within ten days after the occurrence of the vacancy and to be held not less than 60 nor more than 90 days after the date of the order; provided, however, if any regular statewide or general municipal election is to be held in the City not more than 180 days nor less than 80 days from the date of the occurrence of the vacancy in the case of a regular statewide election, or not more than 180 days nor less than 60 days from the date of the occurrence of the vacancy in the case of a general municipal election, then the vacancy shall not be filled by special election, but at said regularly occurring election.

(2) If at any municipal election a Mayor or the required number of Councilmembers be not elected by reason of a tie vote among any of the candidates therefor, then the Council, after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote to fill such office. In such case the person so appointed shall hold office, subject to the provisions of the Recall, to and including the April 30th following the next general municipal election.

## Article XIII

Section 92. Direct legislation.

(1) Any proposed ordinance or charter amendment may be submitted to the Council by a petition signed by registered electors of the City equal in number to the percentage hereinafter required.

(2) Provisions of Article III apply.

The provisions of Article III respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modification as the nature of the case requires.

(3) Initiative Ordinance: Ten percent petition.

If the petition accompanying the proposed ordinance be signed by electors equal in number to ten percent of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at the next occurring regular statewide or general municipal election, then the Council shall either:

(a) Pass said ordinance without alteration within twenty days

after the attachment of the City Clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote, under the provision of Article XIV of this Charter); or

(b) Within twenty-five days after the City Clerk shall have attached to the petition accompanying such ordinance the certificate of sufficiency, the Council shall cause said ordinance without alteration to be submitted to a vote of the people at the next occurring regular statewide or general municipal election that shall occur at any time after ninety-five days from the date the petition is presented to the City Clerk for filing.

(4) Initiative Ordinance: Five percent petition.

If the petition be signed by electors equal in number to at least five but less than ten percent of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, and said ordinance be not passed by the Council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the Council to a vote of the people at the next general municipal election that shall occur at any time after seventy-five days from the date the petition is presented to the City Clerk for filing.

(5) Initiative Charter Amendment: Fifteen percent petition.

If the petition accompanying the proposed Charter Amendment be signed by electors equal in number to the percentage required by the laws of the State of California for the amendment of City Charters by petition, and contain a request that said charter amendment be submitted forthwith to the vote of the people, then said charter amendment, without alteration, shall be submitted by the Council to a vote of the people at the next occurring regular statewide or general municipal election that shall occur at any time after seventy-five days from the date the petition is presented to the City Clerk for filing.

(6) Publication of Popular Ordinance or Charter Amendment.

Whenever any ordinance, charter amendment, or proposition is required by this Charter to be submitted to the voters of the City at any election, (a) the Council shall cause the ordinance, charter amendment, or proposition to be printed and it shall be the duty of the City Clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter prior to the election, and (b) the Council shall order such ordinance, charter amendment, or proposition to be printed in the official newspaper of the City and published in the like manner as ordinances adopted by the Council are required to be published.

(7) Election.

The ballots used when voting upon such proposed ordinance or charter amendment shall contain the words "For the Ordinance" or "For the Charter Amendment" as the case may be (setting forth in full the title thereof and stating the general nature of the proposed ordinance or charter amendment) and "Against the Ordinance" or "Against the Charter Amendment" as the case may be (setting forth

in full the title thereof and stating the general nature of the proposed ordinance or charter amendment). If a majority of the qualified electors voting on said proposed ordinance or charter amendment shall vote in favor thereof, such ordinance or charter amendment shall thereupon become a valid and binding ordinance or charter amendment of the City.

(8) Several ordinances or charter amendments at one election.

Any number of proposed ordinances, charter amendments, or both may be voted upon at the same election, in accordance with the provisions of this Article.

(9) Repeal of popular ordinance or charter amendment.

The Council may submit a proposition for the repeal of any such ordinance, charter amendment, or for amendments thereto, to be voted on at any succeeding general municipal election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance or charter amendment shall be repealed or amended accordingly. An ordinance or charter amendment proposed by petition, or adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

(10) Further regulations.

The Council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Article III thereto.

## Article XIV

### THE REFERENDUM

Section 93. Mode of protesting against ordinances.

No ordinance passed by the Council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the State or by the provisions of this Charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a seven-ninths (7/9) vote of the Council, provided, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the City equal in number to at least ten percent of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit the ordinance, as is provided in Article XIII of the Charter, to the vote of the electors of the City, at the next occurring regular statewide or general

municipal election that shall occur at any time after seventy-five days from the date the petition is presented to the City Clerk for filing, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Article III respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed wich such modification as the nature of the case requires.

Section 94. Reference of measures to popular vote.

Any ordinance or measure that the Council or the qualified electors of the City shall have authority to enact, the Council may of its own motion submit to the electors for adoption or rejection at a regular statewide or general municipal election, in the same manner and with the same force and effect as is provided in this Charter for ordinances or measures submitted on petition. At any such election there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinance or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict then the measure receiving the highest affirmative vote shall control.

Partial Invalidity.

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

* * * * * *

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Berkeley with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Berkeley to be affixed hereto, this 24 day of June, 1974.

(SEAL)

WARREN WIDENER
*Mayor of the City of Berkeley*
EDYTHE CAMPBELL
City Clerk of the City of Berkeley

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 3 of Article XI of the Constitution of the State of California.

*Now, therefore, be it resolved by the Assembly of the State of California, the Senate concurring, a majority of all members elected to each house voting therefor and concurring therein,* That said amendments to the Charter of the City of Berkeley as presented to, and adopted and ratified by the electors of the said City and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of said City of Berkeley.

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## RESOLUTION CHAPTER 96

*Assembly Constitutional Amendment No. 99—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 4 of Article II, Sections 2, 10, 12, 13, 15, 21, 27, and 28 of Article IV, Sections 1, 2, 7, 8, 9, 10, and 13 of Article V, Sections 2, 3, 4, 6, 8, 15, 16, 17, 18, and 19 of Article VI, Section 2 of Article IX, Section 3 of Article XIV, Sections 10, 15, 17, 21, and 25 of Article XX, and Section 2 of Article XXIV thereof, relating to constitutional revision.*

[Filed with Secretary of State July 1, 1974.]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That Section 4 of Article II is amended to read:

SEC. 4. The Legislature shall provide for primary elections for partisan offices, including an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit of noncandidacy.

Second—That Section 2 of Article IV is amended to read:

SEC. 2. (a) The Senate has a membership of 40 Senators elected for 4-year terms, 20 to begin every 2 years. The Assembly has a membership of 80 members elected for 2-year terms. Their terms shall commence on the first Monday in December next following their election.

(b) Election of members of the Assembly shall be on the first Tuesday after the first Monday in November of even-numbered years unless otherwise prescribed by the Legislature. Senators shall be elected at the same time and places as members of the Assembly.

(c) A person is ineligible to be a member of the Legislature unless the person is an elector and has been a resident of the legislative district for one year, and a citizen of the United States and a resident of California for 3 years, immediately preceding the election.

(d) When a vacancy occurs in the Legislature the Governor immediately shall call an election to fill the vacancy.

Third—That Section 10 of Article IV is amended to read:

SEC. 10. (a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if it is signed by the Governor. The Governor may veto it by returning it with any objections to the house of origin, which shall enter the objections in the journal and proceed to reconsider it. If each house then passes the bill by rollcall vote entered in the journal, two thirds of the membership concurring, it becomes a statute. A bill presented to the Governor that is not returned within 12 days becomes a statute; provided, that any bill passed by the Legislature before September 1 of the second calendar year of the biennium of the legislative session and in the possession of the Governor on or after September 1 that is not returned by the Governor on or before September 30 of that year becomes a statute. The Legislature may not present to the Governor any bill after November 15 of the second calendar year of the biennium of the legislative session. If the Legislature by adjournment of a special session prevents the return of a bill with the veto message, the bill becomes a statute unless the Governor vetoes the bill within 12 days by depositing it and the veto message in the office of the Secretary of State.

Any bill introduced during the first year of the biennium of the legislative session that has not been passed by the house of origin by the thirtieth day of January of the second calendar year of the biennium may no longer be acted on by the house. No bill may be passed by either house on or after September 1 of an even-numbered year except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes, and bills passed after being vetoed by the Governor.

(b) The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. The Governor shall append to the bill a statement of the items reduced or eliminated with the reasons for the action. The Governor shall transmit to the house originating the bill a copy of the statement and reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the Governor's veto in the same manner as bills.

Fourth—That Section 12 of Article IV is amended to read:

SEC. 12. (a) Within the first 10 days of each calendar year, the

Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements for recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, the Governor shall recommend the sources from which the additional revenues should be provided.

(b) The Governor and the Governor-elect may require a state agency, officer or employee to furnish whatever information is deemed necessary to prepare the budget.

(c) The budget shall be accompanied by a budget bill itemizing recommended expenditures. The bill shall be introduced immediately in each house by the persons chairing the committees that consider appropriations. The Legislature shall pass the budget bill by midnight on June 15 of each year. Until the budget bill has been enacted, the Legislature shall not send to the Governor for consideration any bill appropriating funds for expenditure during the fiscal year for which the budget bill is to be enacted, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

(d) No bill except the budget bill may contain more than one item of appropriation, and that for one certain, expressed purpose. Appropriations from the General Fund of the State, except appropriations for the public schools, are void unless passed in each house by rollcall vote entered in the journal, two thirds of the membership concurring.

Fifth—That Section 13 of Article IV is amended to read:

SEC. 13. A member of the Legislature may not, during the term for which the member is elected, hold any office or employment under the State other than an elective office.

Sixth—That Section 15 of Article IV is amended to read:

SEC. 15. A person who seeks to influence the vote or action of a member of the Legislature in the member's legislative capacity by bribery, promise of reward, intimidation, or other dishonest means, or a member of the Legislature so influenced, is guilty of a felony.

Seventh—That Section 21 of Article IV is amended to read:

SEC. 21. To meet the needs resulting from war-caused or enemy-caused disaster in California, the Legislature may provide for:

(a) Filling the offices of members of the Legislature should at least one fifth of the membership of either house be killed, missing, or disabled, until they are able to perform their duties or successors are elected.

(b) Filling the office of Governor should the Governor be killed, missing, or disabled, until the Governor or the successor designated in this Constitution is able to perform the duties of the office of Governor or a successor is elected.

(c) Convening the Legislature.

(d) Holding elections to fill offices that are elective under this Constitution and that are either vacant or occupied by persons not elected thereto.

(e) Selecting a temporary seat of state or county government.

Eighth—That Section 27 of Article IV is amended to read:

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more representatives in Congress; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the number required for one congressional district shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

Ninth—That Section 28 of Article IV is amended to read:

SEC. 28. A person holding a lucrative office under the United States or other power may not hold a civil office of profit. A local officer or postmaster whose compensation does not exceed 500 dollars per year or an officer in the militia or a member of a reserve component of the armed forces of the United States except where on active federal duty for more than 30 days in any year is not a holder of a lucrative office, nor is the holding of a civil office of profit affected by this military service.

Tenth—That Section 1 of Article V is amended to read:

SECTION 1. The supreme executive power of this State is vested in the Governor. The Governor shall see that the law is faithfully executed.

Eleventh—That Section 2 of Article V is amended to read:

SEC. 2. The Governor shall be elected every fourth year at the same time and places as members of the Assembly and hold office from the Monday after January 1 following the election until a successor qualifies. The Governor shall be an elector who has been a citizen of the United States and a resident of this State for 5 years immediately preceding the Governor's election. The Governor may not hold other public office.

Twelfth—That Section 7 of Article V is amended to read:

SEC. 7. The Governor is commander in chief of a militia that shall be provided by statute. The Governor may call it forth to execute the law.

Thirteenth—That Section 8 of Article V is amended to read:

SEC. 8. Subject to application procedures provided by statute, the Governor, on conditions the Governor deems proper, may grant

a reprieve, pardon, and commutation, after sentence, except in case of impeachment. The Governor shall report to the Legislature each reprieve, pardon, and commutation granted, stating the pertinent facts and the reasons for granting it. The Governor may not grant a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

Fourteenth—That Section 9 of Article V is amended to read:

SEC. 9. The Lieutenant Governor shall have the same qualifications as the Governor. The Lieutenant Governor is President of the Senate but has only a casting vote.

Fifteenth—That Section 10 of Article V is amended to read:

SEC. 10. The Lieutenant Governor shall become Governor when a vacancy occurs in the office of Governor.

The Lieutenant Governor shall act as Governor during the impeachment, absence from the State, or other temporary disability of the Governor or of a Governor-elect who fails to take office.

The Legislature shall provide an order of precedence after the Lieutenant Governor for succession to the office of Governor and for the temporary exercise of the Governor's functions.

The Supreme Court has exclusive jurisdiction to determine all questions arising under this section.

Standing to raise questions of vacancy or temporary disability is vested exclusively in a body provided by statute.

Sixteenth—That Section 13 of Article V is amended to read:

SEC. 13. Subject to the powers and duties of the Governor, the Attorney General shall be the chief law officer of the State. It shall be the duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced. The Attorney General shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make reports concerning the investigation, detection, prosecution, and punishment of crime in their respective jurisdictions as to the Attorney General may seem advisable. Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the Attorney General shall have all the powers of a district attorney. When required by the public interest or directed by the Governor, the Attorney General shall assist any district attorney in the discharge of the duties of that office.

Seventeenth—That Section 2 of Article VI is amended to read:

SEC. 2. The Supreme Court consists of the Chief Justice of California and 6 associate justices. The Chief Justice may convene the court at any time. Concurrence of 4 judges present at the argument is necessary for a judgment.

An acting Chief Justice shall perform all functions of the Chief

Justice when the Chief Justice is absent or unable to act. The Chief Justice or, if the Chief Justice fails to do so, the court shall select an associate justice as acting Chief Justice.

Eighteenth—That Section 3 of Article VI is amended to read:

SEC. 3. The Legislature shall divide the State into districts each containing a court of appeal with one or more divisions. Each division consists of a presiding justice and 2 or more associate justices. It has the power of a court of appeal and shall conduct itself as a 3-judge court. Concurrence of 2 judges present at the argument is necessary for a judgment.

An acting presiding justice shall perform all functions of the presiding justice when the presiding justice is absent or unable to act. The presiding justice or, if the presiding justice fails to do so, the Chief Justice shall select an associate justice of that division as acting presiding justice.

Nineteenth—That Section 4 of Article VI is amended to read:

SEC. 4. In each county there is a superior court of one or more judges. The Legislature shall prescribe the number of judges and provide for the officers and employees of each superior court. If the governing body of each affected county concurs, the Legislature may provide that one or more judges serve more than one superior court.

The county clerk is ex officio clerk of the superior court in the county.

Twentieth—That Section 6 of Article VI is amended to read:

SEC. 6. The Judicial Council consists of the Chief Justice and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, 3 judges of municipal courts, and 2 judges of justice courts, each appointed by the Chief Justice for a 2-year term; 4 members of the State Bar appointed by its governing body for 2-year terms; and one member of each house of the Legislature appointed as provided by the house.

Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or the Chief Justice, other than adopting rules of court administration, practice and procedure.

To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.

The Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

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Judges shall report to the Judicial Council as the Chief Justice directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Twenty-first—That Section 8 of Article VI is amended to read:

SEC. 8. The Commission on Judicial Qualifications consists of 2 judges of courts of appeal, 2 judges of superior courts, and one judge of a municipal court, each appointed by the Supreme Court; 2 members of the State Bar who have practiced law in this State for 10 years, appointed by its governing body; and 2 citizens who are not judges, retired judges, or members of the State Bar, appointed by the Governor and approved by the Senate, a majority of the membership concurring. All terms are 4 years.

Commission membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

Twenty-second—That Section 15 of Article VI is amended to read:

SEC. 15. A person is ineligible to be a judge of a court of record unless for 5 years immediately preceding selection to a municipal court or 10 years immediately preceding selection to other courts, the person has been a member of the State Bar or served as a judge of a court of record in this State. A judge eligible for municipal court service may be assigned by the Chief Justice to serve on any court.

Twenty-third—That Section 16 of Article VI is amended to read:

SEC. 16. (a) Judges of the Supreme Court shall be elected at large and judges of courts of appeal shall be elected in their districts at general elections at the same time and places as the Governor. Their terms are 12 years beginning the Monday after January 1 following their election, except that a judge elected to an unexpired term serves the remainder of the term. In creating a new court of appeal district or division the Legislature shall provide that the first elective terms are 4, 8, and 12 years.

(b) Judges of other courts shall be elected in their counties or districts at general elections. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.

(c) Terms of judges of superior courts are 6 years beginning the Monday after January 1 following their election. A vacancy shall be filled by election to a full term at the next general election after the January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

(d) Within 30 days before August 16 preceding the expiration of the judge's term, a judge of the Supreme Court or a court of appeal may file a declaration of candidacy to succeed to the office presently held by the judge. If the declaration is not filed, the Governor before September 16 shall nominate a candidate. At the next general election, only the candidate so declared or nominated may appear on the ballot, which shall present the question whether the candidate shall be elected. The candidate shall be elected upon receiving a majority of the votes on the question. A candidate not elected may

not be appointed to that court but later may be nominated and elected.

The Governor shall fill vacancies in those courts by appointment. An appointee holds office until the Monday after January 1 following the first general election at which the appointee had the right to become a candidate or until an elected judge qualifies. A nomination or appointment by the Governor is effective when confirmed by the Commission on Judicial Appointments.

Electors of a county, by majority of those voting and in a manner the Legislature shall provide, may make this system of selection applicable to judges of superior courts.

Twenty-fourth—That Section 17 of Article VI is amended to read:

SEC. 17. A judge of a court of record may not practice law and during the term for which the judge was selected is ineligible for public employment or public office other than judicial employment or judicial office. A judge of the superior or municipal court may, however, become eligible for election to other public office by taking a leave of absence without pay prior to filing a declaration of candidacy. Acceptance of the public office is a resignation from the office of judge.

A judicial officer may not receive fines or fees for personal use.

Twenty-fifth—That Section 18 of Article VI is amended to read:

SEC. 18. (a) A judge is disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging the judge in the United States with a crime punishable as a felony under California or federal law, or (2) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for removal or retirement of the judge.

(b) On recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court may suspend a judge from office without salary when in the United States the judge pleads guilty or no contest or is found guilty of a crime punishable as a felony under California or federal law or of any other crime that involves moral turpitude under that law. If the conviction is reversed suspension terminates, and the judge shall be paid the salary for the judicial office held by the judge for the period of suspension. If the judge is suspended and the conviction becomes final the Supreme Court shall remove the judge from office.

(c) On recommendation of the Commission on Judicial Qualifications the Supreme Court may (1) retire a judge for disability that seriously interferes with the performance of the judge's duties and is or is likely to become permanent, and (2) censure or remove a judge for action occurring not more than 6 years prior to the commencement of the judge's current term that constitutes wilful misconduct in office, wilful and persistent failure to perform the judge's duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

(d) A judge retired by the Supreme Court shall be considered to

have retired voluntarily. A judge removed by the Supreme Court is ineligible for judicial office and pending further order of the court is suspended from practicing law in this State.

(e) The Judicial Council shall make rules implementing this section and providing for confidentiality of proceedings.

Twenty-sixth—That Section 19 of Article VI is amended to read:

SEC. 19. The Legislature shall prescribe compensation for judges of courts of record.

A judge of a court of record may not receive the salary for the judicial office held by the judge while any cause before the judge remains pending and undetermined for 90 days after it has been submitted for decision.

Twenty-seventh—That Section 2 of Article IX is amended to read:

SEC. 2. A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election. The Superintendent of Public Instruction shall enter upon the duties of the office on the first Monday after the first day of January next succeeding each gubernatorial election.

Twenty-eighth—That Section 3 of Article XIV is amended to read:

SEC. 3. It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water. Riparian rights in a stream or water course attach to, but to no more than so much of the flow thereof as may be required or used consistently with this section, for the purposes for which such lands are, or may be made adaptable, in view of such reasonable and beneficial uses; provided, however, that nothing herein contained shall be construed as depriving any riparian owner of the reasonable use of water of the stream to which the owner's land is riparian under reasonable methods of diversion and use, or of depriving any appropriator of water to which the appropriator is lawfully entitled. This section shall be self-executing, and the Legislature may also enact laws in the furtherance of the policy in this section contained.

Twenty-ninth—That Section 10 of Article XX is amended to read:

SEC. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure personal election or appointment.

Thirtieth—That Section 15 of Article XX is amended to read:

SEC. 15. Mechanics, persons furnishing materials, artisans, and

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laborers of every class, shall have a lien upon the property upon which they have bestowed labor or furnished material for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

Thirty-first—That Section 17 of Article XX is amended to read:

SEC. 17. Worktime of mechanics or workers on public works may not exceed eight hours a day except in wartime or extraordinary emergencies that endanger life or property. The Legislature shall provide for enforcement of this section.

Thirty-second—That Section 21 of Article XX is amended to read:

SEC. 21. The Legislature is hereby expressly vested with plenary power, unlimited by any provision of this Constitution, to create, and enforce a complete system of workers' compensation, by appropriate legislation, and in that behalf to create and enforce a liability on the part of any or all persons to compensate any or all of their workers for injury or disability, and their dependents for death incurred or sustained by the said workers in the course of their employment, irrespective of the fault of any party. A complete system of workers' compensation includes adequate provisions for the comfort, health and safety and general welfare of any and all workers and those dependent upon them for support to the extent of relieving from the consequences of any injury or death incurred or sustained by workers in the course of their employment, irrespective of the fault of any party; also full provision for securing safety in places of employment; full provision for such medical, surgical, hospital and other remedial treatment as is requisite to cure and relieve from the effects of such injury; full provision for adequate insurance coverage against liability to pay or furnish compensation; full provision for regulating such insurance coverage in all its aspects, including the establishment and management of a State compensation insurance fund; full provision for otherwise securing the payment of compensation; and full provision for vesting power, authority and jurisdiction in an administrative body with all the requisite governmental functions to determine any dispute or matter arising under such legislation, to the end that the administration of such legislation shall accomplish substantial justice in all cases expeditiously, inexpensively, and without incumbrance of any character; all of which matters are expressly declared to be the social public policy of this State, binding upon all departments of the State government.

The Legislature is vested with plenary powers, to provide for the settlement of any disputes arising under such legislation by arbitration, or by an industrial accident commission, by the courts, or by either, any, or all of these agencies, either separately or in combination, and may fix and control the method and manner of trial of any such dispute, the rules of evidence and the manner of review of decisions rendered by the tribunal or tribunals designated by it; provided, that all decisions of any such tribunal shall be subject to

review by the appellate courts of this State. The Legislature may combine in one statute all the provisions for a complete system of workers' compensation, as herein defined.

The Legislature shall have power to provide for the payment of an award to the state in the case of the death, arising out of and in the course of the employment, of an employee without dependents, and such awards may be used for the payment of extra compensation for subsequent injuries beyond the liability of a single employer for awards to employees of the employer.

Nothing contained herein shall be taken or construed to impair or render ineffectual in any measure the creation and existence of the industrial accident commission of this State or the State compensation insurance fund, the creation and existence of which, with all the functions vested in them, are hereby ratified and confirmed.

Thirty-third—That Section 25 of Article XX is amended to read:

SEC. 25. Any legislator whose term of office is reduced by operation of the amendment to subdivision (a) of Section 2 of Article IV adopted by the people in 1972 shall, notwithstanding any other provision of this Constitution, be entitled to retirement benefits and compensation as if the term of office had not been so reduced.

Thirty-fourth—That Section 2 of Article XXIV is amended to read:

SEC. 2. (a) There is a Personnel Board of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 10-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. A member may be removed by concurrent resolution adopted by each house, two-thirds of the membership of each house concurring.

(b) The board annually shall elect one of its members as presiding officer.

(c) The board shall appoint and prescribe compensation for an executive officer who shall be a member of the civil service but not a member of the board.

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## RESOLUTION CHAPTER 97

*Assembly Concurrent Resolution No. 200—Relative to the Joint Committee on Aging.*

[Filed with Secretary of State July 1, 1974 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* As follows:

That the Joint Committee on Aging is continued in existence until July 31, 1975, notwithstanding the provisions of any prior concurrent resolution affecting such committee. The committee shall continue to have the powers and duties granted and imposed by the resolution

creating or continuing it. The committee may expend any funds heretofore or hereafter made available and further allocations may be made by the Joint Rules Committee; provided that, in accordance with Joint Rule 36.8, any expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

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## RESOLUTION CHAPTER 98

*Assembly Concurrent Resolution No. 209—Relative to telecommunications.*

[Filed with Secretary of State July 1, 1974.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That an advisory committee to the Joint Committee on Telecommunications, as created by Resolution Chapter 49 (A.C.R. No. 44) of the Statutes of 1973, is hereby created; and be it further

*Resolved,* That the advisory committee to the Joint Committee on Telecommunications shall consist of 15 members appointed by the joint committee; and be it further

*Resolved,* That the advisory committee shall provide existing information, actively advise the joint committee, and work integrally with it on all studies, reports, and recommendations; and be it further

*Resolved,* That the Joint Rules Committee may make such money available from the Contingent Funds of the Assembly and the Senate as it deems necessary for the expenses of the advisory committee; and in accordance with Joint Rule 36.8, any such expenditures of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

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## RESOLUTION CHAPTER 99

*Assembly Concurrent Resolution No. 239—Relative to Public Employees' Retirement Fund investments.*

[Filed with Secretary of State July 1, 1974.]

WHEREAS, State employee retirement funds in several western states have been successfully invested in federally guaranteed bank loans under the Small Business Administration and Department of Agriculture small business loan programs; and

WHEREAS, Such investments have provided a good rate of return and have stimulated the economy in each such state; now, therefore,

be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Board of Administration of the Public Employees' Retirement System is urged to invest not in excess of 10 percent of the Public Employees' Retirement Fund in federally guaranteed bank loans under the Small Business Administration and Department of Agriculture small business loan programs; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Board of Administration of the Public Employees' Retirement System.

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## RESOLUTION CHAPTER 100

*Assembly Joint Resolution No. 78—Relative to the Ventura County Beach Erosion Control Study.*

[Filed with Secretary of State July 1, 1974.]

WHEREAS, The shoreline of Ventura County has been subject to continuous and extensive problems of beach erosion over a long period of time; and

WHEREAS, The continuing erosion of the Ventura County coastline is causing extensive damage to public and private facilities; and

WHEREAS, The need for corrective measures has long been recognized by federal, state, and local agencies and by the general public; and

WHEREAS, The United States House of Representatives has authorized a beach erosion control study of the Ventura County shoreline by the United States Army Corps of Engineers; and

WHEREAS, This study has been endorsed by the California Legislature, which recommended the early funding and completion of the study and the immediate implementation of remedial measures; and

WHEREAS, The Ventura County Beach Erosion Control Study has been strongly endorsed by a broad spectrum of public and private agencies and organizations which recognize its importance and urgency; and

WHEREAS, The failure to implement remedial measures at an early time will result in the loss of valuable public beaches at a time when the public demand for such facilities are rapidly increasing; and

WHEREAS, Immediate action is necessary if this valuable public resource is to be protected in the public interest; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to

give priority to funding the Ventura County Beach Erosion Control Study, California, and to provide sufficient funding for this study so that it might be completed and its recommendations implemented at the earliest possible time; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Chief of the United States Army Corps of Engineers, to the Chairmen of Committees on Public Works of the United States Senate and House of Representatives, to the Chairmen of the Committees on Appropriations of the United States Senate and House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 101

*Assembly Joint Resolution No. 93—Relative to Amtrak.*

[Filed with Secretary of State July 1, 1974.]

WHEREAS, The institution of Amtrak service to the Counties of Yuba, Sutter, Butte, Colusa, Lassen, Sierra, and Plumas in northern California would extend the benefits of rail passenger service to many people whose only means of transportation presently is the private automobile; and

WHEREAS, During these times of fuel scarcities it is especially important that rail passenger service, which is potentially the most efficient means of transportation, be developed and improved to serve the maximum number of people; and

WHEREAS, The population of this area is served presently by a dearth of public transportation, and dependence upon the automobile for transportation during the present fuel shortage is precarious at best; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the National Railroad Passenger Corporation is urged to institute Amtrak service to the Counties of Yuba, Sutter, Butte, Colusa, Lassen, Sierra, and Plumas in northern California; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Railroad Passenger Corporation.

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# RESOLUTION CHAPTER 102

*Assembly Concurrent Resolution No. 230—Relative to awards for state employees.*

[Filed with Secretary of State July 2, 1974.]

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred fifty dollars ($150) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to John D. Machado, Department of Conservation, for a suggestion that results in annual savings of sixteen thousand four hundred ninety dollars ($16,490) by suggesting that the State Compensation Insurance Fund distribute an annual calendar with a safety slogan for each month, instead of printing and distributing a calendar each month; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to George R. Burke, Department of Conservation, for a suggestion that results in annual savings of seventeen thousand three hundred forty dollars ($17,340) by proposing that air tankers be held on the ground, in alert status, until a patrol plane confirms a reported fire; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to David R. Wojnarowski, Department of Consumer Affairs, for a suggestion that results in annual savings of six thousand one hundred forty-eight dollars ($6,148) by suggesting a different packing method and the use of United Parcel Service to transmit smog, lamp and brake certificate books to licensed stations; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Myrna Rodriguez, Dolores C. Carter and Anna N. Smith, Department of Corrections, for suggestions which result in annual savings of two thousand seven hundred one dollars ($2,701) and acceleration of the release of eligible inmates, by suggesting the use of master vote sheets and improved procedures for the conduct of hearings; and

WHEREAS, An award for one hundred fifty dollars ($150) has already been made to Charles J. Sanchez, John A. Rodina and Carl A. Anson, Employment Development Department for suggestions which result in annual savings of forty-four thousand eight hundred sixty-three dollars ($44,863) by proposing revisions for continued claim statements, which permit the certification to two weeks of unemployment to be done on one form; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Nona M. Mrazik, presently Board of Equalization and Lorenzo D. Cullum, Employment Development Department, for a suggestion that results in annual savings of two

thousand six hundred eighty-nine dollars ($2,689) by suggesting regular mail be used, instead of special delivery, when notices of claims filed were being sent to the data-processing center two or more days prior to the computer run; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to David Cooper, Employment Development Department, for a suggestion that results in annual savings of three thousand one hundred sixty-four dollars ($3,164) by devising a method by which two stamped impressions can be made on employee work applications in one motion; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Sally Squires Bullock, Employment Development Department, for a suggestion that results in annual savings of five thousand four hundred eighteen dollars ($5,418) by suggesting that job bank verification books be made up from original computer printouts, instead of reducing the printout on other paper; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Adeline G. Haskett and Helen M. Tuggle, Board of Equalization for a suggestion that results in annual savings of three thousand three hundred fourteen dollars ($3,314) by suggesting, in association with their supervisor Lucile Neeley, that the form and file of notice of closeout balance be eliminated; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lucile Neeley, Board of Equalization, for a suggestion that results in annual savings of six thousand three hundred eighteen dollars ($6,318) by recommending a revised procedure which resulted in eliminating the handling and filing of almost 100,000 cards each year; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lawrence J. Micheli, Franchise Tax Board for a suggestion which results in annual savings of eighteen thousand eight hundred fifty-three dollars ($18,853) by recommending a penalty be charged for dishonored checks, to defray the added costs; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to John D. Dykeman, Franchise Tax Board for a suggestion which results in annual savings and increased revenue of sixty-eight thousand three hundred sixty-five dollars ($68,365) by suggesting that better and more up-to-date addresses of taxpayers could be obtained by reference to the withholding master file; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Edna M. Lucito and Daniel S. Lazar, Department of General Services for a suggestion that results in annual savings of four thousand thirty-three dollars ($4,033) by suggesting that a one-page summary be substituted for individual lists of miscellaneous revenues, prepared monthly from school district reports; and

WHEREAS, An award of one hundred fifty dollars ($150) has

already been made to Everett P. Jones, Robert A. Bentley, Duane T. Davis, Alexander J. Nichelin and Berthold Kluck, Department of General Services for a suggestion which results in annual savings of five thousand nine hundred fifty-three dollars ($5,953) by suggesting that reusable recording tapes be obtained for the convenience of legislators who must record messages to the public. The tapes are erased for reuse when returned by the radio station or other users; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert E. Morgan, Department of General Services for a suggestion which results in annual savings of two thousand five hundred eighty-five dollars ($2,585) by recommending, in association with his supervisor Robert Rodgers, the use of alternate, raised cleats to force individual rolls of recut tab card stock, one from the other when dropped upon the cleats; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to A. S. Cooper and John C. Cunningham, Department of California Highway Patrol, for suggestions which result in annual savings of seven thousand six hundred sixty-two dollars ($7,662) by suggesting that 38 caliber ammunition, which has been replaced with new issue, be used for practice in place of purchasing wadcutter rounds; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Teri L. Johnston, Department of California Highway Patrol, for a suggestion which results in annual savings of seven thousand seven hundred ninety-nine dollars ($7,799) by proposing a more accurate and timesaving method of recording official court appearances, for the purpose of reimbursement; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Sheryl M. McDonnell, Department of California Highway Patrol, for a suggestion which results in annual savings of two thousand eight hundred six dollars ($2,806) by suggesting, in association with her supervisor I. G. Erskine, a standard form, to be used departmentwide, in place of the area route slips which were produced by each area; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Harry D. Deichler, Department of California Highway Patrol, for a suggestion which results in annual savings of three thousand five hundred thirty dollars ($3,530) by recommending a tag for patrol vehicle radios, to designate the private line tone and eliminate the need to test for it; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ronald E. Beers, Department of California Highway Patrol, for a suggestion which results in annual savings of one thousand nine hundred fifty dollars ($1,950) by suggesting a more durable belt be used for the conveyor system in the radio dispatch center; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Walter W. Reed, Department of Justice, for a

suggestion which results in annual savings of fourteen thousand three hundred sixty-six dollars ($14,366) by suggesting the, virtually unused, file of stolen negotiable instruments and certificates be abolished; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lyda M. Brown, Francis Walmer, Evelyne B. Thomas, Robert Quintana, Marie E. Fernald, Edmund K. Fay, Della C. Pendlebury and Adron G. Whitson, Department of Motor Vehicles, for suggestions which result in annual savings of one hundred fifteen thousand six hundred fifty dollars ($115,650) by suggesting the original potential registration notice be used throughout the year, instead of using other forms when the vehicle is registered after the regular period; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to John C. Mabra and D. A. Yeomans, Department of Motor Vehicles, for suggestions which result in annual savings of nine thousand nine hundred sixty-two dollars ($9,962) by suggesting that there is no necessity for a new application and photograph when permission to operate a motorcycle is indicated by an endorsement to the regular drivers license; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Donald R. Ban, Sal T. Franzella and Marcel P. Perez, Department of Motor Vehicles for a suggestion which results in annual savings of three thousand six hundred dollars ($3,600) by proposing that documents prepared in response to individual requests for information be enclosed into one envelope when they are to be mailed to the same address; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Karen D. Anderson, Department of Motor Vehicles, for a suggestion which results in annual savings of ten thousand one hundred fifty dollars ($10,150) by suggesting form revisions which insure that motor vehicle registrants, who have filed late and must pay a 10 percent penalty, are informed of the new deadline for payment; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Polly T. Kataoka, Department of Motor Vehicles, for a suggestion which results in annual savings of seven thousand seventy-three dollars ($7,073) by suggesting data-processing procedural revisions which resulted in the update of the prorate base plate master file being accomplished directly from the account record; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ira James O'Connor, Department of Motor Vehicles, for a suggestion which results in annual savings of fourteen thousand one hundred thirty-six dollars ($14,136) by suggesting a standardized statement of facts be substituted for the individual and varied statements each motor vehicle office has used; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Doris Seese, Janet Papasthathis and Jackie

Beckham, Department of Motor Vehicles, for a suggestion which results in annual savings of eleven thousand six hundred dollars ($11,600) by proposing a method by which the current date and expiration date can be recorded for drivers licenses from automated records, instead of being processed manually; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Thomas C. Ghormley, Department of Motor Vehicles, for a suggestion that results in annual savings of three thousand two hundred sixty-five dollars ($3,265) by recommending the immediate destruction of undeliverable vehicle registration notices, instead of searching each one, just in case a check has been enclosed to avoid postage; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Michael J. Dario, Department of Motor Vehicles, for a suggestion which results in annual savings of six thousand sixty-one dollars ($6,061) by suggesting a revised key entry print program, which results in eliminating one line of print for most of the motor vehicle ownership certificates; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Shirley Alberti, Department of Motor Vehicles and Larry Virga, presently Department of General Services, for a suggestion which results in annual savings of three thousand three hundred eighty dollars ($3,380) by proposing consolidation of log-book and production cards in such a manner as to eliminate the necessity for individual posting of registration data; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Royden Noyes Cornell, Department of Motor Vehicles, for a suggestion which results in annual savings of two thousand eight hundred eighty dollars ($2,880) by devising a form letter, with two fill-in spaces, to replace letters which had heretofore been individually typed; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Sandra Erickson, Department of Motor Vehicles, for a suggestion which results in annual savings of two thousand four hundred thirty dollars ($2,430) by suggesting that typewritten notices concerning informal implied consent hearings, be replaced by a form letter; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Alberta F. Middleton and Verna Resch, Department of Motor Vehicles for a suggestion which results in annual savings of one thousand nine hundred seventy-seven dollars ($1,977) by recommending the revision of a form and a method by which it can materially assist in checking "out-cards" for returned files; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ronald S. Coppin, Department of Motor Vehicles, for a suggestion that results in annual savings of three thousand seven hundred dollars ($3,700) by suggesting that applicants for duplicate drivers licenses, who are minors, be no

longer required to produce a birth certificate. If the request is valid, the birth date is already on record; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Mercedes Lavine and Elaine M. Stora, Department of Motor Vehicles, for a suggestion that results in annual savings of two thousand six hundred ninety-nine dollars ($2,699) by suggesting the use of a rubber stamp in place of handwritten entries on a high-volume form; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Blanche Covert, Department of Motor Vehicles, for a suggestion which results in annual savings of three thousand two hundred six dollars ($3,206) by suggesting that special instructions for drivers license applicants, who are minors, be listed so that they are better prepared for testing; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Gordon Chester, Jr., Department of Transportation, for a suggestion that results in annual savings of sixty-six thousand dollars ($66,000) by developing a traffic counting device, which is capable of differentiating between two- and three-axle vehicles; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to John S. Evans and Gregory McNew, Department of Transportation, for a suggestion which results in annual savings of twenty-three thousand one hundred fifty-three dollars ($23,153) by proposing that a single-form "service agreement" be substituted for a multiform, more complicated, process used to confirm agreements for services which cost one hundred dollars ($100) or less; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Gilbert E. Walton, Department of Transportation, for a suggestion which results in annual increased revenue of seventy-five thousand dollars ($75,000) by suggesting a revised procedure for bridge toll credit accounts which resulted in the imposition of a transaction fee to provide greater flexibility and offset costs; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Eldon D. Klein, Department of Transportation, for a suggestion which results in annual savings of thirty-seven thousand eight hundred dollars ($37,800) by proposing that bridge girder prestress testing be reduced to the evaluation of one end only; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Joseph O. Genins and William S. Goldberg, Department of Transportation, for a suggestion which results in annual savings of nine thousand dollars ($9,000) by suggesting a method by which the weekly workday statement, used to compute progress payments to contractors, may be produced by computer; and

WHEREAS, An award of one hundred fifty dollars ($150) has

already been made to William S. Goldberg and Joseph O. Genins, Department of Transportation, for a suggestion which results in annual savings of one hundred sixty-two thousand dollars ($162,000) by developing a computerized program for the maintenance of a complete record of each contract payment, made throughout the entire life of the contract, yet with flexibility to allow for the entry of change orders and related adjustments; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Vernon L. Wood and Billy D. Cowdin, Department of Transportation, for a suggestion that results in annual savings of eleven thousand two hundred twenty-four dollars ($11,224) by suggesting a computerized method by which the accounting for reproduction work orders is accomplished on a monthly basis; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Dorothy Haynie, Department of Transportation, for a suggestion which resulted in one-time savings of four thousand twenty-three dollars ($4,023) by suggesting a method by which a large order for identification labels was produced from electrostatic masters instead of individually typing each one; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert S. Garr, Department of Transportation, for a suggestion which results in annual savings of five thousand six hundred sixty dollars ($5,660) by designing a machine to replace manual labor in washing the lights of the San Mateo Bridge across San Francisco Bay; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lawrence E. Phillips, Department of Transportation, for a suggestion, made in association with his supervisor George W. Zaits, which results in annual savings of six thousand three hundred dollars ($6,300) by developing a less expensive method of preparing artwork for slide projections used in presenting engineering data at public hearings; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Maria E. Parra, Department of Transportation, for a suggestion which results in annual savings of four thousand three hundred sixty-two dollars ($4,362) by suggesting that postage and handling time could be saved by boxing mail from Los Angeles to Sacramento headquarters instead of stuffing large envelopes; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Theodore W. Reagan, Department of Transportation, for a suggestion that results in annual savings of eleven thousand five hundred twenty-six dollars ($11,526) by suggesting that bottom borders be eliminated when manufacturing overhead, lighted roadsigns; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Loyd A. DeRosa, Department of Transportation, for a suggestion which results in improved safety and

annual savings of three thousand five hundred seven dollars ($3,507) by devising a method by which the angle of the broom on a mobile sweeper can be changed by the operator, from his cab, while the vehicle is still in motion; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Edward E. Wishman, Department of Water Resources, for a suggestion which results in annual savings of four thousand four hundred thirty-three dollars ($4,433) by fabricating a mechanical linkage which adapts existing telemetering devices, in such a manner as to record water quality data automatically; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to William B. Hansell, Department of Water Resources, for a suggestion which results in annual savings of six thousand three hundred twenty-eight dollars ($6,328) by designing, in association with his supervisor Wayne Hall, a steel bucket attachment for a four-wheel-drive loader to be used, in place of manual labor, in cleaning roadside ditches; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to John O. Ullrich, California State University, Fullerton, for a suggestion which results in annual savings of nine thousand two hundred fifty-nine dollars ($9,259) by designing a breakaway section for parking lot gate arms, which made it possible to reuse almost 2,500 in the first year of use; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Arthur L. Manley, California State University, Los Angeles, for a suggestion which results in annual savings of three thousand eight hundred fifty-six dollars ($3,856) by suggesting that tow bars and trailer hitches be installed on electric trucks and receiving carts to eliminate the necessity for double handling of campus supplies at the loading dock; and

WHEREAS, The suggestions of these employees have resulted in one-time and recurring savings, and in recurring additional revenue amount to eight hundred ninety-one thousand five hundred forty-seven dollars ($891,547); and

WHEREAS, As a result of these savings and added revenue it is unnecessary to appropriate additional funds for the payment of these awards; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the following additional awards, which have been approved by the State Board of Control, are hereby authorized to the employees named:

John D. Machado, six hundred seventy-five dollars ($675);

George R. Burke, one thousand five hundred eighty-four dollars ($1,584)

David R. Wojnarowski, four hundred sixty-five dollars ($465)

Myrna Rodriguez, forty dollars ($40)

Dolores C. Carter, forty dollars ($40)

Anna N. Smith, forty dollars ($40)

Charles J. Sanchez, one thousand four hundred forty-five dollars

($1,445)

John A. Rodina, one thousand four hundred forty-five dollars ($1,445)

Carl A. Anson, one thousand four hundred forty-five dollars ($1,445)

Nona M. Mrazik, sixty dollars ($60)

Lorenzo D. Cullum, sixty dollars ($60)

David Cooper, one hundred ninety-one dollars ($191)

Sally Squires Bullock, three hundred ninety-two dollars ($392)

Adeline G. Haskett, ninety-one dollars ($91)

Helen M. Tuggle, ninety-one dollars ($91)

Lucile Neeley, supervisor of Adeline G. Haskett and Helen M. Tuggle, one hundred dollars ($100)

Lucile Neeley, four hundred eighty-two dollars ($482)

Lawrence J. Micheli, one thousand seven hundred thirty-five dollars ($1,735)

John D. Dykeman, one thousand five hundred fifty-nine dollars ($1,559)

Edna M. Lucito, one hundred twenty-six dollars ($126)

Daniel S. Lazar, one hundred twenty-six dollars ($126)

Everett P. Jones, eighty-nine dollars ($89)

Robert A. Bentley, eighty-nine dollars ($89)

Duane T. Davis, eighty-nine dollars ($89)

Alexander J. Nichelin, eighty-nine dollars ($89)

Berthold Kluck, eighty-nine dollars ($89)

Robert E. Morgan, one hundred nine dollars ($109)

Robert Rodgers, supervisor of Robert E. Morgan, seventy-eight dollars ($78)

A. S. Cooper, three hundred eight dollars ($308)

John C. Cunningham, three hundred eight dollars ($308)

Teri L. Johnston, six hundred thirty dollars ($630)

I. G. Erskine, supervisor of Sheryl M. McDonnell, fifty dollars ($50)

Harry D. Deichler, two hundred dollars ($200)

Ronald E. Beers, forty-five dollars ($45)

Walter W. Reed, one thousand two hundred eighty-six dollars ($1,286)

Lyda M. Brown, one thousand nine hundred two dollars ($1,902)

Francis Walmer, one thousand nine hundred two dollars ($1,902)

Evelyne B. Thomas, nine hundred fifty-one dollars ($951)

Robert Quintana, nine hundred fifty-one dollars ($951)

Marie E. Fernald, nine hundred fifty-one dollars ($951)

Edmund K. Fay, nine hundred fifty-one dollars ($951)

Della C. Pendlebury, one thousand nine hundred two dollars ($1,902)

Adron G. Whitson, one thousand nine hundred two dollars ($1,902)

John C. Mabra, three hundred forty-eight dollars ($348)

D. A. Yeomans, three hundred forty-eight dollars ($348)

Donald R. Ban, seventy dollars ($70)

Sal T. Franzella, seventy dollars ($70)
Marcel P. Perez, seventy dollars ($70)
Karen D. Anderson, eight hundred sixty-five dollars ($865)
Polly T. Kataoka, five hundred fifty-seven dollars ($557)
Ira James O'Connor, one thousand two hundred sixty-four dollars ($1,264)
Doris Seese, three hundred thirty-six dollars ($336)
Janet Papastathis, three hundred thirty-six dollars ($336)
Jackie Beckham, three hundred thirty-six dollars ($336)
Thomas C. Ghormley, one hundred seventy-seven dollars ($177)
Michael J. Dario, four hundred fifty-six dollars ($456)
Shirley Alberti, ninety-four dollars ($94)
Larry Virga, ninety-four dollars ($94)
Royden Noyes Cornell, one hundred thirty-eight dollars ($138)
Sandra Erickson, ninety-three dollars ($93)
Alberta F. Middleton, twenty-four dollars ($24)
Verna Resch, twenty-four dollars ($24)
Ronald S. Coppin, two hundred twenty dollars ($220)
Mercedes Lavine, sixty dollars ($60)
Elaine M. Stora, sixty dollars ($60)
Blanche Covert, one hundred seventy-one dollars ($171)
Gordon Chester, Jr., three thousand one hundred fifty dollars ($3,150)
John S. Evans, one thousand eighty-three dollars ($1,083)
Gregory McNew, one thousand eighty-three dollars ($1,083)
Gilbert E. Walton, two thousand one hundred dollars ($2,100)
Eldon D. Klein, three thousand six hundred thirty dollars ($3,630)
Joseph O. Genins, three hundred seventy-five dollars ($375)
William S. Goldberg, three hundred seventy-five dollars ($375)
William S. Goldberg, one thousand nine hundred fifty dollars ($1,950)
Joseph O. Genins, one thousand nine hundred fifty dollars ($1,950)
Vernon L. Wood, four hundred eighty-six dollars ($486)
Billy D. Cowdin, four hundred eighty-six dollars ($486)
Dorothy Haynie, fifty-one dollars ($51)
Robert S. Garr, four hundred sixteen dollars ($416)
Lawrence E. Phillips, four hundred eighty-one dollars ($481)
George W. Zaits, supervisor of Lawrence E. Phillips, one hundred eighty-nine dollars ($189)
Maria E. Parra, two hundred fifty dollars ($250)
Theodore W. Reagan, one thousand three dollars ($1,003)
Loyd A. DeRosa, two hundred fifty-one dollars ($251)
Edward E. Wishman, two hundred ninety-three dollars ($293)
William B. Hansell, four hundred eighty-three dollars ($483)
Wayne Hall, supervisor of William B. Hansell, one hundred ninety dollars ($190)
John O. Ullrich, seven hundred seventy-six dollars ($776)
Arthur L. Manley, two hundred thirty-six dollars ($236);
and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and the State Controller.

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## RESOLUTION CHAPTER 103

*Senate Concurrent Resolution No. 97—Relative to memorializing the Honorable Charles M. Teague.*

[Filed with Secretary of State July 2, 1974.]

WHEREAS, The Honorable Charles M. Teague, Congressman for California's 13th Congressional District, was born in Santa Paula, California, on September 18, 1909, was graduated from Stanford University Law School, and served during World War II in the United States Air Force; and

WHEREAS, Charles Teague left the practice of law in 1954 to seek and gain office in the United States House of Representatives, an office he faithfully filled for 19 years; and

WHEREAS, Congressman Teague distinguished himself in the Congress by becoming a senior ranking member in that prestigious and powerful body and by unceasing service to his constituents, his state, and his nation; and

WHEREAS, The Congressman conscientiously invoked the authority of his office to serve the welfare of his constituents, the people of Ventura, and Santa Barbara Counties, who consistently reelected him by wider and wider margins of votes; and

WHEREAS, His service to his state and his country was most notably apparent in his efforts on behalf of American agriculture and the California farmer, devoting himself to "free agriculture" and the independent farmer; and

WHEREAS, This servant and quiet leader of the people died on January 1, 1974, in his home in Santa Paula; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That Congressman Charles M. Teague, his deeds, and his devoted and dedicated service, be commemorated by the Legislature and people of the State of California; and be it further

*Resolved,* That suitably prepared copies of this resolution be transmitted to his surviving children, Alan Teague, Judith Kenyon, and Norma Potter.

## RESOLUTION CHAPTER 104

*Senate Concurrent Resolution No. 105—Relative to the Joint Rules.*

[Filed with Secretary of State July 2, 1974 ]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That Rule 46 is added to the Temporary Joint Rules of the Senate and Assembly for the 1973–74 Regular Session, to read:

### Legislative Hearing Rooms

46. The Rules Committee of each house shall provide designated space for nonsmokers in each legislative hearing room under its jurisdiction; provided, however, that nothing in this rule shall prevent any committee chairman from prohibiting smoking completely, or from further restricting smoking to a greater extent than provided by the Rules Committee of that house.

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## RESOLUTION CHAPTER 105

*Senate Concurrent Resolution No. 123—Relative to memorializing William F. Knowland.*

[Filed with Secretary of State July 2, 1974.]

WHEREAS, The Members of the Senate were grieved to learn of the death of William F. Knowland, editor and publisher of the Oakland Tribune, former United States Senator, and former California State Assemblyman and Senator; and

WHEREAS, A second generation native Californian, Senator Knowland was born in Alameda in 1908, and was educated at Alameda High School and the University of California at Berkeley; and

WHEREAS, At 24, he was his state's youngest Assemblyman; at 26, its youngest State Senator; at 33, the Republican National Committee's youngest executive committee chairman; and, at 37, the nation's youngest United States Senator; and

WHEREAS, Senator Knowland was a 36-year member of the State Republican Central Committee; Majority Leader of the United States Senate; Senate Minority Leader; American Delegate to the 11th General Assembly of the United Nations; and served as a member of the Senate Foreign Relations Committee, the Appropriations Committee, and the Joint Senate and House Atomic Committee; and

WHEREAS, Senator Knowland's personal participation, together

with the Tribune's editorial support, assured the success of such projects as the Oakland-Alameda County Coliseum Complex, the Oakland Museum, and the Bay Area Rapid Transit system; and

WHEREAS, Assuming the post of president and publisher of the Oakland Tribune upon the death of his father in 1966, Senator Knowland revamped the editorial quality of the paper; and

WHEREAS, As a leader in civic, cultural, historic, and business affairs, he contributed vastly to numerous foundations, museums, welfare funds, health associations, youth development programs, and fraternal organizations; and

WHEREAS, Senator Knowland is survived by his wife, Ann; his sister, Mrs. Edgar H. Lion; his son, Joseph William Knowland; two daughters, Estelle K. Johnson and Emelyn K. Jewett; his stepmother, Mrs. Guy Gilchrist; and eight grandchildren; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Members do hereby express their deep sorrow at the passing of William F. Knowland, an outstanding son and servant of California and the United States who loved his state and nation dearly, and extend their sincere condolences to the members of his bereaved family; and be it further

*Resolved,* That suitably prepared copies of this resolution be transmitted to Mrs. Ann Knowland, Mrs. Edgar H. Lion, Joseph William Knowland, Mrs. Estelle K. Johnson, Mrs. Emelyn K. Jewett, and Mrs. Guy Gilchrist.

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## RESOLUTION CHAPTER 106

*Senate Concurrent Resolution No. 136—Relative to courts.*

[Filed with Secretary of State July 2, 1974 ]

WHEREAS, The structure of the judicial system affects the administration of justice in California; and

WHEREAS, The administration of justice is of vital concern to every citizen; and

WHEREAS, Many proposals to reform the structure of the judiciary have been brought to the Legislature by responsible and informed groups, only to see said proposals die for lack of support; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That:

1. The Joint Committee on the Structure of the Judiciary is hereby created and authorized and directed to study, investigate, and analyze the following matters:

(a) The optimum structure for California's judicial system.

(b) The consolidation of superior and municipal courts.

(c) The appellate process.

(d) The function of small claims courts.

(e) Justice courts in a unified court system.

(f) State funding of the judicial system.

2. The committee shall consist of five Members of the Senate, appointed by the Committee on Rules thereof, and five Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership during the existence of the committee shall be filled by the appointing power.

3. The committee shall begin its work immediately upon passage of this resolution and is authorized to act during this session of the Legislature, including any recess, until January 30, 1976, with authority to file its final report no later than January 30, 1976.

4. The committee has the following powers and duties:

(a) All of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the committee and its members.

(b) To contract, subject to the Joint Rules, with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

5. The Joint Rules Committee may make funds available from the Contingent Funds of the Assembly and Senate for the purposes of this resolution, and the joint committee may expend such funds for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution; provided, that, in accordance with Joint Rule 36.8, any expenditure of funds shall be made in compliance with policies set forth by the Joint Rules committee and shall be subject to the approval of the Joint Rules Committee.

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## RESOLUTION CHAPTER 107

*Senate Concurrent Resolution No. 141—Relative to the Joint Committee for the Revision of the Elections Code.*

[Filed with Secretary of State July 2, 1974.]

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*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Joint Committee for the Revision of the Elections Code created by Assembly Concurrent Resolution No. 93 (Resolution Chapter 129) of the 1971 Regular Session, and the advisory committee for the revision of the Elections Code created pursuant to Senate Concurrent Resolution No. 16 (Resolution Chapter 180) of the 1971 Regular Session, both of which were continued in existence until July 31, 1974, by Senate Concurrent Resolution No. 48 (Resolution Chapter 83) of the 1973–74 Regular Session, are hereby continued in existence until December 31, 1975, by which date the joint committee shall submit its findings and recommendations to the Legislature, and each such committee shall continue to have the powers and duties granted and imposed by the resolution by which it was created; and be it further

*Resolved,* That the Joint Rules Committee may make funds available from the Contingent Funds of the Assembly and Senate for the purposes of this resolution and the Joint Committee for the Revision of the Elections Code may expend such funds for the expenses of the committee and the advisory committee for the revision of the Elections Code and their members and for any charges, expenses, or claims they may incur under this resolution; provided, that, in accordance with Joint Rule 36.8, any expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

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## RESOLUTION CHAPTER 108

*Senate Joint Resolution No. 48—Relative to federal flood control and reclamation projects.*

[Filed with Secretary of State July 2, 1974.]

WHEREAS, The danger of flooding continues to be a critical problem in many areas of California; and

WHEREAS, Inflationary factors cause the costs of flood control projects to increase drastically when needed projects are delayed; and

WHEREAS, The President's budget recommends a reduction in the California Water Commission's budget recommendation for the 1974–75 fiscal year from $91,031,000 to $48,762,000, a net reduction of $42,269,000 in the recommended federal flood control program in California during the 1974–75 fiscal year; and

WHEREAS, A delay in Bureau of Reclamation projects for California would deny to California and the federal government additional revenues which would be generated by completion of the recommended projects on schedule; and

WHEREAS, The President's budget recommends a reduction in the

California Water Commission's budget recommendation for the 1974–75 fiscal year for Bureau of Reclamation projects from $78,167,500 to $51,326,000, a net reduction of $26,841,500 in the recommended Bureau of Reclamation program in California during the 1974–75 fiscal year; and

WHEREAS, The President's budget recommends an elimination or curtailment of funding for a total of 87 flood control and reclamation projects which are located throughout the breadth and depth of California, and valued at $69,110,500 for the 1974–75 fiscal year; and

WHEREAS, Total reduction in funding, if the President's recommended budget is adopted by Congress, would eliminate 3,000 jobs directly and would have the multiplier effect of eliminating thousands of additional jobs in supplier-related industries; and

WHEREAS, These reclamation projects would benefit millions of people throughout not only the United States, but the entire world, by enabling urgently needed food and fiber to be provided; and

WHEREAS, The construction of these flood control projects would result in the saving of many lives and large amounts of property by providing urgently needed flood protection; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to restore the full amounts required for the funding of flood control and reclamation projects in California during the 1974–75 fiscal year; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 109

*Assembly Concurrent Resolution No. 260—Approving an amendment to the Charter of the County of San Mateo, State of California, ratified by the qualified electors of the county at a primary election held therein on the fourth day of June, 1974.*

[Filed with the Secretary of State July 3, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the County of San Mateo, organized and acting under and by virtue of a freeholder's charter, State of California, as hereinafter set forth in the certificate of the chairman and clerk of the board of supervisors and county clerk of the county, as follows:

Whereas, the County of San Mateo, State of California, has at all

times herein mentioned been, and now is, a body politic and corporate and is now, and has been, since the 28th day of January, 1933, organized and acting under and by virtue of a freeholder's charter, adopted under and by virtue of Section 3 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the 8th day of November, 1932, and filed in the Office of the Secretary of State on the 28th day of January, 1933; and

Whereas, proceedings have been had for the proposal, adoption and ratification of a certain amendment to said charter set out in the certificate of the Chairman and Clerk of the Board of Supervisors and the County Clerk of the County of San Mateo, to wit:

State of California }
County of San Mateo } ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AND CHAIRMAN AND CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF A CERTAIN AMENDMENT TO THE CHARTER OF SAID COUNTY OF SAN MATEO, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY OF SAN MATEO ON TUESDAY, THE 4TH DAY OF JUNE, 1974

Be it known that:

Whereas, the County of San Mateo, State of California, has been at all times herein mentioned, and now is, a body politic, a corporate, and a political subdivision of the State of California, and is now and has been since the 28th day of January, 1933, organized and acting under and by virtue of a freeholder's charter, adopted under and by virtue of Section 3 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the 8th day of November, 1932, and approved by the Legislature of the State of California in the Fiftieth Session thereof, and filed in the Office of the Secretary of State on the 28th day of January, 1933; and

Whereas, the Board of Supervisors of said county pursuant to the provisions of Section 3 of Article XI of said Constitution did by Resolution No. 32441, adopted March 5, 1974, duly propose a charter amendment to the qualified electors of said county, designated in said resolution and order as proposed County Charter amendment lettered "B" and ordered that said amendment be submitted to the qualified electors of said county at the June primary election to be held in said county on Tuesday, the 4th day of June, 1974, which date was fixed in said resolution as the day for holding said primary election; and

Whereas, said proposed charter amendment lettered "B" was published for ten times in the San Mateo Times, a daily newspaper of general circulation, printed, published, and circulated in said

county, to wit: April 15, 16, 17, 18, 19, 20, 22, 23, 24, and 25, 1974; and

Whereas, said June primary election, at which said proposed amendment was submitted to the qualified electors of said county, was not less than 74 days after publication of said proposed amendment, as aforesaid; and

Whereas, a copy of the proposed charter amendment proposition and a sample ballot containing said proposition were mailed to every qualified elector in said County of San Mateo; and

Whereas, thereafter the County Clerk of said County of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election, and the said Board of Supervisors of said county on the 25th day of June, 1974, did duly declare the results of said June primary election as determined from the canvass of the returns thereof; and

Whereas, at said June primary election held on the said Tuesday, the 4th day of June, 1974, _____ votes were cast in favor of said proposed charter amendment lettered "B" and _____ votes were cast against said proposed charter amendment lettered "B"; and

Whereas, said proposed charter amendment lettered "B" was ratified by a majority of the electors of said county voting thereon; and

Whereas, said Proposition "B" appeared on the official ballot and on the voting machine as follows:

Proposition B

San Mateo County Charter Amendment

Shall the Charter of the County of San Mateo be amended to provide that the Board of Supervisors shall fix maximum reimbursement for transportation expenses incurred by persons in the service of the county, and removing the ten-cent-per-mile maximum now in the Charter?

; and

Whereas, said charter amendment lettered "B" so ratified by the electors of said County of San Mateo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 3 of Article XI of the Constitution of the State of California, and is in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to wit:

Proposition B

That Section 2 of Article XIII of the San Mateo County Charter be amended to provide that the Board of Supervisors shall fix the rates of reimbursement for transportation expenses incurred by persons in

the service of the County, and removing the ten-cent-per-mile maximum now in the Charter.

That Section 2 of Article XIII shall be amended to read as follows:

Section 2. Traveling Expenses. Whenever any person in the service of the county is compelled to travel in the performance of his duty, he shall, in addition to his regular compensation be reimbursed for his actual and necessary expenditures for transportation, lodging and meals. An itemized account of such expenditures shall be filed with and approved by the Controller before payment. The Board of Supervisors shall fix a maximum to be paid for such travel, lodging and meals, which shall be applicable to all such persons alike, including members of said Board of Supervisors and all county officers, whose traveling is authorized by the Board of Supervisors.

MARVIN CHURCH
Marvin Church,
County Clerk of the
County of San Mateo,
State of California

State of California }
County of San Mateo } ss.

We, the undersigned, Jean Fassler, Chairman of the Board of Supervisors of the County of San Mateo, State of California, and Eileen Kenyon, Clerk of the Board of Supervisors of the County of San Mateo, State of California, do hereby certify:

That the foregoing proposed and ratified amendment to the Charter of the said County of San Mateo, submitted to the electors of said county at a primary election held in said county on Tuesday, the 4th day of June, 1974, has been compared by us, and each of us, with the proposed amendment lettered "B" set forth in the resolution adopted by said Board of Supervisors, as hereinabove set forth, and that the foregoing is a full, true, and correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of San Mateo this 25th day of June, 1974.

JEAN FASSLER
Chairman, Board of
Supervisors, County of
San Mateo, State of California
EILEEN KENYON
Clerk of the Board of
Supervisors, County of
San Mateo, State of California

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the County of San Mateo, as proposed to, and adopted and ratified by, the electors of the county, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the County of San Mateo.

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## RESOLUTION CHAPTER 110

*Assembly Joint Resolution No. 77—Relative to surface mining.*

[Filed with Secretary of State August 8, 1974 ]

WHEREAS, New surface mining operations in national forest lands are being contemplated presently; and

WHEREAS, The adverse impact of surface mining upon the environment is well known and of grave concern; and

WHEREAS, The preservation and improvement of the environmental quality of public lands is an increasingly important and desirable goal; and

WHEREAS, Local governmental entities are not presently informed about federal agreements permitting exploration for the development of natural resources on adjacent federal lands; and

WHEREAS, Such agreements have a significant impact upon local communities; and

WHEREAS, Before such agreements are entered into and such exploration permits are granted, federal authorities should hold public hearings within the local communities that would be affected by the proposed federal action; and

WHEREAS, The Congress of the United States is presently

considering measures to prohibit all surface mining within the national park system, the national wildlife refuge system, the national wilderness preservation system, and the wild and scenic rivers system; and

WHEREAS, The House Subcommittee on Mines and Mining has adopted an amendment which would prevent surface mining within any area of the national forest system; and

WHEREAS, The enactment of such legislation, as amended, would protect federal lands in California and elsewhere; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully urges the President and the Congress to support and to enact such legislation or similar legislation to ensure strict regulation of surface mining; and be it further

*Resolved,* That the Legislature of the State of California respectfully urges federal authorities to hold public hearings on proposed agreements to permit exploration on federal land for the development of natural resources within the local communities that would be affected by such exploration before such agreements are entered into and exploration permits are granted; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 111

*Assembly Concurrent Resolution No. 162—Relative to salmon and steelhead fishing in San Mateo and Santa Cruz Counties.*

[Filed with Secretary of State August 8, 1974.]

WHEREAS, The California Fish and Game Commission and the Department of Fish and Game have announced that streams in San Mateo and Santa Cruz Counties will be open for salmon and steelhead fishing on a seven-day-per-week basis, rather than the present three-day-per-week basis, during the next salmon and steelhead season commencing in November 1974; and

WHEREAS, The run of salmon and steelhead particularly on the San Lorenzo and Soquel Creeks during the past several years does not indicate the ability on the part of either or both of such streams to support daily fishing during the contemplated seasons due to the excessive pressure placed on both of the streams by the surrounding population, including Santa Clara County, which exceeds 500,000 people; and

WHEREAS, The experience of fishermen in the area has indicated

that it would be impossible to properly regulate the passage of sufficient salmon and steelhead upstream during the season in question to allow proper spawns and a sustained yield of fish in the future if daily fishing is allowed; and

WHEREAS, The additional leisure time enjoyed by sportsmen and the cyclical employment of many sportsmen in the area results in excessively heavy pressure on all streams in the area; and

WHEREAS, This action by both the commission and department was taken notwithstanding the receipt of many letters of protest from organizations and individuals, including a protest from the Santa Cruz County Fish and Game Advisory Commission; and

WHEREAS, The present three-day-per-week angling regulations were originally instigated by interested people in the late 1930's in an attempt to protect a fishery that even at such early date was endangered by growth, pollution, habitat destruction, and excessive numbers of fishermen; and

WHEREAS, Some of the streams in San Mateo County, such as San Gregorio Creek, where daily angling was allowed until the 1970–1971 winter season, have experienced the almost complete decimation of the runs of fish; and

WHEREAS, The twice-weekly rest period presently in effect enables the fish in such streams, particularly in smaller streams, to migrate and spawn without molestation during these periods; and

WHEREAS, Such opening of the streams in San Mateo and Santa Cruz Counties is discriminatory inasmuch as the balance of the central coast district was not included in such opening; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Fish and Game Commission and the Department of Fish and Game are requested to reconsider the present three-day-per-week regulations for salmon and steelhead fishing in streams in San Mateo and Santa Cruz Counties; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the California Fish and Game Commission and to the Director of the Department of Fish and Game.

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## RESOLUTION CHAPTER 112

*Senate Concurrent Resolution No. 151—Approving an amendment to the Charter of the City of Los Angeles, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the fourth day of June, 1974.*

[Filed with Secretary of State August 13, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Los Angeles, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president pro tempore of the council and city clerk of the city, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

We, Robert M. Wilkinson, President Pro Tempore of the Council of the City of Los Angeles, and Rex E. Layton, City Clerk of the City of Los Angeles, do hereby certify and declare as follows:

That said City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million eight hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of former Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said city at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, P. 1024).

That in accordance with the provisions of Article XI, Section 3 of the Constitution of the State of California and of Section 34459 of the California Government Code, the Council of the City of Los Angeles, being the legislative body of said city, on its own motion, duly and regularly submitted to the qualified electors of the City of Los Angeles a proposal for the amendment of the Charter of said city to be voted upon by said qualified electors at an election held on the 4th day of June, 1974, all as required by law, which said proposal was designated as proposed Charter Amendment C.

That on the 22nd day of April, 1974, the said proposed amendment was published and advertised in accordance with Section 34461 of the California Government Code, in each and every edition of said day of April 22, 1974, in "The Los Angeles Daily Journal," a daily newspaper of general circulation printed and circulated in said city, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said city.

That copies of said proposed charter amendment were printed in

convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said city; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 23, 1974, to and including June 4, 1974; and a notice was advertised and published on and from April 23, 1974, to and including June 4, 1974 in "The Los Angeles Daily Journal," a newspaper of general circulation in said city, that copies thereof might be had at the office of the City Clerk of said city upon application therefor.

Such proposed charter amendment was submitted to the electors of said city for adoption and ratification at an election held on June 4, 1974, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendment aforesaid.

At said election a majority of the qualified electors voting upon the proposed charter amendment voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Registrar-Recorder of the County of Los Angeles dated June 25, 1974, and by the declaration of the Council of said City of Los Angeles, which pursuant to law met on July 1, 1974, at its usual time and place of meeting, and duly declared the result of said election in accordance with the canvass of the returns as certified by said Registrar-Recorder.

That the said amendment to the Charter of the City of Los Angeles, so adopted and ratified by the qualified electors of said city, and which shall be submitted to the Legislature for approval or rejection, is in words and figures as follows:

Proposed Charter Amendment C

Article XVII of the Charter of the City of Los Angeles hereby is amended by adding Section 189 thereto and by amending the existing Sections 186 and 186.2 thereof, and Article XVIII of said Charter hereby is amended by adding Section 190.50 thereto and by amending the existing Sections 190.06 and 190.09 thereof, to read:

Sec. 189. Authority of City Council to Establish Certain Benefits by Ordinance.

(a) Purpose of this Section.

It is the purpose of this section to enable the City Council of the City of Los Angeles to provide by ordinance a program or programs whereby persons receiving pensions pursuant to the provisions of this article may become eligible to have subsidy payments made on their behalf for health insurance, accident insurance, life insurance or health care plan coverage or coverage for any combination of such programs as determined by the City Council and subject to such conditions of entitlement as may be set forth in any ordinance adopted in accordance with the provisions of this section.

(b) Mode of Adoption of Ordinance.

Ordinances adopted pursuant to this section must be approved by not less than two-thirds of the membership of the Council, subject to

the veto of the Mayor and readoption by the Council in the same manner as other ordinances requiring a two-thirds vote. No such ordinance may be finally adopted by the Council until the expiration of at least thirty days after its first presentation to the Council, nor until after a public hearing has been held thereon.

Any ordinance adopted pursuant to this section shall go into effect upon the expiration of thirty days from its publication, but the terms of such ordinance, or portions thereof, may be operative at a later date or dates.

(c) Limitations on City Council's Authority.

An ordinance adopted pursuant to this section may not provide for subsidy payments for any individual, the total amount of which, including subsidy payments from a city fund or funds other than those created under Section 186 of this article, would be in excess of the maximum available subsidy payment for beneficiaries under the provisions of any ordinance adopted pursuant to the authority of Section 512.2 of this Charter, nor may such subsidy payments be in excess of any amounts allowed active members of the Fire and Police Pension System.

Any subsidy program adopted by ordinance pursuant to this section shall be administered by the Board of Pension Commissioners. In furtherance thereof, the Board shall have the authority to contract for suitable programs as hereinabove defined in subsection (a) hereof, to be made available to retired members or other beneficiaries, and shall have the power to adopt such rules as it deems necessary to administer such programs.

Notwithstanding the foregoing provisions, the Board may authorize the Personnel Department to administer any program or part thereof established by ordinance pursuant to the provisions of this section, provided, however, that the Board shall reimburse the General Fund of the City of Los Angeles for all necessary expenses incurred by the Personnel Department as a result thereof.

The Board, in its discretion, may by resolution increase or decrease the amount of subsidy payments on the following conditions only: (1) to reflect changes in subsidies provided for active members or (2) to offset any increases or decreases in the level of benefits referred to in subsection (a) of this section or the cost thereof as a result of changes in existing benefits or the addition of newly created benefits by federal or state funded programs.

(d) The provisions of Section 180 hereafter shall be construed and applied in accordance with the provisions of this section.

Sec. 186. Two entirely separate and distinct funds hereby are created and established for the payment of pension benefits pursuant to this Article and certain other benefits as may be authorized from time to time pursuant to the enabling provisions of Section 189 of this Article, one of which shall be known as the "Fire and Police Service Pension Fund" and the other of which shall be known as the "Fire and Police General Pension Fund".

The Fire and Police Service Pension Fund shall consist of:

(a) Contributions made, pursuant to Section 186½, from the salaries of members of the Fire Department and of the Police Department;

(b) All moneys which shall be on deposit to the credit of the Service Pension Account of the formerly provided Fire and Police Pension Fund as of the effective date of this section; and

(c) All interest, earnings and profits resulting from investments of such moneys.

The Fire and Police General Pension Fund shall consist of:

(a) All receipts from taxes levied pursuant to Section 186.2;

(b) All moneys which shall be on deposit to the credit of the General Pension Account of the formerly provided Fire and Police Pension Fund as of the effective date of this section;

(c) All securities which, prior to the effective date of this section, were held in the name of the Board of Pension Commissioners;

(d) All interest, earnings and profits resulting from the securities referred to in (c) above and from other investments of such moneys; and

(e) All moneys transferred from the New System General Pension Fund created and established by Article XVIII of this Chapter.

The moneys in the Fire and Police Service Pension Fund shall be used, other than for the investment thereof, exclusively for the payment of service pensions granted pursuant to Section 181. The moneys in the Fire and Police General Pension Fund shall be used, other than for the investment thereof and except as hereinafter in this immediate paragraph provided, exclusively for the payment of all pensions other than service pensions and such other benefits as may be provided by ordinance adopted pursuant to the provisions of Section 189 of this Article. In the event that the moneys in the Fire and Police Service Pension Fund should be insufficient, at any time, to pay all service pensions, then the Board of Pension Commissioners shall have the power and authority to cause the Controller of the City to transfer to said fund sufficient moneys therefor from the Fire and Police General Pension Fund. In no other event shall any of the moneys in either of said funds be commingled with any of the moneys in the other of said funds, whether as moneys or cash on deposit or as moneys invested.

Sec. 186.2. Said board shall annually prepare and transmit to the Mayor, Council and Controller a budget setting forth the estimated cost of maintaining the Fire and Police Service Pension Fund and the Fire and Police General Pension Fund, which said budget shall include therein separate items as follows:

(1) A sum equal to that percentage of the salaries of all members of said pension system shown in the last rendered actuarial valuation to be required to cover the entry age cost to be paid by the City on account of new entrants into the system, said entry age cost being defined as the level percentage of compensation of new entrants which must be paid into the Fire and Police General Pension Fund from their date of entry in order to provide the benefits under the

system, less the contributions to be made by such new entrants during the period of their membership as provided in Section 186½; provided, however, that the board shall include in its budget for the fiscal year 1967–68 a sum equal to 7.55% of the estimated total payrolls, for said year, of the Fire Department and of the Police Department for all members of said departments.

(2) A sum equal to that percentage of the salaries of all members of said pension system shown in the last rendered actuarial valuation to be required to amortize the unfunded liabilities of the system; said unfunded liabilities being defined as the present value of all of the assumed obligations of the system, less the present value of the future contributions to be made by the City under the preceding subsection and by the members under Section 186½, and less the assets of the Fire and Police Service Pension Fund and of the Fire and Police General Pension Fund. The amortization period shall be seventy years beginning with the fiscal year 1967–1968, provided, however, that the board shall assume that the unfunded liabilities of the system shall be $258,000,000.00 as of July 1, 1967, and shall include in its budget for the fiscal year 1967–1968 a sum equal to 12.65% of the estimated total payrolls, for said year, of the Fire Department and of the Police Department for all members of said departments.

(3) A sum sufficient to cover the cost, as determined by an actuarial estimate, of benefits granted by the City Council under the authority of Section 189 of this article.

For the purpose of providing funds to meet the budget of the Fire and Police Pension System and of its Fire and Police Service Pension Fund and of its Fire and Police General Pension Fund the Council or Controller shall annually levy, in addition to all other taxes levied by the City, a tax clearly sufficient to provide the total amount of all items in said budget.

Sec. 190.50. Authority of City Council to Establish Certain Benefits by Ordinance.

(a) Purpose of this Section.

It is the purpose of this section to enable the City Council of the City of Los Angeles to provide by ordinance a program or programs whereby persons receiving pensions pursuant to the provisions of this article may become eligible to have subsidy payments made on their behalf for health insurance, accident insurance, life insurance or health care plan coverage or coverage for any combination of such programs as determined by the City Council and subject to such conditions of entitlement as may be set forth in any ordinance adopted in accordance with the provisions of this section.

(b) Mode of Adoption of Ordinance.

Ordinances adopted pursuant to this section must be approved by not less than two-thirds of the membership of the Council, subject to the veto of the Mayor and readoption by the Council in the same manner as other ordinances requiring a two-thirds vote. No such ordinance may be finally adopted by the Council until the expiration of at least thirty days after its first presentation to the Council, nor

until after a public hearing has been held thereon.

Any ordinance adopted pursuant to this section shall go into effect upon the expiration of thirty days from its publication, but the terms of such ordinance, or portions thereof, may be operative at a later date or dates.

(c) Limitations on City Council's Authority.

An ordinance adopted pursuant to this section may not provide for subsidy payments for any individual, the total amount of which, including subsidy payments from a city fund or funds other than those created under Section 190.06 of this article, would be in excess of the maximum available subsidy payment for beneficiaries under the provisions of any ordinance adopted pursuant to the authority of Section 512.2 of this Charter, nor may such subsidy payments be in excess of any amounts allowed active members of the New Pension System.

Any subsidy program adopted by ordinance pursuant to this section shall be administered by the Board of Pension Commissioners. In furtherance thereof, the Board shall have the authority to contract for suitable programs as hereinabove defined in subsection (a) hereof, to be made available to retired members or other beneficiaries, and shall have the power to adopt such rules as it deems necessary to administer such programs.

Notwithstanding the foregoing provisions, the Board may authorize the Personnel Department to administer any program or part thereof established by ordinance pursuant to the provisions of this section, provided, however, that the Board shall reimburse the General Fund of the City of Los Angeles for all necessary expenses incurred by the Personnel Department as a result thereof.

The Board, in its discretion, may by resolution increase or decrease the amount of subsidy payments on the following conditions only: (1) to reflect changes in subsidies provided for active members or (2) to offset any increases or decreases in the level of benefits referred to in subsection (a) of this section or the cost thereof as a result of changes in existing benefits or the addition of newly created benefits by federal or state funded programs.

(d) The provisions of Section 190.05 hereafter shall be construed and applied in accordance with the provisions of this section.

Sec. 190.06. Funds of the New System.

Two entirely separate and distinct funds hereby are created and established for the payment of pension benefits pursuant to this Article, certain other benefits as may be authorized from time to time pursuant to the enabling provisions of Section 190.50 of this Article and for the payment of the administrative expenses of the New System and of the Fire and Police Pension System provided by Article XVII of this Charter, one of which shall be known as the "New System Service Pension Fund" and the other of which shall be known as the "New System General Pension Fund".

The New System Service Pension Fund shall consist of:

(a) Deductions made, pursuant to Section 190.10, from the salaries

of System members;

(b) All contributions and donations to the Fire Department or to the Police Department for services by any System Members, except amounts of money donated to provide for any medal or permanent competitive award;

(c) All fines imposed upon System Members for violations of rules and regulations of the respective department in which they are Department Members;

(d) All proceeds from the sale of unclaimed property; and

(e) All interest, earnings and profits resulting from investments of such moneys.

The New System General Pension Fund shall consist of:

(a) All receipts from taxes levied pursuant to Section 190.09;

(b) All moneys appropriated thereto by the Council of the City; and

(c) All interest, earnings and profits resulting from investment of such moneys.

The moneys in the New System Service Pension Fund shall be used, other than for the investment thereof, exclusively for the payment of service pensions granted pursuant to Section 190.11. The moneys in the New System General Pension Fund shall be used, other than for the investment thereof and except as hereinafter in this immediate paragraph specifically provided, exclusively for the payment of all pensions other than service pensions, such benefits as may be provided by ordinance adopted pursuant to the provisions of Section 190.50 of this Article and of all administrative expenses of the New System and of the Fire and Police Pension System provided by Article XVII of this Charter. In the event that the moneys in the New System Service Pension Fund should be insufficient, at any time, to pay all service pensions, then the Board shall have the power and authority to cause the Controller of the City to transfer to said fund sufficient moneys therefor from the New System General Pension Fund. In no other event shall any of the moneys in either of said funds be commingled with any of the moneys in the other of said funds, whether as moneys or cash on deposit or as moneys invested. In the event that the moneys in the Fire and Police Service Pension Fund or in the Fire and Police General Pension Fund, created and established by Article XVII of this Charter, should be insufficient, at any time, to pay all pensions or other benefits which are payable therefrom, respectively, then the Board shall have the power and authority to cause the Controller of the City to transfer to either of said funds sufficient moneys therefor from the New System General Pension Fund. Neither the New System Service Pension Fund nor the New System General Pension Fund shall be a trust fund for any purpose, and the obligations to pay benefits pursuant to this Article shall be general obligations of the City.

Sec. 190.09. Budget.

The Board annually shall prepare and transmit to the Mayor, the Council and the Controller a budget setting forth the estimated cost

of maintaining the New System Service Pension Fund and the New System General Pension Fund, which said budget shall include therein separate items as follows:

(1) A sum equal to that percentage of the salaries of all System Members shown in the last rendered actuarial valuation to be required to cover the entry age cost to be paid by the City on account of New System Member entrants into the New System, said entry age cost being defined as the level percentage of salary of new System Member entrants which must be paid into the New System General Pension Fund from their respective dates of entry in order to provide the benefits pursuant to this Article, less the deductions to be made from the salaries of such new entrants, while they are System Members, as provided by Section 190.10; provided, however, that the Board shall include in its Budget for the fiscal year 1967–68 a sum equal to 7.55% of the estimated total payrolls, for said year, of the Fire Department and of the Police Department for all members of said departments.

(2) A sum equal to that percentage of the salaries of all System Members shown in the last rendered actuarial valuation to be required to amortize the unfunded liabilities of the New System, said unfunded liabilities being defined as the present value of all of the assumed obligations of the system less (a) the present value of the future contributions to be made by the City pursuant to the preceding subsection, (b) the present value of the deductions to be made from the salaries of the System Members and provided by Section 190.10 and (c) the assets of the New System Service Pension Fund and of the New System General Pension Fund. The amortization period shall be 70 years beginning with the fiscal year 1967–68, provided, however, that the Board shall assume that the unfunded liabilities of the New System shall be $258,000,000.00 as of July 1, 1967, and shall include in its budget for the fiscal year 1967–68 a sum equal to 12.65% of the estimated total payrolls, for said year, of the Fire Department and of the Police Department for all members of said departments.

(3) A sum sufficient to cover the cost, as determined by an actuarial estimate, of benefits granted by the City Council, under th authority of Section 190.50 of this article.

(4) Administrative expenses of the New System and of the Fire and Police Pension System provided by Article XVII of this Charter.

For the purpose of providing funds to meet the budget of said New System and of the New System Service Pension Fund and of its New System General Pension Fund the Council or the Controller annually shall levy, in addition to all other taxes levied by the City, a tax clearly sufficient to provide the total amount of all items in said budget.

Should the New System, prior to or during the fiscal year 1967–1968, have insufficient funds in its New System Service Pension Fund or in its New System General Pension Fund, or in both, to pay pensions granted pursuant to this Article or to pay the administrative

expenses of the System and of the Fire and Police Pension System provided by Article XVII of this Charter, then the Council shall appropriate sufficient moneys therefor to the New System General Pension Fund as a loan and such loan shall be repaid from the first available moneys in said fund.

REX E. LAYTON
City Clerk of the
City of Los Angeles

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Los Angeles to be affixed hereto this 15th day of July, 1974.

ROBERT M. WILKINSON
(SEAL) Robert M. Wilkinson
President Pro Tempore of the
Council of the City of Los Angeles
REX E. LAYTON
Rex E. Layton
City Clerk of the City of
Los Angeles

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Los Angeles, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Los Angeles.

# RESOLUTION CHAPTER 113

*Senate Concurrent Resolution No. 153—Approving amendments to the Charter of the City of Santa Cruz, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 4th day of June, 1974.*

[Filed with Secretary of State August 13, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SANTA CRUZ OF CERTAIN CHARTER AMENDMENTS

State of California
County of Santa Cruz } ss.
City of Santa Cruz

We, the undersigned, Bert Muhly, Mayor of the City of Santa Cruz, and Angele Mellon, City Clerk of the City of Santa Cruz, do hereby certify and declare as follows:

That the City of Santa Cruz, County of Santa Cruz, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1948 has been and now is organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 2nd day of March, 1948, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of March, 1948 (Statutes of 1948, page 312).

That in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California, the Council of the City of Santa Cruz, being the legislative body of said City of Santa Cruz, on its own motion, by its Resolution No. NS 11092 adopted on March 12, 1974, duly and regularly proposed and submitted to the qualified electors of said City certain proposals for amendment of the Charter of said City, to be voted on by said qualified electors at a special municipal charter amendment election, consolidated with the Statewide Primary Election to be held in said City on June 4, 1974.

That said proposed amendments were published and advertised for the time and in the manner prescribed by the laws of the State

of California, on the 7th day of April, 1974, in the Santa Cruz Sentinel, the official newspaper of said City of Santa Cruz, a newspaper of general circulation printed and published in said City of Santa Cruz, and in each edition thereof during said day of publication.

That said Statewide Primary Election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said June 4, 1974, which day was not less than forty and not more than sixty days after the completion of said publication and advertisement of the said proposed amendments in said Santa Cruz Sentinel.

That a majority of the qualified voters voting on said amendments voted in favor of the ratification of and did ratify said amendments to said charter.

That the Council of said City of Santa Cruz on June 9, 1974, officially confirmed the canvass of all ballots cast at said special municipal charter amendment election consolidated with the Statewide Primary Election as aforesaid, and did by resolution, duly find and declare that a majority of the qualified voters voting on said Charter amendments, voted in favor thereof and that said Charter amendments were ratified.

That said Charter amendments so ratified by the majority of the qualified voters of said City voting at said special municipal charter amendment election were to amend Section 602 of Article VI of the Charter, Section 619 of Article VI of the Charter and Section 701 of Article VII of the Charter of the City of Santa Cruz, in words and figures following, to wit:

1. By amending Section 602 of Article VI thereof, to read as follows:

"Section 602. Qualifications. No person shall be eligible to be nominated for or to hold office as a member of the Council unless he is a registered qualified voter of this City, and shall have been for at least one (1) year next preceding his nomination or appointment, a resident of the City of Santa Cruz or of territory annexed thereto."

2. By amending Section 619 of Article VI thereof, to read as follows:

"Section 619. Violation of Ordinance. Penalty. A violation of any ordinance of the City shall constitue either a misdemeanor, or an infraction, either of which may be prosecuted in the name of the people of the State of California, or may be redressed by civil action. The Council shall specify any violations of ordinance which are to constitute infractions, and all other violations shall constitute misdemeanors. The maximum fine or penalty for any violation of a City ordinance which constitutes a misdemeanor shall be the sum of $500.00 or a term of imprisonment for a period not exceeding six (6) months, or both such fine and imprisonment. The maximum penalty for any violation of a City ordinance which constitutes an infraction shall be solely by a fine in the sum of $500.00."

3. By amending Section 701 of Article VII thereof, to read as

follows:

"Section 701. General Municipal Elections. General Municipal elections for the filling of elective offices and for such other purposes as the Council may prescribe, shall be held in said City on the first Tuesday, after the first Monday in March, in each odd numbered year commencing with the year 1975. At the general municipal election in March 1975 four members of the City Council shall be elected and at the general municipal election in 1977, three members of the City Council shall be elected. The terms of said elected members shall commence respectively, on the third Tuesday in April of 1975, and the third Tuesday in April of 1977, and their terms will expire, respectively, on the first Tuesday following the General Municipal Elections held in 1979 and 1981. Any ties in voting shall be settled by the casting of lots."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Santa Cruz with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Santa Cruz to be affixed this 10th day of July, 1974.

LOUIS B. MUHLY
(SEAL) Mayor of the City of Santa Cruz
ANGELE MELLON
City Clerk of the City of Santa Cruz

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the Members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Santa Cruz, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Santa Cruz.

# RESOLUTION CHAPTER 114

*Senate Concurrent Resolution No. 156—Approving amendments to the Charter of the City of Riverside, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the fourth day of June, 1974.*

[Filed with Secretary of State August 13, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF RIVERSIDE

(Amending Sections 417, 702, 704 and 1000 and subsection (e) of Section 1306)

State of California
County of Riverside } ss
City of Riverside

We, the undersigned, Ben H. Lewis, Mayor of the City of Riverside, State of California, and Virginia J. Strohecker, City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That at all times since the 21st day of April, 1953, the City of Riverside has been and now is a municipal corporation and city in the County of Riverside, State of California, organized and existing under a charter adopted pursuant to the provisions of Sections 3 and 5 of Article XI, formerly Section 8 of Article XI, of the Constitution of the State of California and approved by the Legislature by Assembly Concurrent Resolution No. 8, adopted in Assembly January 12, 1953, and in Senate January 15, 1953, and filed with the Secretary of State on February 4, 1953.

That the legislative power of said City is vested in a City Council consisting of seven (7) members and a Mayor; and that the City Clerk of said City is ex-officio Clerk of the legislative body of said City.

There is no official newspaper of said City. The Press hereinafter mentioned is a daily newspaper of general circulation within said City and printed and published therein.

That at all times herein mentioned Ben H. Lewis has been and now is the duly elected, qualified and acting Mayor of said City of Riverside; and Virginia J. Strohecker has been and now is the duly

appointed, qualified and acting City Clerk of said City.

That the City Council of said City on its own motion by Resolution No. 12280 adopted February 19, 1974, submitted to the electors of said City proposals to amend its Charter as hereinafter mentioned, to be voted on as measures at the Special Municipal Election to be held in said City on June 4, 1974.

That at said Special Municipal Election the following proposals to amend Sections 417, 702, 704 and 1000 and subsection (e) of Section 1306 of the Charter of the City of Riverside were submitted to the electors:

Proposed Charter Amendment A

"Sec. 417. Contracts—Restrictions on duration.

The city council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than shall be provided by the laws of the State of California with respect to general law cities unless said contract, lease or extension be approved by a majority of the qualified electors of the city voting on such question at any election. A contract, lease or extension for a longer period shall be valid without such approval if it provides for the right of acquisition by the city at the end of such period of the real or personal property leased or contracted for. This section shall not apply to airports or to any franchise granted pursuant to the provisions of this charter or to any contract for the furnishing, or acquisition of the products, commodity or services of any public utility."

Proposed Charter Amendment B

"Sec. 702. Appointments; terms.

The members of each of such boards or commissions shall be appointed by the mayor and city council from the qualified electors of the city, none of whom shall hold any paid office or employment in the city government. They shall be subject to removal by the mayor and city council by a motion adopted by at least five affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding October 1st.

Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the paring of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year.

Thereafter, any appointment to fill an unexpired term shall be for such unexpired period."

"Sec. 704. Organization; meetings; subpoena power.

As soon as practicable, following the first day of October of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commision shall hold regular meetings at least once each month and such special meetings as such board or commission may require. All proceedings shall be open to the public.

Except as may be otherwise provided in this charter, the city manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this charter and copies of which shall be kept on file in the office of the city clerk where they shall be available for public inspection. Each board or commission shall have the same power as the city council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affimations."

Proposed Charter Amendment C

"Sec. 1000. General municipal elections.

General municipal elections for the election of officers and for such other purposes as the city council may prescribe shall be held in the city on the first Tuesday following the first Monday of March of each odd numbered year commencing in 1975."

Proposed Charter Amendment D

"(e) Whenever the city shall exercise the power to borrow money, or to refund indebtedness, the board shall determine the amount or amounts required for the purposes for which the money is to be borrowed or required for such refunding. The city council, upon recommendation of the board, may authorize the issuance of bonds in the amount determined provided that no bonds so authorized shall be issued unless (1) the amount of the equity (including surplus arising from contributions in aid of construction) of the water utility for the purpose of which such bonds are to be issued, as of the end of the last fiscal year, which ended not less than four months prior to the authorization of the issuance of such bonds derived from the operation of the water utility to which pertains the revenue fund out of which the bonds are to be payable, equals at least 66⅔% of the aggregate of the amount of bonds to be so issued and the amount of revenue bonds outstanding or (2) the amount of the equity (including surplus arising from contributions in aid of construction) of the electric utility for the purpose of which such bonds are to be issued, as of the end of the last fiscal year, which ended not less than four months prior to the authorization of the

issuance of such bonds derived from the operation of the electric utility to which pertains the revenue fund out of which the bonds are to be payable, equals at least 12% of the aggregate of the amount of bonds to be so issued and the amount of revenue bonds outstanding.

The limitation described above shall not be applicable to the issuance of any refunding bonds, and the amount of any issue of such refunding bonds may equal, but shall not exceed, the amount required for the payment for redemption of the bonds to be refunded thereby, including the premiums, if any, due upon such redemption, but excluding any interest due upon such redemption.

Any bond for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account to insure the payment thereof of moneys sufficient for the purpose, or through the irrevocable segregation for the purpose, in some sinking fund or other fund or trust account of moneys sufficient therefor, shall be deemed to be no longer outstanding within the meaning of any provision of this section 1306."

That on the ballot used at said consolidated election the following measures were submitted to the electors of said City, to wit:

City of Riverside—Proposed Charter Amendment A

Shall Section 417 of the Charter of the City of Riverside be amended to provide that instead of a 25 (twenty-five) year limit the City be authorized to enter into a contract, lease or extension thereof for a period not longer than that permitted by the laws of the State of California for general law cities unless a longer period is approved by a majority of the voters voting on such a question with the current exception for utilities remaining unchanged?

City of Riverside—Proposed Charter Amendment B

Shall Sections 702 and 704 of the Charter of the City of Riverside be amended to provide that the appointment, terms and organization of the various City boards and commissions begin, end and occur on the first day of October of each year instead of the first day of July?

City of Riverside—Proposed Charter Amendment C

Shall Section 1000 of the Charter of the City of Riverside be amended to provide that the General Municipal Elections be held on the first Tuesday following the first Monday of March of each odd numbered year commencing in 1975 instead of the third Tuesday of April of such year?

City of Riverside—Proposed Charter Amendment D

Shall subsection (e) of Section 1306 of the Charter of the City of Riverside be amended to provide that the amount of equity of the electric utility must equal at least 12% of the aggregate of electric revenue bonds to be issued and the amount of electric revenue bonds outstanding?

That the City Council caused said proposed charter amendments to be published in The Press on March 25, 1974 and April 1, 1974, and in each edition thereof during said day; and also caused copies of such proposed charter amendments to be printed in convenient pamphlet form in type of not less than 10-point and mailed to each of the qualified electors of said City, and also caused a notice that copies of said proposed charter amendments could be had upon application at the office of the City Clerk of said City to be published in every edition of The Press during the period of time beginning April 26, 1974, through June 4, 1974.

That the City Council adopted Resolution No. 12280 calling for a Special Municipal Election to be held in said City on June 4, 1974, and the City Clerk duly published notice of election, which included said charter amendments as measures, in The Press on March 25, 1974 and April 1, 1974.

That said Special Municipal Election was duly held on June 4, 1974, and the voters voted on said measures to amend the Charter. Pursuant to said Resolution No. 12280 adopted by the City Council of the City of Riverside on February 19, 1974, the Riverside County Board of Supervisors canvassed the returns of this Special Municipal Election and the Consolidated Primary Election held on the same date and certified the results to this City Council, which results were received by said City Council on Tuesday, July 2, 1974. It was found and determined that the voters voting on said measures at said election cast votes as follows:

| | Yes | No |
|---|---|---|
| Proposed Charter Amendment A | 20,842 | 7,028 |
| Proposed Charter Amendment B | 20,656 | 7,105 |
| Proposed Charter Amendment C | 20,894 | 6,769 |
| Proposed Charter Amendment D | 20,063 | 7,504 |

That those persons voting to approve Charter Amendments A, B, C and D were in the majority for each measure and hence said Charter Amendments A, B, C and D were ratified by the vote of a majority of the electors who voted on each measure.

That the City Council thereupon on July 2, 1974, adopted Resolution No. 12363 reciting the fact of said election and the matters enumerated in the Elections Code and the City Clerk thereupon entered upon the records of the City Council a statement of the result of such election.

That the amendments to the Charter so proposed and ratified are in words and figures as follows:

"Sec. 417. Contracts—Restrictions on duration.

The city council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than shall be provided by the laws of the State of California with respect to general law cities unless said contract, lease or extension be approved by a majority of the qualified electors of the city voting on such question at any election. A contract, lease or extension for a longer period shall be valid without such approval if it provides for the right of acquisition by the city at the end of such period of the real or personal property leased or contracted for. This section shall not apply to airports or to any franchise granted pursuant to the provisions of this charter or to any contract for the furnishing, or acquisition of the products, commodity or services of any public utility."

"Sec. 702. Appointments; terms.

The members of each of such boards or commissions shall be appointed by the mayor and city council from the qualified electors of the city, none of whom shall hold any paid office or employment in the city government. They shall be subject to removal by the mayor and city council by a motion adopted by at least five affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding October 1st.

Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the paring of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year.

Thereafter, any appointment to fill an unexpired term shall be for such unexpired period."

"Sec. 704. Organization; meetings; subpoena power.

As soon as practicable, following the first day of October of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings at least once each month and such special meetings as such board or commission may require. All proceedings shall be open to the public.

Except as may be otherwise provided in this charter, the city manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its

proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this charter and copies of which shall be kept on file in the office of the city clerk where they shall be available for public inspection. Each board or commission shall have the same power as the city council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations."

"Sec. 1000. General municipal elections.

General municipal elections for the election of officers and for such other purposes as the city council may prescribe shall be held in the city on the first Tuesday following the first Monday of March of each odd numbered year commencing in 1975."

Section 1306

"(e) Whenever the city shall exercise the power to borrow money, or to refund indebtedness, the board shall determine the amount or amounts required for the purposes for which the money is to be borrowed or required for such refunding. The city council, upon recommendation of the board, may authorize the issuance of bonds in the amount determined provided that no bonds so authorized shall be issued unless (1) the amount of the equity (including surplus arising from contributions in aid of construction) of the water utility for the purpose of which such bonds are to be issued, as of the end of the last fiscal year, which ended not less than four months prior to the authorization of the issuance of such bonds derived from the operation of the water utility to which pertains the revenue fund out of which the bonds are to be payable, equals at least 66⅔% of the aggregate of the amount of bonds to be so issued and the amount of revenue bonds outstanding or (2) the amount of the equity (including surplus arising from contributions in aid of construction) of the electric utility for the purpose of which such bonds are to be issued, as of the end of the last fiscal year, which ended not less than four months prior to the authorization of the issuance of such bonds derived from the operation of the electric utility to which pertains the revenue fund out of which the bonds are to be payable, equals at least 12% of the aggregate of the amount of bonds to be so issued and the amount of revenue bonds outstanding.

The limitation described above shall not be applicable to the issuance of any refunding bonds, and the amount of any issue of such refunding bonds may equal, but shall not exceed, the amount required for the payment for redemption of the bonds to be refunded thereby, including the premiums, if any, due upon such redemption, but excluding any interest due upon such redemption.

Any bond for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account to insure the payment thereof of moneys sufficient for the purpose,

or through the irrevocable segregation for the purpose, in some sinking fund or other fund or trust account of moneys sufficient therefor, shall be deemed to be no longer outstanding within the meaning of any provision of this section 1306."

We do further certify that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of Riverside and its City Council and City Clerk in the matter of submitting the proposals to amend the City Charter and in calling, noticing and conducting the election and certifying the canvass of the returns and declaring the results thereof.

In witness whereof we have hereunto set our hands and affixed the seal of the City of Riverside this 16th day of July, 1974.

(SEAL)

BEN H. LEWIS
Mayor of the City of Riverside
Attest
VIRGINIA J. STROHECKER
City Clerk of the City
of Riverside
By ALICE A. HARE
Assistant City Clerk

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the Members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Riverside, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Riverside.

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## RESOLUTION CHAPTER 115

*Senate Concurrent Resolution No. 158—Approving amendments to the Charter of the City of San Diego, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the fourth day of June, 1974.*

[Filed with Secretary of State August 13, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California } ss
County of San Diego }

We, the undersigned, Pete Wilson, Mayor of The City of San Diego, and Edward Nielsen, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation, is now and since the year 1931 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the then effective provisions of Section 8, Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Sections 3 and 5, Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion proposed to the qualified electors of The City of San Diego certain amendments to the Charter of the said City, which amendments were designated as Propositions B and C, and submitted said propositions to the qualified electors of the City of San Diego at the special municipal election held on June 4, 1974.

That said proposed charter amendments were published and advertised in the San Diego Daily Transcript, a daily newspaper of general circulation in the City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication, to wit: April 16, 1974.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said City, and that until the date fixed for the election herein described, a notice was advertised and published in the San Diego Daily Transcript, a daily newspaper of general circulation published in the City of San Diego and the official newspaper of said City, that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of The City of San Diego.

That such copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City until the date fixed for said election. That said proposed amendments were submitted to the qualified electors of said City at said special municipal election held in said City.

That at said election of the said proposed amendments to the Charter of The City of San Diego, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of Propositions B and C and said proposed amendments were ratified by a majority of the qualified electors of said City voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with the Constitution of the State of California and the Charter of The City of San Diego and the laws of the State of California.

That as to the amendments of the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of The City of San Diego, which were so ratified by a majority of the electors of said City, are in words and figures as follows:

Proposition B

Amend Section 144 of Article IX of the Charter of The City of San Diego to read as follows:

Section 144. Board of Administration.

The system shall be managed by a Board of Administration which is hereby created, consisting of the City Manager, City Auditor and Comptroller, the City Treasurer, three members of the Retirement System to be elected by the active membership, one retired member of the retirement system to be elected by the retired membership, an officer of a local bank, and three other citizens of the City, the latter four to be appointed by the Council. Such appointees shall serve without compensation. Members of the Board, other than ex-officio, shall serve six years or until their successors are elected and qualified, and shall so classify themselves by lot that one term shall expire each year. The members of the existing Board shall serve out their unexpired terms.

The Board of Administration may establish such rules and regulations as it may deem proper; shall elect one of its members president and appoint a secretary and may appoint such other employees as may be necessary. Such appointments, except the actuary, shall be made under the provisions of Article VIII of this Charter.

The Board of Administration shall be the sole authority and judge under such general ordinances as may be adopted by the Council as to the conditions under which persons may be admitted to benefits of any sort under the retirement system; and shall have exclusive control of the administration and investment of such fund or funds as may be established; and shall be permitted to invest in any bonds or securities which are authorized by General Law for savings banks; and, further, shall be permitted to invest in such additional classes or types of investments as are approved by resolution of the Council of The City of San Diego; provided, however, that individual investments within the classes or types approved by the Council must be approved by independent investment counsel; and, provided, further, the Board may place such funds in the hands of the

Funds Commission for investment. Provided, however, that the Auditor and Comptroller shall refuse to allow any warrant drawn for payment of a retirement allowance if, in the opinion of the Auditor and Comptroller, such retirement allowance has been granted in contravention of this Article or any ordinances passed under the authority granted herein.

Proposition C

Amend Section 39 of Article V and Sections 88 and 89 of Article VII of the Charter of The City of San Diego to read as follows:

Section 39. City Auditor and Comptroller.

The City Auditor and Comptroller shall be elected by the Council for an indefinite term and shall serve until his successor is elected and qualified. The City Auditor and Comptroller shall be the chief fiscal officer of the City. He shall exercise supervision over all accounts, and accounts shall be kept showing the financial transactions of all Departments of the City upon forms prescribed by him and approved by the City Manager and the Council. He shall submit to the City Manager and to the Council at least monthly a summary statement of revenues and expenses for the preceding accounting period, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and of each Department, Division and office thereof. No contract, agreement, or other obligation for the expenditure of public funds shall be entered into by any officer of the City and no such contract shall be valid unless the Auditor and Comptroller shall certify in writing that there has been made an appropriation to cover the expenditure and that there remains a sufficient balance to meet the demand thereof. He shall perform the duties imposed upon City Auditors and Comptrollers by the laws of the State of California, and such other duties as may be imposed upon him by ordinances of the Council, but nothing shall prevent the Council from transferring to other officers matters in charge of the City Auditor and Comptroller which do not relate directly to the finances of the City. He shall prepare and submit to the City Manager such information as shall be required by the City Manager for the preparation of an annual budget. He shall appoint his subordinates subject to the Civil Service provisions of this Charter.

Section 88. Monthly Reports of Officers.

At least monthly every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make a written report to the Auditor and Comptroller of all monies received by him during the preceding accounting period.

Section 89. Monthly Statements by the Auditor and Comptroller.

The Auditor and Comptroller shall prepare for submission to the

Council at least monthly, or when requested, a summary statement of revenues and expenses for the preceding accounting period, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and of each Department and Division thereof as of the last day of the previous accounting period.

and we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 1st day of August, 1974.

PETE WILSON
(SEAL) Pete Wilson
Mayor of The City of
San Diego, California
EDWARD NIELSEN
Edward Nielsen
City Clerk of The City of
San Diego, California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the Members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of San Diego, as proposed to, and adopted and ratified by, the electors of the city as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of San Diego.

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## RESOLUTION CHAPTER 116

*Senate Concurrent Resolution No. 161—Relative to the Joint Committee on the Structure of the Judiciary.*

[Filed with Secretary of State August 13, 1974 ]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Joint Committee of the Structure of the Judiciary, as created and empowered by Resolution Chapter 106 of the Statutes of 1974, is hereby further authorized to appoint one advisory commission to assist the joint committee. The members of the advisory commission shall serve without other compensation but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties. Such reimbursement shall be made from funds made available from the Contingent Funds of the Assembly and Senate to the joint committee pursuant to Resolution Chapter 106 of the Statutes of 1974.

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## RESOLUTION CHAPTER 117

*Assembly Concurrent Resolution No. 194—Relative to executive officers of the California regional water quality control boards.*

[Filed with Secretary of State August 15, 1974 ]

WHEREAS, The position of executive officer of a California regional water quality control board requires a high degree of technical and administrative education, experience, and competence; and

WHEREAS, In view of the high qualifications required for such officers, it is essential that adequate salaries be set for such positions; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Personnel Board be immediately requested, by the Director of Finance, to study the salaries and qualification requirements of executive officers of the California regional water quality control boards, and to report its findings and recommendations to the Legislature within 60 days after the adoption of this measure; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Personnel Board.

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## RESOLUTION CHAPTER 118

*Assembly Concurrent Resolution No. 266—Approving amendments to the Charter of the City of Vallejo, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the fourth day of June, 1974.*

[Filed with Secretary of State August 15, 1974 ]

1266 289595 1192

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Vallejo, a municipal corporation in the County of Solano, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF THE MAYOR AND CITY CLERK OF THE CITY OF VALLEJO
COUNTY OF SOLANO, STATE OF CALIFORNIA

State of California } ss
County of Solano }

We, the undersigned, Florence E. Douglas, Mayor of the City of Vallejo, and Helen G. Seeber, City Clerk of the City of Vallejo, do hereby certify and declare as follows:

That proceedings have been had and taken for adoption and ratification of an amendment to the Charter of the City of Vallejo, a Municipal Corporation, in the County of Solano, State of California, relating to Term of Office; Vacancies, Filling of; Meetings of the Council; The Vice-Mayor; and General Municipal Elections, which said charter amendment is hereinafter set forth verbatim and will hereinafter be designated and referred to as Charter Proposal No. 1 (Measure B).

That proceedings have also been taken for adoption and ratification of an amendment to the Charter of the City of Vallejo, a Municipal Corporation, in the County of Solano, State of California, relating to the Competitive Civil Service, which said charter amendment is hereinafter set forth verbatim and will hereinafter be designated and referred to as Charter Proposal No. 2 (Measure C).

That proceedings have also been taken for adoption and ratification of an amendment to the Charter of the City of Vallejo, a Municipal Corporation, in the County of Solano, State of California, relating to Residency, which said charter amendment is hereinafter set forth verbatim and will hereinafter be designated and referred to as Charter Proposal No. 3 (Measure D).

That the City of Vallejo in the County of Solano, State of California, contains a population of more than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the State of California and has been ever since the year 1970, and prior thereto, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 3, Article XI (formerly Section 8, Article XI) of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special municipal charter election consolidated with the State of California Direct Primary Election held on June 2, 1970, and approved and ratified by the Legislature of the State of California on the 11th day of August, 1970.

That the legislative body of the said City, namely its "City Council" did pursuant to Section 3, Article XI of the Constitution of the State of California, and Chapter 3 (commencing with Section 34450 et seq.), Part 1, Division 2, Title 4 of the Government Code of the State of California, by Resolution No. 74-199 N. C., adopted 18 March, 1974, duly and on its own motion propose to the qualified electors of said City of Vallejo, amendments to the Charter of said City, which said amendments thereafter appeared on the ballot as Charter Proposal No. 1 (Measure B), Charter Proposal No. 2 (Measure C), and Charter Proposal No. 3 (Measure D), and ordered that said proposals be submitted to the qualified electors of the City of Vallejo at a special municipal charter amendments election in the City of Vallejo to be held on the 4th day of June 1974, for the purpose of submitting said proposed charter amendments to the electors of said City, and consolidating said special municipal charter amendments election with the State of California Direct Primary Election to be held on June 4, 1974.

That by resolution duly adopted on the 26th day of March, 1974, the Board of Supervisors of the County of Solano, ordered consolidation of said special municipal charter amendments election with said Direct Primary Election.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in the manner prescribed in Section 34456 of the Government Code of the State of California, and copies thereof were mailed to each of the qualified electors of said City.

That said Charter Proposal No. 1 (Measure B), Charter Proposal No. 2 (Measure C), and Charter Proposal No. 3 (Measure D), were thereafter on the 11th day of April, 1974, duly published in the Vallejo Morning Times Herald, a daily newspaper of general circulation, printed and published in said City of Vallejo and in each and all editions thereof issued and/or printed and/or published during the said day of such publication, which said newspaper was the newspaper designated by the said City Council for that purpose.

That the City Council of the City of Vallejo did until the day fixed for the election upon such proposed charter amendments cause to be advertised in said Vallejo Morning Times Herald a notice that copies of said pamphlet might be had upon application therefor.

That a majority of the qualified voters voting on said Charter Proposal No. 1 (Measure B), voted in favor of the ratification of and did ratify said proposed amendment to said charter, said vote being 8,353 ayes, and 5,212 noes.

That a majority of the qualified voters voting on said Charter Proposal No. 2 (Measure C), voted in favor of the ratification of and did ratify said proposed amendment to said charter, said vote being 7,900 ayes, and 5,545 noes.

That a majority of the qualified voters voting on said Charter Proposal No. 3 (Measure D), voted in favor of the ratification of and did ratify said proposed amendment to said charter, said vote being 8,967 ayes, and 5,139 noes.

That the County Clerk of the County of Solano conducted, and on the 18th day of June, 1974, officially completed the canvass of all ballots cast at said Consolidated Direct Primary Election and said special municipal charter amendments election consolidated therewith as aforesaid; and that the Board of Supervisors of said County of Solano met on the 18th day of June, 1974, at its usual place of meeting and officially approved said canvass of said elections as conducted, completed and presented to said Board of Supervisors by said County Clerk, and said County Clerk on the 18th day of June, 1974, certified the results of said special municipal charter amendments election to the City Council of the City of Vallejo.

That the City Council of the City of Vallejo, in accordance with law and pursuant to said Resolution No. 74-199 N. C., calling said special municipal charter amendments election, did meet on Monday, the 24th day of June, 1974, at its usual place of meeting, and did duly and regularly cause to be spread on its minutes a statement of the results of said special municipal charter amendments election as ascertained by said canvass, and did, by resolution (Resolution No. 74-456 N. C.), duly find and declare that a majority of the qualified voters voting on said charter amendments voted in favor thereof and that said charter amendments were ratified.

That said Charter Proposal No. 1 (Vallejo Measure B), Charter Proposal No. 2 (Vallejo Measure C), and Charter Proposal No. 3 (Vallejo Measure D), so ratified by the electors of the City of Vallejo are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 3a, Article XI of the Constitution of the State of California, and are in words and figures as follows:

Charter Proposal No. 1 (Vallejo Measure B)

Sections 302, 303, 308, 319 and 1000 are amended to read in full, as follows:

"Section 302. Term of Office. Each elective officer shall hold office for a term of four years from and after 8:00 p.m. of the first Monday in July next succeeding the general municipal election at which he was elected, and until his successor is elected and qualified. The Mayor and Councilmen serving upon the revision of this section shall continue to serve for the terms to which they were elected, except that such terms shall expire at 8:00 p.m. on the first Monday in July rather than the first Tuesday in May of said year."

"Section 303. Vacancies, Filling of. Any vacancy occurring in an elective office shall be filled by appointment by a majority of the remaining members of the City Council. Any such appointee shall hold office until 8:00 p.m. on the first Monday in July next succeeding the date of the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy a successor shall be elected to serve the remainder of

the unexpired term."

"Section 308. Meetings of the Council. At 8:00 p.m. on the first Monday in July following each regular municipal election, the Council shall meet at the established Council meeting place, at which time and place the newly elected Councilmen shall assume the duties of their office. Thereafter the Council shall meet at least once each week at a time and place to be fixed by ordinance. Special meetings may be held at the regular place of meeting either on call of the Mayor, or on the request of three Councilmen, upon 24 hours' written notice to each member of the Council. Such notice shall be personally served or left at a place which shall be designated by each member of the Council; provided, however, that such notice may be waived by the written consent of all the members of the Council. Regular or special meetings may be held at places other than the regular meeting place only in an emergency in which the regular meeting place is untenable, or upon the posting of a public notice at the regular meeting place that the Council is meeting elsewhere, to be designated on the notice, for some purpose of public convenience. All regular or special sessions of the Council shall be open to the public, except for executive sessions permitted by law."

"Section 319. The Vice-Mayor. At its first meeting in July of each year, the Council shall elect from among its members a Vice-Mayor who shall serve for a term of one year and until his successor is elected by the Council. In addition to his regular duties as a Councilman, the Vice-Mayor shall perform the duties of the Mayor during the Mayor's absence or disability, and may perform at any time any duty of the office of the Mayor delegated to him by the Mayor."

"Section 1000. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the first Tuesday after the first Monday in March in each odd numbered year."

Charter Proposal No. 2 (Vallejo Measure C)

Section 801 is amended to read in full, as follows:

"Section 801. The Competitive Civil Service. The competitive civil service of the City shall include all offices and employments in the City government except the following which shall be in the unclassified service:

a. Offices required by this Charter to be filled by election or appointment by the City Council.

b. The heads of the separate departments and the executive officers of boards and commissions established by this Charter or by ordinance pursuant thereto.

c. One assistant and one secretary to the City Manager and one secretary to the Mayor.

d. The heads of major divisions of departments and technical,

professional or confidential employees when recommended by the City Manager with the concurrence of the City Council and approval of the Civil Service Commission, upon such terms, conditions and limitations as the Civil Service Commission may impose at the time of its approval.

e. Part-time employees who are regularly employed for less than one third time throughout the year, or who are employed in seasonal employment for not more than 90 days in any consecutive 12 months.

f. Those engaged by contract for special services of a professional, scientific or technical character, or where the service is essentially non-personal in character.

g. Employees whose salary is paid, in whole or in part, from funds received by the City of Vallejo by reason of a gift, grant, or loan from the federal or state government, or both, or from a private, tax-exempt, entity and whose employment is subject to special qualifications, terms or limitations imposed as a condition of receiving such funding not applicable to employees in the competitive civil service of the City."

Charter Proposal No. 3 (Vallejo Measure D)

Section 804. Residency. Repealed.

A new Section 804 Residency, is hereby added to read in full as follows:

"Section 804. Residency. Every officer and employee of the City shall be or become a resident of the City of Vallejo within twelve (12) months from and after his appointment or date of employment, and maintain such residency during his incumbency or while so employed by the City, unless a waiver of such residency requirement is granted by the Council. A waiver to said residency requirements may be granted upon such reasonable terms, conditions and limitations as the Council may determine necessary when it is demonstrated to the satisfaction of the Council that:

a. The individual seeking waiver of the residency requirement is possessed of technical, special or professional knowledge or ability essential to the municipal government which the City Manager finds that the City is unable to obtain if the residency requirement is imposed.

b. The individual seeking waiver of the residency requirement would suffer an undue hardship resulting from financial or medical causes which personally affect him.

c. The individual is assigned to a position with the City government, the usual and major duties of which require him to reside on or in the vicinity of a City-owned or operated facility located outside the City of Vallejo."

That the City Council of the City of Vallejo did heretofore by Resolution No. 74-457 N. C., adopted June 24, 1974, duly and regularly authorize and direct the certification of said proceedings for and on

behalf of said City Council and said City of Vallejo, and cause to be submitted to the Legislature of the State of California, the said proposed Charter Proposal No. 1, Charter Proposal No. 2, and Charter Proposal No. 3, as ratified by the qualified electors of said City of Vallejo at the special municipal charter amendments election held therein for that purpose, among other things, on the 4th day of June, 1974.

That the foregoing contains a full, true and correct statement of all proceedings affecting, relating to or in anywise appertaining to the ratification of the proposed Charter Proposal No. 1, Charter Proposal No. 2, and Charter Proposal No. 3, of the Charter of the said City of Vallejo by the qualified electors of said City of Vallejo.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Vallejo to be affixed hereto this 30th day of July, 1974.

FLORENCE E. DOUGLAS
(SEAL) Florence E. Douglas
Mayor of the City of Vallejo
Attest: HELEN G. SEEBER
Helen G. Seeber
City Clerk and Clerk of the
City Council of the City of Vallejo

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Vallejo, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Vallejo.

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## RESOLUTION CHAPTER 119

*Senate Concurrent Resolution No. 159—Approving amendments to the Charter of the City of San Bernardino, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the fourth day of June, 1974.*

[Filed with Secretary of State August 15, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of San Bernardino } ss.
City of San Bernardino

We, the undersigned, W. R. Holcomb, Mayor of the City of San Bernardino, State of California, and Lucille Goforth, City Clerk of said City, do hereby certify and declare as follows:

The City of San Bernardino, in the County of San Bernardino, State of California, was at all times mentioned herein and now is a City of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

The legislative body of said City on its own motion submitted to the electors of said City, at a Special Municipal Election, consolidated with the Direct Primary Election, held within said City on the 4th day of June, 1974, proposed amendments to the City Charter of said City.

Said proposed amendments were published in The San Bernardino Sun-Telegram, being a newspaper of general circulation therein, and being an official newspaper of said City, on the 15th day of April, 1974, in each addition thereof on said day and said publication was made at the time and in the manner prescribed in Part I, Chapter 3, Sections 34450 through 34466 of the Government Code of State of California, Title 4, Division 2.

Said legislative body caused copies of said amendments to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City and, until the day fixed for said election, advertised in the San Bernardino Sun-Telegram, being a newspaper having a general circulation in said City, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 4th day of June, 1974, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendments, and at said election a majority of the qualified voters voting therein voted in favor thereof and did ratify said proposed amendments to said City Charter.

Said proposed amendments were duly and regularly submitted to,

and duly ratified by, the said qualified voters of said City, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said City have been complied with.

Said amendments are as follows:

Article II, Section 10 of the Charter of the City of San Bernardino is amended to read as follows:

Section 10. A primary election shall be held in said City on the first Tuesday after the first Monday in March of each odd numbered year, for the nomination of candidates to be elected at the ensuing general election, and a general election shall be held in said City on the first Tuesday in May of each odd numbered year, for the election of City Officers. Said election shall be conducted in the manner provided for by general law; provided, however, that the Mayor and Common Council shall have power, by ordinance, to provide for the manner of holding such election.

Article II, Section 13 of the Charter of said City is amended to read as follows:

Section 13. There shall be elected at the general election in 1977, and every fourth year thereafter, three members of the Common Council, one each from the First, Second and Fourth Wards, who shall have been residents of their respective wards for at least one year next preceding their election and who shall be elected by the qualified electors of their respective wards for terms of four years commencing on the first Monday in June next succeeding their elections.

Article II, Section 14 of the Charter of said City is amended to read as follows:

Section 14. There shall be elected at its general election in 1975, and every fourth year thereafter, four members of the Common Council, one each from the Third, Fifth, Sixth and Seventh Wards, who shall have been residents of their respective wards for at least one year next preceding their election and who shall be elected by the qualified electors of their respective wards, a City Attorney, City Clerk and City Treasurer elected at large who shall hold office for terms of four years from and after the first Monday in June next succeeding their elections.

There shall be elected at the general election in 1977, and every fourth year thereafter, a Mayor who shall be elected at large for a term of four years commencing on the first Monday in June next succeeding his election.

Article II, Section 24 of the Charter of the City of San Bernardino is amended to read as follows:

Section 24. The office of Mayor shall be a full time position and the incumbent shall not engage in any business, professional or

occupational activities which interfere with the discharge of the duties of such office. The salary of the Mayor shall be set by the Common Council, provided that the salary shall not be reduced during the term of any incumbent except by the affirmative vote of five Councilmen.

Article VIII, Section 163 of the Charter of the City of San Bernardino is amended to read as follows:

Section 163. The Board of Water Commissioners is hereby authorized and empowered:

1. to establish and collect all water rates, collect all rentals from water bearing lands and generally regulate, control, manage, renew, repair and extend the entire water system of the City;

2. to employ such persons as the necessities of the water service may require, to fix and pay out of the Water Fund the compensation of any and all employees in said water service and to require of any employee in the Water Department an adequate bond for the faithful performance of his duties;

3. upon the order of and in the manner directed by the Mayor and Common Council, to generally regulate, control, manage, renew, repair and extend the City wastewater treatment (sewage disposal) plants and that portion of the outfall sewer lines extending from Mill and "E" Streets to said plants, and if so ordered by the Mayor and Common Council to pay all costs and expenses in connection therewith from the Water Fund;

4. to incur any indebtedness or liability not exceeding in any year the income and revenue provided for such year, subject to the debt limitation provision of the Constitution of the State of California; and

5. to make rules and regulations governing the conduct of said Board and the members thereof.

Article VIII, Section 140 of the Charter of the City of San Bernardino is amended to read as follows:

Section 140. No supplies, material, or equipment for an amount exceeding three thousand dollars ($3,000.00), except for purchases made from any other government or governmental agency, shall be ordered or purchased by the Mayor and Common Council, or any board or department of the City authorized to incur expenditures, except after first advertising for sealed proposals and awarding a contract to the lowest and best bidder.

We have compared the said ratified amendments with the original proposed amendments submitted to the qualified electors of the said City, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and each of them are true.

In witness whereof, we have hereunto set our hands and caused

the corporate seal of the City of San Bernardino to be attached on this 1st day of July, 1974.

(SEAL)

W. R. HOLCOMB
Mayor of the City of San Bernardino, California
LUCILLE GOFORTH
City Clerk of the City of San Bernardino, California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of San Bernardino, as proposed to, and adopted and ratified by, the electors of the city as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of San Bernardino.

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## RESOLUTION CHAPTER 120

*Senate Concurrent Resolution No. 150—Approving an amendment to the Charter of the County of Sacramento, State of California, ratified by the qualified electors of the county at a state primary election held therein on the 4th day of June, 1974.*

[Filed with Secretary of State August 16, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman and clerk of the board of supervisors of the county, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

State of California }
County of Sacramento } ss.

We, E. Henry Kloss, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and Jack H. Mehl, Clerk of said Board of Supervisors, do hereby certify and declare as follows:

That the County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Sections 3 and 4 (formerly Section 7½) of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933.

That the Board of Supervisors of said County, pursuant to the provisions of Sections 3 and 4 of Article XI of said Constitution, did by Resolution No. 74-268, adopted on the 20th day of March, 1974, duly propose to the qualified electors of said County of Sacramento an amendment to the Charter of said County, designated as proposed County Charter Amendment C, and ordered that said proposed amendment be submitted to the said qualified electors of said County at the State primary election held on the 4th day of June, 1974.

That said resolution was published ten (10) times in The Sacramento Union, a daily newspaper, printed, published and circulated in the County of Sacramento on the following dates, to wit: April 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, 1974.

That the Board of Supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and did duly declare the result of said general election, as determined from the canvass of the returns thereof.

That at said general election held on the 4th day of June, 1974, said proposed County Charter Amendment C was ratified by a majority of the electors of said County voting thereon.

WHEREAS, said Charter Amendment C so ratified by the electors of said County of Sacramento is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Sections 3 and 4 of Article XI of the Constitution of the State of California and are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT C

That Section 71-F(c) of the Charter of the County of Sacramento be amended to read:

(c) Eligible lists shall be established upon which shall be entered the names of successful candidates in the order of their ranking in the examination. For the filling of one vacancy, the appointment shall be made from among the eligibles whose scores, at the time of certification, represent the three highest ranks on the list. For purposes of ranking, scores of eligibles on an eligible list shall be rounded to the next highest whole percent and a rank shall consist

of one or more eligibles with the same whole percentage score. If a special skill is needed for some, but not all positions, in a class, which special skill has been tested for on a pass or fail basis as a part of the examination on which the list is based and the vacancy is one of the positions in the class requiring the special skill, the appointment may be made from the eligibles possessing the special skill who are available for appointment and whose scores at the time of certification represent the three highest ranks on the list of those who possess the special skill.

We further certify that the foregoing proposed and ratified amendment to the Charter of said County of Sacramento, submitted to the electors of said County at the State primary election held on the 4th day of June, 1974, has been compared by us, and each of us, with the proposed amendment set forth in the said Resolution No. 74-268 adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth herein are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento, this 26th day of June, 1974.

E. HENRY KLOSS
(SEAL) Chairman of the Board of Supervisors
of Sacramento County, California

Attest:
JACK H. MEHL
Clerk of the Board of Supervisors
of the County of Sacramento
State of California

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the County of Sacramento, as proposed to, and adopted and ratified by, the electors of the county, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the County of Sacramento.

## RESOLUTION CHAPTER 121

*Senate Concurrent Resolution No. 146—Relative to the Joint Committee on the State's Economy.*

[Filed with Secretary of State August 16, 1974.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Joint Committee on the State's Economy is continued in existence through July 31, 1976, notwithstanding the provisions of any prior concurrent resolution affecting such committee. The committee shall continue to have the powers and duties granted and imposed by the resolution creating or continuing it. The committee may expend any funds heretofore or hereafter made available and further allocations may be made by the Joint Rules Committee; provided that, in accordance with Joint Rule 36.8, any expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

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## RESOLUTION CHAPTER 122

*Senate Concurrent Resolution No. 155—Approving an amendment to the Charter of the City of Stockton, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the fourth day of June 1974.*

[Filed with Secretary of State August 21, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Stockton, a municipal corporation in the County of San Joaquin, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

Whereas, the City of Stockton in the County of San Joaquin, State of California, contains a population of one hundred nine thousand one hundred fifty-three as ascertained by the last preceding census taken under the authority of the congress of the United States, and has been ever since July 2, 1923, and now is, organized and acting under a freeholders charter adopted under and by virtue of former section 8, article 11 of the constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held for that purpose on the twenty-eighth day of November, 1922, and approved by the Senate of the State of California on January 22, 1923, and by the Assembly of the State of California on January 24, 1923, and filed with the Secretary of State on January 29, 1923, which said freeholders charter is printed in full in Chapter 7 of concurrent and joint resolutions and constitutional

amendments passed at the regular session of the forty-fifth Legislature of the State of California and found in Statutes of 1923 at page 1321 and following.

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF STOCKTON AT A SPECIAL MUNICIPAL CHARTER AMENDMENT ELECTION CONSOLIDATED WITH THE STATE OF CALIFORNIA DIRECT PRIMARY ELECTION HELD THEREIN ON THE 4TH DAY OF JUNE, 1974, OF CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF STOCKTON, STATE OF CALIFORNIA.

State of California,
County of San Joaquin, } ss.
City of Stockton,

We, Clyde E. Davis, Sr., mayor of the City of Stockton, and John M. Jarrett, City Clerk of the City of Stockton, do hereby certify as follows:

That the said City of Stockton in the County of San Joaquin, State of California, is now and at all of the times mentioned herein was a City containing a population of one hundred nine thousand one hundred fifty-three inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

That said City of Stockton is now and at all of the times herein mentioned was organized and existing under a freeholders charter adopted pursuant to the provisions of former Section 8, Article 11 of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the twenty-eighth day of November, 1922, and approved by the Legislature of the State of California on the twenty-fourth day of January, 1923 (Stat. 1923, page 1321), and filed with the Secretary of State of the State of California on January twenty-nine, 1923; and

That pursuant to Section 3 of Article 11 of the Constitution of the State of California, the legislative body of said City, i.e., the City Council of said City, did on its own motion and pursuant to the provisions of said Article and Section of the Constitution of the State of California duly propose to the electors of the City of Stockton a certain proposal for the amendment of the charter of said City to be voted upon by said qualified electors at a certain Special Municipal Charter Amendment Election consolidated with the State of California Direct Primary Election held on June 4, 1974, which said proposal was designated as City of Stockton Charter Amendment Measure A; and

That said proposed City of Stockton Charter Amendment Measure was, on the 12th day of April, 1974, duly published in each issue of The Stockton Record, a daily newspaper published and circulated in the City of Stockton and the official newspaper of said City, said

paper having been designated for said purpose by the said City Council; and

That said City Council did, by Resolution No. 31,180, adopted on April 1, 1974, fix June 4, 1974, the date of the Special Municipal Charter Amendment Election to be consolidated with the State of California Direct Primary Election in Stockton, as the date of the election on said proposed charter amendment.

That said proposed charter amendment was printed in convenient pamphlet form and in type of not less than ten-point, and that the Clerk of the City of Stockton caused copies of said proposed charter amendment to be mailed, postage prepaid, to each of the qualified electors of the City of Stockton, as required by law.

That the City Clerk of the City of Stockton, did, commencing April 12, 1974, and continuing through June 4, 1974, advertise in The Stockton Record, a newspaper of general circulation in said City, and the official newspaper for said City, a notice that copies of said proposed charter amendment might be had upon application at the office of the said City Clerk.

That said Special Municipal Charter Amendment Election consolidated with the State of California Direct Primary Election was held in the said City of Stockton on the 4th day of June, 1974, which said day was not less than forty, nor more than sixty days after the completion of the advertising of said proposed charter amendment in The Stockton Record, the official newspaper of the City of Stockton, as hereinabove stated;

That at such Special Municipal Charter Amendment Election consolidated with the State of California Direct Primary Election held as aforesaid on said 4th day of June, 1974, a majority of the qualified voters of said City of Stockton voting thereon voted in favor of the proposed amendment to the charter of the City of Stockton and duly ratified the same;

That said proposed amendment to the charter of the City of Stockton as aforesaid was and is amendment numbered Measure A.

That the City Council of said City of Stockton after duly and regularly canvassing the returns of said municipal election at the time and in the manner and form prescribed by law duly found, determined and declared that a majority of the qualified voters of the City of Stockton voting thereon had voted for and ratified the proposed amendment to the charter of the City of Stockton numbered Measure A.

That said proposed amendment to the charter of the City of Stockton ratified by the electors of said City, as aforesaid, is in the words and figures as follows, to-wit:

Charter Amendment Measure A

That the Charter of the City of Stockton be amended by amending Sections 3, 4 and 5 of Article XII, Sections 8(f), 9 and 27 of Article XXXII, and by adding a new Section 5(a) to Article XII, to read as

follows:

## Article XII

### FIRE DEPARTMENT

### Organization

### Fire Chief

Section 3. The Fire Department shall be under the control, management, and direction of a fire chief. He shall be appointed by the city manager from among the chief officer ranks. He shall hold the rank of chief permanently, under civil service rules and regulations, and shall be suspended, removed, or discharged only in the same manner and for the same reasons as any other member of the department, provided that the demotion of the fire chief shall not accomplish his dismissal from the department, but upon such demotion he shall be restored to the same rank and grade as he held prior to such appointment as fire chief.

He shall, with the approval of the city manager, have management, control and direction of the personnel of the department and shall have charge of all property and equipment of such department. He shall have full power to detail any officer or member of the department to such public service as may be necessary. He shall recommend in writing to the city manager that disciplinary action be taken against members of the department if he deems it necessary, stating his reasons therefor, and shall immediately file a copy of said recommendations with the Civil Service Commission. He shall exercise all powers and duties provided by the general law or the ordinances of the city council. He shall devote his entire time to the discharge of the duties of his office.

### Absence of Fire Chief

Section 4. In the event of the absence or disability of the Fire Chief, or vacancy in such office, the City Manager shall designate the Deputy Chief or other chief officer to assume charge of the department until the Chief returns or his successor is appointed.

### Deputy Fire Chief

Section 5. The Chief of the Fire Department shall have the power to appoint at his discretion, without competitive examination, a deputy fire chief from among the chief officer ranks. After appointment, the deputy fire chief shall hold said rank at the pleasure of the fire chief. His demotion from the office of deputy fire chief shall not accomplish his dismissal from the department, but he shall be restored to the rank and grade held by him immediately

prior to his appointment as deputy fire chief unless charges of dismissal or demotion are brought as provided elsewhere in this charter.

## Article XXXII

### CIVIL SERVICE

### Departments Subject to Civil Service

Section 8(f). All members of the fire department with not less than twelve months service in said department are to be considered as eligible for the rank of firefighter, and all members of said department with not less than five years service in said department to be considered as eligible for the rank of Captain and all members of said department who have held such last named rank for at least three years, last past continuously, to be considered eligible for the rank of battalion chief and all members of said department who have held such last named rank to be considered as eligible for the rank of assistant chief. All members of said department above the rank of Captain who have held such rank for at least six months past continuously, to be considered as eligible for the office of the fire chief.

### Appointments to Vacant Positions Certification From Lists

Section 9. Whenever a position in the classified service of the police or fire department becomes vacant, the appointive officer, if he desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list from the class to which the vacant position has been allocated, who is willing to accept employment except in the case of appointing an assistant fire chief. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. On original appointment the appointing power shall appoint such persons to such vacant position on probation. On promotional police appointments, except those of chief, the appointing power shall appoint persons to such vacant position on probation for a period of six months.

During the probationary period for promotional police appointments and unless charges of dismissal or demotion are brought as elsewhere provided in this Charter, the appointing authority, upon the recommendation of the chief of the Police Department, may demote the appointee to his former rank, provided that the reasons are specified in writing, served on the person and filed with the Commission. Any person so demoted, may, within ten (10) days from the time of his demotion, file with the

Commission a written demand for an investigation, whereupon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the question as to whether such demotion was or was not made for political or religious reasons and was or was not made in good faith for cause. After such investigation, the Commission may affirm the demotion or, if it shall find that the demotion was made for political or religious reasons or was not made in good faith for cause, shall order the immediate reinstatement of such persons to the office, place or position or employment from which such person was demoted, which reinstatement shall if the Commission so provides, in its discretion, be retroactive and entitle such persons to such pay or compensation as he would have received had he not been demoted. The findings of the Commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer. The Commission when conducting an investigation and hearing under this section shall consider that this promotional probationary period is regarded as an intrinsic part of the examination process and that the same is utilized for closely observing the promotional appointee's work for securing the most effective adjustment of a probationer's qualifications to this higher rank and for the purpose of eliminating any probationer from attaining permanent status in said higher rank whose work performance does not meet the required standards of duties and responsibilities. The Commission shall make suitable rules and regulations regarding the measurement of such probationary period consistent with the provisions of the Civil Service Act and, in the Commission's opinion, consistent with good personnel administration.

Whenever a position of assistant fire chief becomes vacant, the appointive officer, if he desires to fill the vacancy, shall make requisition upon the commission for the names of persons eligible for appointment thereto. The commission shall certify the three names at the top of the eligible list for such class or, in the event of two or more vacancies in the class, the commission shall certify two names more than the number of vacancies. If insufficient names are available to meet this requirement, the appointing authority may request additional certification, whereupon the civil service commission shall schedule and conduct an examination to provide the number of eligibles required. Any one of the names so certified may be appointed to the vacancy regardless of standing on the eligible list and not on probation.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power and said appointing power shall forthwith appoint the person so certified, to said position. No person so certified shall be laid off, suspended, given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service,

specified in writing after an opportunity to be heard by the commission, and then only with its consent and approval.

Appointments shall be regarded as taking effect upon the date when the person certified for appointment reports for duty. A person tendered certification may waive or refuse certification in writing for a period for reasons satisfactory to the commission and such waiver or refusal shall not affect the standing or rights to certification to the first vacancy in the class occurring after the expiration of such period. If no such waiver or refusal has been filed and the period therefor has expired and the person tendered certification fails to report for duty forthwith after tender of certification has been made, his name, may at the discretion of the commission, be striken from all lists for such class. Acceptance or refusal of temporary appointment or of an appointment to a position exempt from the provisions of this list shall not affect the standing of any person on the list for permanent appointment.

## Period of Duty

Section 27. Except in cases of conflagration, flood or similar emergency the basic working time of any member of the Fire Department, excepting the Chief of the Fire Department or Deputy Chief of the Fire Department, shall not be more than fifty-six (56) hours per week averaged over a twelve week period. All working shifts to commence at 8:00 o'clock A.M. of each day, with the exception of the Fire Prevention Bureau and Division of Training, whose hours shall be determined by the Chief.

## Article XII

### ASSIGNMENT OF CHIEF OFFICERS

Section 5(a). The Fire Chief shall have the power to assign his chief officers to fill the necessary supervisory positions in the fire department, and shall assign a chief officer as Fire Marshal and a chief officer as Director of Training.

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct, complete and exact copy thereof.

That as to said amendment this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, Clyde E. Davis, Sr., Mayor of the City of Stockton, and John M. Jarrett, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Stockton to be thereunto affixed this 8th day of July, 1974.

CLYDE E. DAVIS, SR.
(SEAL) Mayor of the City of Stockton
JOHN M. JARRETT
City Clerk of the City of Stockton

and

WHEREAS, The proposed amendment to the Charter of the City of Stockton as adopted and ratified as hereinabove set forth, has been, and is now duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Stockton, as proposed to, and adopted and ratified by, the electors of the city as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Stockton.

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## RESOLUTION CHAPTER 123

*Assembly Joint Resolution No. 114—Relative to rail passenger travel.*

[Filed with Secretary of State August 22, 1974.]

WHEREAS, The National Railroad Passenger Corporation (AMTRAK) has been authorized and funded to provide rail passenger service in the San Joaquin Valley; and

WHEREAS, There is great need for public transportation directly from the San Joaquin Valley to Sacramento, the state capital, and to points north, because air transportation is often inconveniently scheduled or nonexistent in many valley communities; and

WHEREAS, Direct routing of AMTRAK from Bakersfield through the major population centers of the Counties of Kern, Tulare, Kings, Fresno, Madera, Merced, Mariposa, Stanislaus, San Joaquin, and Sacramento to the City of Sacramento would also provide an efficient and desirable connection with the AMTRAK route to the east and an excellent means of travel to Yosemite and Sequoia-Kings Canyon National Parks from the east and north; and

WHEREAS, Passenger transportation by rail is environmentally sound, economical, and highly efficient in the consumption of fuel, thus offering an important and attractive alternative to the public's dependence on the private automobile, and should be encouraged by affording the most convenient routes and schedules that can be devised; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California,*

*jointly,* That the Legislature of the State of California respectfully memorializes the National Railroad Passenger Corporation to adopt a route for San Joaquin Valley service that will connect Bakersfield and Sacramento via the major population centers of the Counties of Kern, Tulare, Kings, Fresno, Madera, Merced, Mariposa, Stanislaus, San Joaquin, and Sacramento; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Chairman of the National Railroad Passenger Corporation.

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## RESOLUTION CHAPTER 124

*Assembly Concurrent Resolution No. 212—Relative to the California Transportation Plan.*

[Filed with Secretary of State August 22, 1974 ]

WHEREAS, Section 14040.6 of the Government Code, which was enacted by Chapter 1253 of the Statutes of 1972, requires that the California Transportation Plan be submitted to the Legislature not later than January 1, 1976; and

WHEREAS, The California Transportation Plan is required to include, in addition to other subjects, recommendations for a general transportation system of the state and necessary policies and legislation for implementation of the plan; and

WHEREAS, Section 256 of the Streets and Highways Code requires the Department of Transportation to review the California Freeway and Expressway System and the entire state highway system and to report to the 1975 Legislature progress made in developing the systems and revisions that should be made in the systems; and

WHEREAS, Such studies and recommendations relating to any changes in the systems pursuant to Section 256 of the Streets and Highways Code would duplicate the effort and findings to be included in the California Transportation Plan; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature requests the Department of Transportation to comply with Section 256 of the Streets and Highways Code by including in the Section 256 Report to the 1975 Legislature only progress made in developing the California Freeway and Expressway System and the entire state highway system and such technical changes as are necessary for proper administration of such systems and to include recommendations for any substantial changes in such systems as part of the California Transportation Plan to be submitted to the Legislature in 1976; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

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## RESOLUTION CHAPTER 125

*Assembly Concurrent Resolution No. 247—Relative to making additional funds available to the Joint Legislative Audit Committee.*

[Filed with Secretary of State August 23, 1974 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That in addition to any money heretofore made available to it, the sum of one million three hundred thousand dollars ($1,300,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for the payment of any and all expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasury.

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## RESOLUTION CHAPTER 126

*Assembly Concurrent Resolution No. 253—Relative to commending the Honorable John L. Burton.*

[Filed with Secretary of State August 23, 1974 ]

WHEREAS, The members have learned that their colleague in the Assembly, Mr. John L. Burton, the distinguished representative of the 20th Assembly District and Chairman of the Assembly Rules Committee, will be leaving the California State Assembly to serve in the Congress of the United States; and

WHEREAS, Assemblyman Burton was first elected to the State Legislature in 1964 to represent a district rich in San Francisco history, including fashionable Nob Hill, Russian Hill, the Marina, colorful North Beach, the artist colonies on Telegraph Hill and Potrero Hill, Chinatown, the "Wall Street of the West," the waterfront, the Mission District, and Hunters Point, and has been returned to the Assembly each election since; and

WHEREAS, Born and educated in San Francisco, he holds a degree in political science from San Francisco State University and a bachelor of laws degree from the University of San Francisco College of Law, where he received the American Jurisprudence Award for

outstanding scholarship in his senior year; and

WHEREAS, Except for a year and a half when he served as a Deputy Attorney General for the State of California, Assemblyman Burton has been a practicing attorney since admitted to the bar in 1961, as a member of the firm of Burton, Blumenthal and Burton in San Francisco; and

WHEREAS, His political activity began with the Young Democrats in 1950 and resumed in 1956, after his tour of duty in Austria with the United States Army, with his involvement as an active campaign worker, president of the San Francisco Young Democrats in 1962, rules chairman for the State Federation of Young Democrats, and two terms as a member of the San Francisco County Democratic Committee; and

WHEREAS, Assemblyman Burton has portrayed an assiduous devotion to the formulation of legislation in the areas of social welfare, labor relations, and consumer protection and is the author of the Burton Act, which returned the Port of San Francisco to the City of San Francisco, and a bill which provided a $7.50-per-month increase to approximately 400,000 aged and disabled pensioners in California; and

WHEREAS, His illustrious service on Assembly committees has included membership on the Rules, Ways and Means, Labor Relations, and Health and Welfare Committees, in addition to his chairmanship of the Joint Committee on Economic Conversion; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members commend their good friend and colleague, the Honorable John L. Burton, upon his years of devoted and effective service to his community and state and extend to him best wishes for continued success in the Congress of the United States; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Honorable John L. Burton.

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## RESOLUTION CHAPTER 127

*Assembly Joint Resolution No. 86—Relative to the Land and Water Conservation Fund Act of 1965.*

[Filed with Secretary of State August 23, 1974 ]

WHEREAS, The Federal Land and Water Conservation Fund Act of 1965 provides for matching grants to the states and their political subdivisions for outdoor recreation purposes; and

WHEREAS, The Secretary of the Interior is authorized to apportion these funds to the states; and

WHEREAS, The Director of the Bureau of Outdoor Recreation has been delegated the authority to administer these funds at the federal

level; and

WHEREAS, The Land and Water Conservation Fund Act of 1965 provides for a funding ceiling of $300 million annually; and

WHEREAS, The 50 states and five territories are entitled to approximately 50 percent of the total amount; and

WHEREAS, No state may receive more than 7 percent of the amount appropriated annually to the 50 states and five territories; and

WHEREAS, California's maximum share under full funding would be limited to approximately $10 million; and

WHEREAS, Although the act provides for a $300 million national ceiling, the 1973–74 fiscal year Federal Budget contained only $66 million, of which California received only $2.6 million; and

WHEREAS, The demand for these federal funds in California and in other states far exceeds the available supply of funds; and

WHEREAS, Since the beginning of the program in 1965, 212 local California projects have been funded from Land and Water Conservation Fund moneys, totaling $35.7 million; and

WHEREAS, Since 1965, 68 California state projects have been funded by such moneys, totaling $29.2 million; and

WHEREAS, It is desirable that the federal aid program under the Land and Water Conservation Fund Act of 1965 continue as a separate funding program for parks, recreation, and open space; and

WHEREAS, Such funds should not be included in the General Revenue Sharing Program; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That on behalf of the people of California who are the beneficiaries of Land and Water Conservation Fund money, the Legislature of the State of California commends the Secretary of the Interior and the Director of the Bureau of Outdoor Recreation for their cooperation in funding California projects and for their excellent administration of the Land and Water Conservation Fund; and be it further

*Resolved,* That the Legislature memorializes the President and the Congress of the United States to take all steps necessary to do the following:

1. Include full funding for the Land and Water Conservation Fund in the 1974–75 fiscal year budget;

2. Support and enact appropriate legislation to increase the maximum amount of such moneys that a state may receive in a given year from 7 percent to 10 percent; and

3. Continue the Land and Water Conservation Fund program as a separate categorical grant program, and not included in the General Revenue Sharing Program; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Director of the Bureau of Outdoor Recreation, to the Speaker of the House of Representatives, to the Chairmen of the United States Senate and

House Committees on Interior and Insular Affairs, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 128

*Assembly Joint Resolution No. 98—Relative to gasoline allocations.*

[Filed with Secretary of State August 23, 1974.]

WHEREAS, The fuel shortage presently being experienced across this state and nation has necessitated federal action to allocate available supplies of gasoline and other fuels in order that the shortage may be borne fairly and evenly by everyone; and

WHEREAS, The Federal Energy Administration has generally restricted the volume of supply of gasoline available to service stations to the 1972 base period volume, with consideration to growth or other patterns of change in a given area; and

WHEREAS, One of the special conditions normally recognized by the Federal Energy Administration is the extensive closing of service stations in an area; and

WHEREAS, In the City of Cerritos, in Los Angeles County, unnecessary hardships are being experienced as a result of basing fuel allocations for the current year on nonadjusted 1972 base period months; and

WHEREAS, The population of Cerritos was increased nearly 17 percent during the period of April 1, 1972, to December 1, 1973, the highest rate of growth anywhere in the state; and

WHEREAS, Other important demographic data collected at the time of a special census reveals that the city's total street mileage increased almost 15 percent during this time, and in addition two major freeways routed through Cerritos, resulting in heavy transient demand for gasoline; and

WHEREAS, Cerritos has a much higher than average number of commuters among its working population, with only 10 percent of the city's principal wage earners working in the general area, while the remainder commute long distances to work, requiring extra fuel for this essential purpose; and

WHEREAS, The Los Cerritos regional shopping center is located wholly within the city limits, and, as the third largest such facility in California, is a major generator of motor vehicle traffic, causing additional demands on the service stations of this area; and

WHEREAS, In the face of greatly increased demand for gasoline, three out of 28 service stations in the area have been, and will continue to be, closed for all of 1974, so that over 10 percent of the gasoline sales attributable to the comparable base period of 1972 is no longer available in calculating current gasoline allocations to service stations within this city; and

WHEREAS, The combined effects of an exploding population, increased gasoline demand, and fewer service stations, added to the fact that there is a total lack of adequate public transportation serving this area, have created undue hardships for all of the people in the Cerritos area; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the President, Congress, and the Federal Energy Administration are hereby respectfully memorialized to study the impact upon the City of Cerritos of the extensive closing of service stations in that area and the exceptional growth of the city, and to take necessary action to minimize the effects of the gasoline shortage and restrictions of fuel allocations on the City of Cerritos; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Federal Energy Administration.

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## RESOLUTION CHAPTER 129

*Senate Concurrent Resolution No. 91—Relative to native American Indians.*

[Filed with Secretary of State August 27, 1974 ]

WHEREAS, In 1970, the Census Bureau estimated the California Indian population at 91,000 and leaders of the California Indian community estimated the Indian population at 200,000; and

WHEREAS, The Indian people of California have the highest unemployment rate of any proportion of the California population, 15.1 percent for Indian males; and

WHEREAS, Indians constitute the portion of the California population with the lowest income, with 45.2 percent of Indian males earning less than $3,000 per year and 31.6 percent of Indian males earning less than $2,000 per year; and

WHEREAS, In 1970, the median income for the California Indian was $4,989; and

WHEREAS, A study compiled by the United Native Americans, Inc., shows that the state, county, and city governments employ very few Indians in comparison to the state's total Indian population; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That all civic and governmental employers, in local, county, and state agencies, provide job opportunities for the Indian people of California commensurate with the Indian population's percentage of the state's population, according to the 1970 federal census; and be it further



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*Resolved,* That copies of this resolution be sent to every state, county, and local agency which employs personnel.

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## RESOLUTION CHAPTER 130

*Senate Concurrent Resolution No. 116—Relative to the Kellogg West Center for Continuing Education.*

[Filed with Secretary of State August 27, 1974]

WHEREAS, The Kellogg West Center for continuing Education is an adult continuing education center, operated by an auxiliary organization of the California State University and Colleges, and is located on leased property of the California State Polytechnic University, Pomona, with educational programs directed to officers and employees of private entities and public agencies; and

WHEREAS, The Kellogg West Center provides lodging and meals to educational conference participants who frequently request beer or wine to be served with their meals, which beverages are commonly included on luncheon and dinner menus at other and similar facilities; and

WHEREAS, The Kellogg West Center must be self-supporting from the revenues generated from those who utilize its services and facilities; and

WHEREAS, The Kellogg West Center is physically isolated from those portions of the University campus used for graduate and undergraduate instructional programs; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Alcoholic Beverages Control is hereby requested, upon proper application by the said auxiliary organization, to issue an on-sale beer and wine license to permit the sale of beer and wine with meals provided at the Kellogg West Center for Continuing Education.

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## RESOLUTION CHAPTER 131

*Senate Concurrent Resolution No. 119—Relative to school nutritional facilities.*

[Filed with Secretary of State August 27, 1974]

WHEREAS, It is the declared policy of the Congress of the United States, as a measure of national security, to safeguard the health and well-being of the nation's children by providing them with adequate nutrition in the schools; and

WHEREAS, There is a demonstrated relationship between

adequate nutrition and the capacity of children to develop and learn; and

WHEREAS, There is an increasing concern with the expansion of comprehensive nutritional programs for all public school children; and

WHEREAS, The provision of such nutritional programs may have been hampered by the inadequacy of funds available for facilities, construction, and renovation; and

WHEREAS, At the present time the people of the State of California, through their elected representatives, are in the process of underwriting an extensive construction program for the replacement of schools not meeting the requirements of the "Field Act"; and

WHEREAS, The resources of the state can be best conserved by the incorporation of appropriate nutritional facilities at the time of such new or renovative construction; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Education is requested to conduct a survey of public school facilities and equipment designed to provide meal services to public school children. Such survey shall include but shall not be limited to, the following:

(a) An inventory of nutritional facilities at existing public school sites.

(b) School district plans for incorporation of nutritional facilities in new or renovated school buildings.

(c) School district plans for use of alternative systems such as central kitchens, independent individual kitchens, manufacturing kitchens, satellite kitchens, and contracting with food management companies for providing nutritional services and delivery to public school children;

and be it further

*Resolved,* That the Department of Education is further requested in cooperation with such educational agencies and organizations as it deems appropriate to provide assistance to school districts in order that local school building plans include proper facilities for nutritional services and meal delivery to school; and be it further

*Resolved,* That the Department of Education report the findings of such survey to the Subcommittee on Nutrition and Human Needs of the Senate Health and Welfare Committee, the fiscal committees of both houses, and such other interested persons as may request copies; and be it further

*Resolved,* That funds necessary to conduct this study and to provide assistance to school districts in their building plans be found by the State Department of Education by application to such federal agencies and other organizations and sources as the department deems appropriate.

# RESOLUTION CHAPTER 132

*Senate Concurrent Resolution No. 125—Relating to school breakfast program.*

[Filed with Secretary of State August 27, 1974.]

WHEREAS, The Legislature finds that participation by California schools in the breakfast program for needy children, as provided under the Child Nutrition Act of 1966, as amended by the 92nd Congress, Public Law 433, should be increased; and

WHEREAS, Hearings held on February 23, 1973, indicated that insufficient funding to school districts was a major inhibitor of participation by schools in the breakfast program; and

WHEREAS, Nutrition research has indicated a direct correlation between intake of an adequate breakfast and learning ability, attention span, and behavior, in the classroom; and

WHEREAS, The federal government, since the enactment of the Child Nutrition Act of 1966, has continued its commitment to this program as indicated by annual increases in the per breakfast reimbursement and by increases in the total fiscal appropriation to this program; and

WHEREAS, Nonparticipation by California schools is often a direct consequence of the lack of sufficient local funds available to school districts; and

WHEREAS, The federal government will presently provide up to forty-five cents per meal to support the breakfast program in those schools designated "especially needy"; and

WHEREAS, The designation of a school as "especially needy" is made by the State Department of Education; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Board of Education is requested to consider the adoption of the following criteria for the definition of "especially needy" schools:

1. Any school in which more than 50 percent of the pupils who participate in the National School Lunch Program receive meals at a free or reduced price shall be deemed "especially needy" for the purpose of reimbursement under the Child Nutrition Act of 1966.

2. Any school which is designated by the state as a Title I school shall be deemed "especially needy."

3. Any school in which 50 percent or more of the students are native Americans;

and be it further

*Resolved,* That the Superintendent of Public Instruction is requested to conduct a massive outreach program to inform schools of the new participation criteria and to increase the number of schools participating in the breakfast program; and be it further

*Resolved,* That the Superintendent of Public Instruction shall

report to the Legislature, by January 1 of each year, the number of schools meeting the "especially needy" criteria; the number of schools receiving increased federal funding as a result of such designation; and the number of children participating; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the State Board of Education and the Superintendent of Public Instruction.

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## RESOLUTION CHAPTER 133

*Senate Joint Resolution No. 56—Relative to geothermal energy.*

[Filed with Secretary of State August 27, 1974.]

WHEREAS, Geothermal energy appears to be a safe, relatively clean, and economical means to produce electricity; and

WHEREAS, California presently has the largest geothermal electric generating facilities in the world; and

WHEREAS, Both state and federal agencies have identified vast stores of superheated brines or steam in other areas of the state; and

WHEREAS, During this period of energy shortages, it is essential that the state develop all of its sources of energy as rapidly as possible through government help and through the efforts of private enterprise; and

WHEREAS, The Congress of the United States is presently considering S. 2465, the Geothermal Energy Act of 1973, to provide a system of government loans to qualified borrowers for acquiring rights in geothermal resources and performing exploration, development, construction, and operation of facilities for the commercial production of energy from geothermal resources; and

WHEREAS, The provisions of the Geothermal Energy Act of 1973 have been incorporated into S. 1283, the energy bill authored by Senator Henry Jackson which is presently before the House of Representatives; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President of the United States to support, and the Congress of the United States to enact, the geothermal loan guarantee and development provisions of the Geothermal Energy Act of 1973 presently contained in S. 1283; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

# RESOLUTION CHAPTER 134

*Senate Joint Resolution No. 59—Relative to gold.*

[Filed with Secretary of State August 27, 1974.]

WHEREAS, Pursuant to acts of Congress and executive orders of the President, the right of the people of the United States to acquire, possess, and market gold has been infringed; and

WHEREAS, This infringement interferes with a basic property right of the people of the United States, and of this state; and

WHEREAS, This infringement violates a fundamental precept of the Bill of Rights, which, in the Fifth Amendment to the Constitution of the United States, specifies that, "No person . . . shall be deprived of . . . property, without due process of law"; and

WHEREAS, The citizens of almost all nations, other than the United States, retain the right to acquire, possess, and market gold in its various forms; and

WHEREAS, The infringement of this right in the United States adversely affects the national economy, and the economy of the State of California, contributing to the idleness of numerous mines and high unemployment; and

WHEREAS, Article V of the Constitution of the United States provides that, on the application of the legislatures of two-thirds of the several states, the Congress shall call a convention for proposing amendments which shall be valid as part of the Constitution when ratified by three-fourths of the several states; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the Congress of the United States to call a convention for proposing the following constitutional amendment:

SECTION 1. The right of the people of the United States to acquire, possess, and market gold in any of its forms shall not be infringed by the United States or by any state.

SEC. 2. No treaty or executive agreement shall abrogate the right guaranteed to the people by this article;

and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the legislatures of the several states, with the request that said legislatures adopt this resolution, urging the Congress of the United States to call a convention for the purpose of proposing this constitutional amendment for ratification by the several states.

## RESOLUTION CHAPTER 135

*Senate Joint Resolution No. 60—Relative to gold.*

[Filed with Secretary of State August 27, 1974.]

WHEREAS, Pursuant to acts of Congress and executive orders of the President, the right of the people of the United States to acquire, possess, or market gold has been infringed; and

WHEREAS, This infringement interferes with a basic property right of the people of the United States and of California; and

WHEREAS, This infringement violates a fundamental precept of the Bill of Rights, which, in the Fifth Amendment to the Constitution of the United States, specifies that, "No person . . . shall be deprived of . . . property, without due process of law;" and

WHEREAS, The citizens of almost all nations, other than the United States, retain the right to acquire, possess, or market gold in its various forms; and

WHEREAS, The infringement of this right in the United States adversely affects the national economy, and particularly the economy of the State of California, contributing to the idleness of numerous mines and high unemployment; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the Congress of the United States to propose to the several states for ratification a constitutional amendment providing that the right of the people of the United States to acquire, possess, or market gold in any of its forms shall not be infringed by the United States or by any state, and that no treaty or executive agreement shall abrogate this right; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 136

*Senate Joint Resolution No. 61—Relative to a national urban homestead program.*

[Filed with Secretary of State August 27, 1974.]

WHEREAS, There are now pending before Congress a number of bills to establish a national homestead program under which single-family dwellings owned by the Secretary of Housing and Urban Development may be conveyed at nominal cost to individuals and families who will occupy and rehabilitate them; and

WHEREAS, This legislation will effect the salutary ends of providing decent housing for low- and moderate-income families, arresting the deterioration of structures and the spread of urban blight, restoring neighborhoods instead of displacing families into mass housing, providing a useful outlet for applicants who possess building trades' skills, bringing structures up to building codes' standards, providing some property tax relief during restoration, avoiding wasteful consumption of resources by utilizing existing structures, and, in some cases, recapturing and preserving America's urban architectural heritage; and

WHEREAS, Provisions are made in this legislation to assure that dwellings will be offered to qualified applicants without racial, sexual, ethnic, or religious discrimination; and

WHEREAS, Adequate safeguards for accomplishing the purposes of the legislation are provided therein; and

WHEREAS, The legislation provides for the further expansion of the program through cooperation with state and local governments in the utilization of urban dwellings under their ownership; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States and the Department of Housing and Urban Development of the United States to accord this legislation the fullest favorable consideration and to enact legislation establishing a national urban homesteading program; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Housing and Urban Development.

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## RESOLUTION CHAPTER 137

*Senate Joint Resolution No. 62—Relative to the continuation of community action agencies.*

[Filed with Secretary of State August 27, 1974.]

WHEREAS, The Economic Opportunity Act, through the establishment of local community action agencies, has served the needs of the young, the old, and the poor of California, and the Legislature recognizes these needs; and

WHEREAS, The community action agencies of California have proven their ability as efficient delivers of services in the areas of manpower, youth programs, health, aged programs, preschool education, housing, legal protection, and social planning; and

WHEREAS, The community action agencies have become a model

for citizen participation, with the inclusion of all segments of the population on their policy and advisory boards and have assisted in developing additional channels of input for local government by the low-income community; and

WHEREAS, Community action agencies in California currently administer approximately $300 million in funds and employ over 20,000 persons in those programs; and

WHEREAS, The people, funds, and services of community action agencies have had a philosophic and economic impact on the well-being of the State of California; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to immediately enact legislation to continue the Economic Opportunity Act programs through community action agencies; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 138

*Senate Joint Resolution No. 66—Relative to cable television blackouts.*

[Filed with Secretary of State August 27, 1974 ]

WHEREAS, Professional and college sporting events are a major attraction for cable television subscribers in California, and such events attract a substantial portion of the viewing audience of cable television systems; and

WHEREAS, Extensive capital expenditures are committed to bring major sports events to cable television subscribers, and such subscribers have in good faith relied on the assurance that transmission of such sporting events would continue and in fact increase; and

WHEREAS, Legislation now before the Judiciary Committee of the United States Senate would require a substantial portion of cable television sports programming to be blacked out; and

WHEREAS, The enactment of this legislation will cause 350,000 cable television subscribers to lose much of the major sports programs they now enjoy, such as the California Angels, the Los Angeles Dodgers, the Oakland Athletics, the San Francisco Giants, the Los Angeles Kings, the Golden State Warriors, the Los Angeles Lakers, the Oakland Raiders, and the San Francisco 49'ers; and

WHEREAS, The loss of these and other sporting events to cable

television subscribers will affect more than one million persons in California and cause substantial hardship, inconvenience, and loss of investment; and

WHEREAS, Eliminating the transmission of major sporting events over cable television will result in a severe adverse impact upon the economy of California causing extensive reductions in employment and a loss of income from idle facilities; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to take the necessary action to amend pending legislation to delete the provisions which would require a substantial portion of cable television sports programming to be blacked out; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 139

*Assembly Joint Resolution No. 100—Relative to transportation for handicapped persons.*

[Filed with Secretary of State August 28, 1974 ]

WHEREAS, During this time of severe disruptions in the supply and allocation of national energy resources, it is important for industry, government, and the people to work together; and

WHEREAS, In order to reduce the consumption of gasoline, it is important that as many people as possible use public transportation; and

WHEREAS, The federal Department of Transportation has caused to be designed buses, known as the "transbus," that will accommodate all members of society, including the physically handicapped; and

WHEREAS, The current plans of the federal Department of Transportation call for these newly designed buses to be tested and evaluated not before mid-1978, which will delay their manufacture and use until at least 1980 or 1981; and

WHEREAS, If the energy crisis continues and the handicapped are unable to obtain sufficient gasoline to get to and from employment, and if they are unable to use public transportation, they and their families could be forced to become welfare recipients; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Secretary of the United States Department of Transportation is urged to release all patents, designs, and other

holdings for the "transbus" and allow these vehicles to be tested, evaluated, manufactured, and sold by various private manufacturers; and be it further

*Resolved,* That the Legislature urges the manufacturers to do the necessary testing and evaluation of these vehicles as rapidly as possible and begin production and distribution of them as soon as practical; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the United States Department of Transportation, to the Governor of California, to the Secretary of Transportation of California, to the Director of Rehabilitation of California, and to each Senator and Representative from California in the Congress of the United States, so they may join with the Legislature in urging the federal Department of Transportation to immediately release the "transbus" so that all our citizens may use this mode of transportation, help in the conservation of fuel, and maintain employment.

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## RESOLUTION CHAPTER 140

*Assembly Concurrent Resolution No. 149—Relative to public postsecondary education.*

[Filed with Secretary of State August 28, 1974 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That it is the intent of the Legislature that statewide goals for public postsecondary education during the next decade shall be as follows:

(a) Academic freedom and responsibility.

(b) Equal and universal accessibility to the system for persons of both sexes and all races, ancestries, incomes, ages and geographies in California.

(c) Lifelong learning opportunities for persons with capacity and motivation to benefit.

(d) Diversity of institutions, services, and methods.

(e) Flexibility to adapt to the changing needs of students and society.

(f) Cooperation between institutions in assessing area educational needs and resources and meeting those needs.

(g) Involvement with local communities in providing educational services and utilizing community resources in the educational process.

(h) Increased understanding of the learning process—to be sought and applied throughout higher education.

(i) Discovery of qualitative and quantitative evaluation methods

for learning, research, and teaching.

(j) Accountability throughout postsecondary education including:

(1) Accountability of institutions to the individual (for instruction and related services),

(2) Accountability of institutions to the public and its representatives,

(3) Accountability of the individual (faculty, student, staff) to the institutions, and

(4) Accountability of the public and its leaders to the institutions (for support and development)

(k) Discovery and communication of knowledge; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Regents of the University of California, the Trustees of the California State University and Colleges, the Board of Governors of the California Community Colleges, California Community Colleges district governing boards, and the California Postsecondary Education Commission.

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## RESOLUTION CHAPTER 141

*Assembly Concurrent Resolution No. 152—Relative to public postsecondary education.*

[Filed with Secretary of State August 28, 1974 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That it is the intent of the Legislature that institutions of public postsecondary education that charge for instruction and the use of instructional facilities should not use funds derived from those charges to finance the construction of facilities for instructional purposes, but that student financial aid and assistance be given the first priority in the use of such funds; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Regents of the University of California.

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## RESOLUTION CHAPTER 142

*Assembly Concurrent Resolution No. 187—Relative to State Highway Route 118.*

[Filed with Secretary of State August 28, 1974 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Transportation, with respect to the environmental impact reports (EIR) for that portion

of State Highway Route 118 between DeSoto Avenue and Balboa Boulevard in the communities of Chatsworth, Granada Hills, and Northridge in the San Fernando Valley, is hereby requested to submit the EIR's to federal, state, and local agencies by June 30, 1974, in order that:

(a) The state and local agencies may submit their comments on the EIR's to the department by September 1, 1974.

(b) The department may hold public hearings as required on the EIR's by September 15, 1974; complete, by November 1, 1974, any additional studies necessary to prepare the final draft of the EIR's; and complete the final draft of the EIR's by December 1, 1974.

(c) Final processing of the EIR's by state and local agencies may be completed by January 1, 1975; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

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## RESOLUTION CHAPTER 143

*Assembly Concurrent Resolution No. 202—Relative to public school pupils.*

[Filed with Secretary of State August 28, 1974.]

WHEREAS, The State of California has failed to adopt a systematic accounting method that identifies those students who are enrolled in the public school system in grades 9 through 12, inclusive, and who leave one school and fail to enroll in any other school; and

WHEREAS, Many programs have been devised to reduce the rate of student dropouts from the educational system without providing adequate information as to the numbers and characteristics of those students who are leaving school prior to their high school graduation; and

WHEREAS, There is an urgent need for the continuing development of positive educational programs structured to meet the real needs of the young people in the public education system; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Education is directed to conduct a survey, to include information from the 1973–74 and 1974–75 school years, of the number and characteristics of students who are enrolled in grades 9 through 12, inclusive, but who cease to attend school before high school graduation and whose academic records are not requested by another school during the same or the following school year; and be it further

*Resolved,* That the characteristics to be determined by the survey shall include: the students' ages, grades, their sex, abilities to speak English, and racial or ethnic backgrounds, and their length of attendance at school, to the extent available, the reasons given for

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the students' departures from school, and any other information deemed necessary and relevant by the Department of Education, including, but not limited to, whether or not the students' educational backgrounds indicate any placement in special education classes or courses or any grade retentions; and be it further

*Resolved,* That the Department of Education is directed to report to the Legislature by April 1, 1976, concerning the data accumulated pursuant to the survey; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Education.

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## RESOLUTION CHAPTER 144

*Assembly Concurrent Resolution No. 224—Relative to the Benicia Capitol.*

[Filed with Secretary of State August 28, 1974 ]

WHEREAS, In 1853 the Capitol of the State of California was in Benicia; and

WHEREAS, Both houses of the Legislature convened in the Capitol in Benicia during 1853 and 1854; and

WHEREAS, The Benicia Capitol is the first building specifically constructed for that purpose; and

WHEREAS, The State of California recognized this historic site by registering it in 1935 as State Historical Landmark No. 153, and subsequently designated it as Benicia Capitol State Historic Park, a unit of the state park system; and

WHEREAS, No official state historical landmark plaque has been erected at the site as is provided for by law; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Parks and Recreation is requested, with the advice and upon the recommendations of the Historical Landmarks Advisory Committee, to erect and maintain an official state historical landmark plaque at the Benicia Capitol; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Parks and Recreation and to the Historical Landmarks Advisory Committee.

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## RESOLUTION CHAPTER 145

*Assembly Concurrent Resolution No. 276—Approving an amendment to the Charter of the City of Chula Vista, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the ninth day of April, 1974.*

[Filed with Secretary of State August 28, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Chula Vista, a municipal corporation in the County of San Diego, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California,
County of San Diego } ss.
City of Chula Vista

We, the undersigned, Thomas D. Hamilton, Jr., Mayor of the City of Chula Vista, and Jennie M. Fulasz, City Clerk of said City, do hereby certify and declare as follows:

That the City of Chula Vista, a municipal corporation, is now and since the year 1949 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 3, Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 3, Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion, proposed to the qualified electors of the City of Chula Vista certain amendments to the Charter of said City, which amendments were designated as Propositions "A", "B" and "C", and submitted said propositions to the qualified electors of the City of Chula Vista at the general municipal election.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type not less than ten point, that said pamphlets were mailed to each of the qualified electors of said City, and that until the date fixed for the election herein described, a notice was advertised and published in the Chula Vista Star News, a newspaper of general circulation published in the City of Chula Vista, that copies of said proposed charter amendments could be had upon application therefor at the Office of the City Clerk of said City until the date fixed for said election.

That said proposed amendments were submitted to the qualified electors of said City at said general municipal election held in said City.

That at said election on said proposed amendments to the Charter of the City of Chula Vista, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of Proposition "A", and said proposed amendment was ratified by a majority of the qualified electors of said City voting thereon, as set forth in the Certificate of the Registrar of Voters of the County of San Diego, State of California, certifying the results of said election.

That all of said proceedings were duly and regularly had and taken in accordance with Section 3 of Article XI of the Constitution of the

State of California, the laws of the State of California, and the Charter of the City of Chula Vista.

That as to the amendment to the Charter of the City of Chula Vista hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendment to the Charter of the City of Chula Vista which was so ratified by a majority of the electors of said City are in words and figures as follows:

PROPOSITION A

An amendment to the Charter of the City of Chula Vista amending Article III, Section 300 by assigning numbered seats to each Council position to be selected by lot.

Sec. 300. Members and Terms.

(Paragraphs 5, 6 and 7 to be added)

Each Councilman shall be assigned a numbered seat to be selected by lot. Said seats shall be numbered 1 through 4 respectively and any person seeking election to the City Council shall at the time of filing his nomination papers, select one of said seats as the Council position for which he seeks election.

Said election process by numbered Council seats shall commence at the general municipal election to be conducted in April of 1976, and all persons running for a Councilmanic office shall designate one of the two numbered Councilmanic seats as selected by lot and memorialized by resolution of the City Council of the City of Chula Vista on file in the office of the City Clerk. Should a vacancy occur at any time in a Councilmanic seat or seats, if said vacancy is to be filled by a special election as provided in Section 303 of the Charter, candidates for said vacancy shall similarly designate the appropriate numbered seat on their nominating papers.

In order for any person to be elected for any numbered Council seat 1 through 4 or the office of Mayor for which he has filed his nomination papers, he must receive a majority of all votes cast for said Council seat or the office of Mayor, and if, and in the event that no candidate for such numbered Council seat or office of Mayor, receives a majority of the votes cast, the two candidates receiving the highest number of votes for said seat shall run in a special runoff election to be conducted on the second Tuesday in June following the general municipal election on the second Tuesday in April in even numbered years, and in the case of the office of Mayor, a special election shall be scheduled for the second Tuesday in June following the general municipal election on the second Tuesday in April conducted for the purpose of electing the Mayor.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of

Chula Vista with the original proposal submitting same to the electors of said City and find that the foregoing is a full, true and exact copy.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Chula Vista to be affixed hereto this 7th day of May, 1974.

(SEAL)

THOMAS D. HAMILTON JR.
Thomas D. Hamilton, Jr.,
Mayor of the City of
Chula Vista, California

JENNIE M. FULASZ
Jennie M. Fulasz,
City Clerk of the City
of Chula Vista, California

WHEREAS, Said proposed charter amendment is now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 3, Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That said amendment to the Charter of the City of Chula Vista, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city be, and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the Charter of said City of Chula Vista, California.

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## RESOLUTION CHAPTER 146

*Senate Concurrent Resolution No. 126—Relative to housing.*

[Filed with Secretary of State August 28, 1974 ]

WHEREAS, The Legislature, in enacting Chapter 6 (commencing with Section 37120) of Part 8 of Division 24 of the Health and Safety Code, has adopted the aim of a decent home in a suitable living environment for every Californian as a goal of the highest priority, and, pursuant to such provisions, the Department of Housing and Community Development is required to develop a California Statewide Housing Element; and

WHEREAS, The Administration has determined the major housing needs of the state to include the rehabilitation of more than 700,000 housing units, the demolition and replacement of 300,000 housing units, and an annual housing production of 200,000 units to meet the

continuing increase in the number of California households; and

WHEREAS, The Department of Housing and Community Development is required to obtain the cooperation of the private housing industry and of regional and local housing and planning agencies in the development of the California Statewide Housing Element; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the goals to be included in the California Statewide Housing Element cannot be achieved without commitment from the Legislature, the public, the private housing industry, and local government, and that the Department of Housing and Community Development shall submit to the Legislature, as soon as reasonably possible, a plan for publicity and public input relative to adoption of the Statewide Housing Element following its completion; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Housing and Community Development.

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## RESOLUTION CHAPTER 147

*Senate Concurrent Resolution No. 109—Relative to the broadbill swordfish fishery.*

[Filed with Secretary of State August 29, 1974 ]

WHEREAS, There is no present data available with respect to the status of the broadbill swordfish fishery; and

WHEREAS, It is in the public interest that the status of this resource be ascertained; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Fish and Game is requested to undertake a study of the broadbill swordfish fishery, and to report thereon to the Legislature; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Fish and Game.

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## RESOLUTION CHAPTER 148

*Assembly Concurrent Resolution No. 54—Relative to a study of the impact of 1972 Senate Bill 90, Chapter 1406 of the Statutes of 1972, and 1973 Assembly Bill No. 1267, Chapter 208 of the Statutes of 1973.*

[Filed with Secretary of State August 29, 1974 ]

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*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Education shall conduct a study of the impact upon school districts of the enactment of 1972 Senate Bill No. 90 as Chapter 1406 of the Statutes of 1972, and Assembly Bill No. 1267 as Chapter 208 of the Statutes of 1973, including: (1) the apportionments from the state and the local revenues which each school district would have received and the tax rate each school district would have levied each year, but for the enactment of S.B. 90 and A.B. 1267; (2) the apportionments from the state and the local revenues which each school district would have received, and the tax rate which each school district would have levied for the 1973–74 fiscal year as a result of the enactment of S.B. 90; and the apportionments from the state and local revenues which each school district received, and the tax rate which each school district levied, each fiscal year commencing with fiscal year 1973–74, as a result of the enactment of A.B. 1267; (3) the apportionment which each school district received, each fiscal year commencing with fiscal year 1973–74, pursuant to Chapter 6.10 (commencing with Section 6499.230) of Division 6 of the Education Code as a result of the enactment of S.B. 90 and A.B. 1267; (4) the amount of tax rate changes for each district; (5) the extent to which school district expenditures per average daily attendance have been equalized; (6) the change in expenditure by program and the change in tax rates under the control of the county superintendent of schools; (7) the amount allocated to each school district for the Early Childhood Education Program; and (8) the uses made by a selected sample of school districts of additional program aid received, such as reduction of class sizes, restoration of previously deleted classes, expansion of programs, effect on educational outcomes, and adjustment of salaries of certificated and classified employees; and be it further

*Resolved,* That the Department of Education shall submit to the Legislature on or before January 1, 1975, and on or before January 1, 1976, its findings and recommendations with respect to the above matters for, respectively, fiscal years 1973–74 and 1974–75; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Department of Education.

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## RESOLUTION CHAPTER 149

*Assembly Joint Resolution No. 85—Relative to American servicemen missing in action.*

[Filed with Secretary of State August 29, 1974.]

WHEREAS, Five hundred sixty-six American military prisoners of war have now been released by their Communist captors and have returned to their thankful and grateful nation; and

WHEREAS, According to the office of the Secretary of Defense, as of September 29, 1973, 1,233 United States servicemen were unaccounted for and listed as missing in action as a result of the conflict in Vietnam, a nebulous status which has been a continuous source of uncertainty, grief, and despair for the friends, relatives, and loved ones they have waiting in the United States; and

WHEREAS, Those members of the armed forces of the United States who have suffered, and may still be suffering, internment as prisoners of war as a result of the war in Vietnam have made great sacrifices for their country; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to take whatever action is necessary to obtain a full accounting from the government of North Vietnam for every American who was listed as missing in action in the Vietnam war prior to the completion of American troop withdrawals from the war in 1973, and to make such information available to the American public; and be if further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 150

*Assembly Joint Resolution No. 104—Relative to armed forces expeditionary medal.*

[Filed with Secretary of State August 29, 1974 ]

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to authorize an armed forces expeditionary medal to be issued to those who served along the Demilitarized Zone in Korea after January 31, 1955; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

# RESOLUTION CHAPTER 151

*Assembly Joint Resolution No. 109—Relative to the Tehama-Colusa Canal.*

[Filed with Secretary of State August 29, 1974.]

WHEREAS, The Tehama-Colusa Canal was authorized as the major canal of the Sacramento Valley Canals Unit of the Central Valley Project in 1950 to bring irrigation water to some 205,000 acres of arid farm land in four counties on the west side of the great Sacramento Valley of California; and

WHEREAS, Failure to fund this vast project delayed initial construction by 15 years and increased original cost estimates from $65 million to over $100 million when actual construction started in 1965; and

WHEREAS, Congress and subsequent administrations have failed to appropriate sufficient funds to maintain the total five-year construction schedule initially anticipated to complete the canal; and

WHEREAS, As of April 1, 1974, in excess of $70 million has been expended on the project, yet the canal stands less than half complete, incapable of serving any useful farm irrigation purpose; and

WHEREAS, The currently anticipated 10-year delay in construction has added $50 million to construction costs alone, plus a $900,000 loss in water revenues; and

WHEREAS, Adequate funding for this project to insure its earliest possible completion could help toward alleviating future food and fiber shortages currently anticipated as the next major crisis of possible greater impact than the energy crisis; and

WHEREAS, Useful employment and stimulation to the economy is provided by this project during its construction phase, as well as in the future when the full effects of the transition from dry farming to irrigated farming is fully realized; and

WHEREAS, Adequate funding can do much to relieve immediate unemployment in the area, currently aggravated by the fuel and energy crisis; and

WHEREAS, This project promises untold benefits to the entire nation; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to appropriate an additional $5.35 million to supplement the President's $2.39 million budget appropriation for the Tehama-Colusa Canal to begin construction of reach 5, purchase land for reaches 5 and 6, for pre-construction of reaches 7 and 8, and for a fisheries center and to restore substantially increased amounts in future years to speed this project to its earliest possible completion date; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United

States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 152

*Assembly Joint Resolution No. 117—Relative to veterans' pensions.*

[Filed with Secretary of State August 29, 1974 ]

WHEREAS, A recomputation amendment to legislation now pending before the Congress of the United States, would increase the retirement pay of all military retirees of all branches of service so as to equalize the pensions of older retirees with the pensions of more recent retirees of equivalent rank or grade and length of service; and

WHEREAS, Present inequities in the retirement laws for military retirees are unfair in that older retirees do not presently receive such equivalent benefits; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact the recomputation amendment to equalize the pensions of military retirees; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to each member of the Joint Senate-House Armed Services Committee.

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## RESOLUTION CHAPTER 153

*Senate Concurrent Resolution No. 79—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization and the State Personnel Board, and Members of the Senate and Assembly.*

[Filed with Secretary of State August 30, 1974 ]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That leaves of absence from the state for a longer period than 60 days during their terms of office are hereby granted to His Excellency Ronald Reagan, Governor of the State of California; to the Honorable Ed Reinecke, Lieutenant Governor of the State of California; to Edmund G. Brown, Jr., Secretary of State;

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Evelle J. Younger, Attorney General; to Houston I. Flournoy, Controller; to Ivy Baker Priest, Treasurer; to Wilson C. Riles, Superintendent of Public Instruction; to George R. Reilly, John W. Lynch, William M. Bennett, and Richard Nevins, members of the Board of Equalization; to Robert M. Wald, Samuel Leask, May Layne Davis, Nita Ashcraft, and Frank M. Woods, members of the State Personnel Board; and to the following Members of the Senate and the Assembly:

Senators Alfred E. Alquist, Peter H. Behr, Anthony C. Beilenson, Clare L. Berryhill, W. Craig Biddle, Clark L. Bradley, Dennis E. Carpenter, Randolph Collier, William E. Coombs, Lou Cusanovich, George Deukmejian, Ralph C. Dills, Mervyn M. Dymally, Arlen Gregorio, Donald L. Grunsky, John L. Harmer, John W. Holmdahl, Joseph M. Kennick, Robert J. Lagomarsino, Milton Marks, Fred W. Marler, Jr., James R. Mills, George R. Moscone, John A. Nejedly, Nicholas C. Petris, H. L. Richardson, Alan Robbins, David A. Roberti, Albert S. Rodda, Jack Schrade, Alan Short, Alfred H. Song, Robert S. Stevens, Walter W. Stiern, John Stull, Lawrence E. Walsh, Howard Way, James Q. Wedworth, James E. Whetmore, and George N. Zenovich; Assemblymen Richard Alatorre, Mike D. Antonovich, Dixon Arnett, Robert E. Badham, William T. Bagley, Paul T. Bannai, Carlos Bee, Howard L. Berman, Robert G. Beverly, Daniel E. Boatwright, Bill Bond, John V. Briggs, Willie L. Brown, Jr., Robert H. Burke, John L. Burton, Doug Carter, Peter R. Chacon, Eugene A. Chappie, Robert C. Cline, John L. E. Collier, Kenneth Cory, William A. Craven, Mike Cullen, Pauline L. Davis, Wadie P. Deddeh, Julian C. Dixon, Gordon W. Duffy, John F. Dunlap, Jack R. Fenton, March K. Fong, John F. Foran, Alex P. Garcia, Joe A. Gonsalves, Raymond Gonzales, Bill Greene, Leroy F. Greene, Richard D. Hayden, Frank Holoman, Walter M. Ingalls, Harvey Johnson, Ray E. Johnson, Lawrence Kapiloff, Walter Karabian, Barry Keene, Jim Keysor, John T. Knox, Bill Lancaster, Frank Lanterman, Jerry Lewis, Ken MacDonald, W. Don MacGillivray, Kenneth L. Maddy, Alister McAlister, Leo T. McCarthy, Robert M. McLennan, Ken Meade, John J. Miller, Ernest N. Mobley, Joseph B. Montoya, Bob Moretti, Frank Murphy, Jr., Robert P. Nimmo, Louis J. Papan, Walter W. Powers, Paul Priolo, John P. Quimby, Leon Ralph, Newton R. Russell, Raymond T. Seeley, Alan Sieroty, Vincent Thomas, John E. Thurman, John Vasconcellos, Floyd L. Wakefield, Charles Warren, Henry A. Waxman, Bob Wilson, Bob Wood, and Edwin L. Z'berg.

The leaves of absence granted by this resolution are also granted to the successors of any of the above-named officers during their terms of office as such successors.

579 28 11 480 1427

## RESOLUTION CHAPTER 154

*Senate Concurrent Resolution No. 162—Relative to President Gerald R. Ford.*

[Filed with Secretary of State August 30, 1974.]

WHEREAS, Gerald R. Ford has been sworn in as President of the United States under circumstances unprecedented in the history of the United States; and

WHEREAS, The problems of the United States both here and abroad are of overwhelming magnitude; and

WHEREAS, The task of the new President requires the help of all of the people of our country; and

WHEREAS, The best wishes of the Members of the Legislature of the State of California go to the new President as he assumes his new responsibilities; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That congratulations be extended Gerald R. Ford, with best wishes for his success in his endeavors to advance the interests of our country both here and abroad, and be it further

*Resolved,* That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Gerald R. Ford.

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## RESOLUTION CHAPTER 155

*Senate Concurrent Resolution No. 166—Approving an amendment to the Charter of the City of San Mateo, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the fourth day of June, 1974.*

[Filed with Secretary of State August 30, 1974 ]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF PROPOSED AMENDMENT TO SECTION 7.01 OF THE CHARTER OF THE CITY OF SAN MATEO

We, John F. Condon, Mayor of the City of San Mateo, State of California, and Joan Hinckley, City Clerk of said City, do hereby certify that:

The City of San Mateo is a municipal corporation in the County of San Mateo, State of California, duly organized, existing and acting under a Charter adopted pursuant to Article XI, Section 3, of the

Constitution of the State of California, with a population in excess of 50,000.

In accordance with the provisions of Article XI, Section 3, of the Constitution of the State of California, the City Council of the City of San Mateo, being the legislative body thereof, on its own motion, caused to be framed a proposed amendment to Section 7.01 of the Charter of the City of San Mateo and submitted the same to the qualified voters of said City at a Special Municipal Election duly called and ordered held in said City on Tuesday, June 4, 1974, which election was consolidated with the General Election conducted by the Board of Supervisors of the County of San Mateo on said date.

All things required to be done by said Article XI, Section 3, of the Constitution and the laws of the State of California, were duly and regularly done as therein required.

The proposed amendment to Section 7.01 of the Charter, set forth as follows:

"Section 7.01. General Municipal Elections. General municipal elections shall be held in the city on the first Tuesday in April of each odd-numbered year, in the manner provided by state law governing elections in general law cities; provided that in the event any other election shall be held ~~in the same month~~ in the city *in the month of February, March, or April of the same year* the council may consolidate the general municipal election with ~~the~~ *such* other election whenever practicable, *and shall in any event call and schedule the general municipal election for the same date as any such other election*."

was ratified by a majority of the qualified voters voting thereon; and said ratification was duly acknowledged and recorded by Resolution No. 97 (1974) adopted by the Council of the City of San Mateo on July 1, 1974, a certified copy of which is attached hereto, marked Exhibit A, and incorporated herein by reference.

In witness whereof, we have hereunto set our hands and caused the seal of the City of San Mateo to be affixed hereto, this 19th day of July, 1974.

JOHN F. CONDON
(SEAL) John F. Condon, Mayor
JOAN HINCKLEY
Joan Hinckley, City Clerk

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly*

*thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of San Mateo, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of San Mateo.

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## RESOLUTION CHAPTER 156

*Assembly Joint Resolution No. 62—Relative to mobile teachers' retirement assistance.*

[Filed with Secretary of State August 31, 1974]

WHEREAS, The California Legislature passed teachers' retirement bills in the 1967 Regular Session and in the 1969 Regular Session, which were not enacted into law, to grant retirement credit for out-of-state service to the mobile teacher; and

WHEREAS, Approximately 50 percent of the California teachers have out-of-state service credit for which they will be penalized during their retirement years; and

WHEREAS, The retirement problems of the mobile teacher are long standing in California as well as in other states; and

WHEREAS, The joint NEA-NCTR task force has presented a proposal to alleviate a significant long-standing problem; and

WHEREAS, After due and careful consideration of the public interest, legislation has been introduced in Congress which provides for improvement of education by increasing the freedom of the nation's teachers to change employment across state lines without substantial loss of retirement benefits, through establishing of a federal-state program allowing covered teachers at least 10 years of credit for public teaching service not covered by the system; and

WHEREAS, This federal legislation provides that the federal government shall provide 50 percent of the cost for funding, with the remaining 50 percent to be shared by the state or local system, or both, and individual teacher; and provides an additional amount for administration; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact legislation granting teachers credit for public teaching service in more than one state; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 157

*Assembly Concurrent Resolution No. 153—Relative to planning for postsecondary education.*

[Filed with Secretary of State August 31, 1974.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That it is the intent of the Legislature that in the use of federal grant funds for developing a comprehensive statewide plan for postsecondary education, high priority shall be given to regional educational planning; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the California Postsecondary Education Commission.

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## RESOLUTION CHAPTER 158

*Assembly Concurrent Resolution No. 191—Relative to the location of state agency offices and facilities.*

[Filed with Secretary of State August 31, 1974.]

WHEREAS, In order to promote the public welfare a state agency, in locating a new state facility or leasing or renting facilities in a community, should consider the full economic and social impact upon the community; and

WHEREAS, Some state agencies have located new facilities either by construction or leasing in high income, high economic areas of some communities; and

WHEREAS, The placement of state facilities in such areas of the community is detrimental to existing redevelopment programs and further depresses, from an economic standpoint, low-income areas in the community; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of General Services, when approving leases and construction contracts for state facilities, shall consider the full economic and social impact upon the community in which the facilities are to be located; and be it further

*Resolved,* That a copy of this resolution be transmitted to the Department of General Services.

# RESOLUTION CHAPTER 159

*Assembly Concurrent Resolution No. 192—Relative to electrical rates.*

[Filed with Secretary of State August 31, 1974.]

WHEREAS, Almost all California electric utilities report that they believe that shortages of electricity are probable in the near future; and

WHEREAS, Questions have been raised by some as to whether the rate structures of many electric utilities, as presently constituted, encourage increased consumption of electricity in that they average past costs of plant together with current costs, which are usually much higher, to produce prices which are less than current costs, and in that they decrease the cost of successive increments of electricity consumed (decreasing block pricing) so that the more electricity consumed the lower the per unit price, which may result in increased consumption; and

WHEREAS, Many alternative rate structures have been suggested which would tend to discourage, rather than encourage, increased consumption of electricity; and

WHEREAS, Such alternative rate structures, which would result in pricing electricity more closely to its real economic and social cost, would not only have the short-range effect of decreasing consumer demand for electricity and thus conserving scarce natural resources, but would have the long-range effects of encouraging manufacturers of electrical appliances to develop appliances which more efficiently utilize electricity, of encouraging architects to design buildings with more efficient insulation and more efficient heating, cooling and lighting systems, and of encouraging in general technological improvements in the use of electricity; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Public Utilities Commission is requested to make a thorough investigation of such proposed alternatives and of what changes, if any, should be made in the rate structures as presently constituted, including, but not limited to, the following:

(1) Discount prices for consumers who achieve a decrease in their consumption of electricity compared to a like period in the preceding year.

(2) Placing all future rate increases on the tail blocks of the existing decreasing block pricing structure so that in time an increasing block pricing structure will be achieved.

(3) Inverting the rate structure to achieve immediately an increasing block pricing structure.

(4) Requiring new metering which would enable higher prices for consumption of electricity at the demand peaks each day.

(5) Seasonal peak pricing, which would not require new

metering, but which would price electricity used during the seasonal peaks higher than that used at other times.

(6) Marginal cost pricing, that is, pricing all electricity at the cost of producing the last unit of electricity at the most recent plant, rather than average cost pricing which is currently used; and be it further

*Resolved,* That the Public Utilities Commission is requested to include in its investigation a consideration of the economic and social consequences of such alternative rate structures, for example, the economic impact of an increasing block pricing structure on agricultural pumping operations; and be it further

*Resolved,* That the Public Utilities Commission is requested to report its findings and recommendations on these and other alternative principles of pricing electricity to the Legislature not later than one year from the date of the adoption of this resolution; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Public Utilities Commission.

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## RESOLUTION CHAPTER 160

*Assembly Concurrent Resolution No. 195—Relative to agricultural burning.*

[Filed with Secretary of State August 31, 1974.]

WHEREAS, The statements of the State Air Resources Board on the day-to-day validity of agricultural burning permits are being issued at eight o'clock each morning, two hours after the six o'clock farm reports are given; and

WHEREAS, It is important to the agricultural community that these statements be issued by the State Air Resources Board as early each day as is practical in order to prevent delay and inefficiency in daily agricultural operations; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Air Resources Board, in cooperation with the Department of Food and Agriculture and interested persons and organizations, is requested to explore improved methods for early dissemination of agricultural burning statements to the agricultural community; and be it further

*Resolved,* That the State Air Resources Board and the Department of Food and Agriculture are requested to report to the Legislature by October 1, 1974, their findings and recommendations concerning such improved methods of early dissemination of agricultural burning statements by the board; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Chairman of the State Air Resources Board and to the Director of Food and Agriculture.

## RESOLUTION CHAPTER 161

*Assembly Concurrent Resolution No. 220—Relative to medical examinations of rape victims.*

[Filed with Secretary of State August 31, 1974.]

WHEREAS, A rape victim is generally transported to an emergency medical facility for emergency care and for an examination to compile evidence for future criminal prosecution; and

WHEREAS, A woman who has been raped is often beaten, traumatized, and in need of thorough medical and psychological treatment, and in need of information for pregnancy, venereal disease, and psychiatric followup; and

WHEREAS, In many instances, the training of staff of the emergency medical facility is inadequate for the appropriate care of the rape victim; and

WHEREAS, The extent of the medical treatment is frequently limited to a vaginal examination for evidentiary purposes only; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That victims of rape who receive treatment in county or private governmental-contracting emergency medical facilities be given a thorough examination for both physical and emotional trauma, and that the staff of such facilities be instructed on the appropriate care and treatment of rape victims, and that, in addition, such facilities, as standard operating procedure, inform the victim of the availability of venereal disease, pregnancy, and psychiatric services, and of the Victim of Crime Indemnity Fund; and be it further

*Resolved,* That a copy of this resolution be transmitted to the director of each county medical facility in the state, to private governmental-contracting emergency medical facilities, to the city council of each city, and to the board of supervisors in each county in the state.

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## RESOLUTION CHAPTER 162

*Assembly Concurrent Resolution No. 222—Relative to Cal-Vet loans.*

[Filed with Secretary of State August 31, 1974 ]

WHEREAS, It is difficult for existing Cal-Vet loan holders to obtain second mortgages for home improvement loans from outside sources; and

WHEREAS, Procedures to obtain such mortgages could be improved through the combined effort of various state agencies;

now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislative Analyst shall review and make recommendations for departmental and legislative action to simplify the process by which existing Cal-Vet loan holders may obtain a second mortgage for home improvement loans only from outside lenders. Such report shall be made to the Legislature no later than January 1, 1975.

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## RESOLUTION CHAPTER 163

*Assembly Concurrent Resolution No. 225—Relative to flood control.*

[Filed with Secretary of State August 31, 1974 ]

WHEREAS, The Department of Water Resources has the responsibility under state law to maintain and operate on behalf of the state certain units or portions of the works of the Sacramento River Flood Control Project, and the cost of such maintenance and operation is defrayed by the state; and

WHEREAS, The San Joaquin River between Merced County and the deep water channel at Stockton is prone to flooding prime food and fiber-producing farmland; and

WHEREAS, The various project levees on the San Joaquin River cannot contain flood waters so long as the river channel is not dredged and maintained; and

WHEREAS, The cost of dredging and maintaining the San Joaquin River channel is greater than can be assumed by a local reclamation or levee district; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Water Resources and the Reclamation Board are requested to jointly study the flood control operation and maintenance problems on the San Joaquin River between Friant Dam and the deepwater channel at Stockton, including the feasibility, desirability, and estimated cost of initial channel clearance and estimated annual maintenance cost thereafter; to explore the feasibility of obtaining federal assistance in initial channel clearance; to determine the area to be benefited; to hold meetings with concerned local entities to determine possible courses of action; and to report thereon to the Legislature no later than January 31, 1975; and be it further

*Resolved,* That the amount expended for such study should not exceed the sum of seven thousand five hundred dollars ($7,500); and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Water Resources and to the Reclamation Board.

# RESOLUTION CHAPTER 164

*Assembly Concurrent Resolution No. 228—Relative to the Grove-Shafter Freeway.*

[Filed with Secretary of State August 31, 1974.]

WHEREAS, The completion of Route 24, the Grove-Shafter Freeway in Alameda County, has a current status of "second priority"; and

WHEREAS, The full completion of the Grove-Shafter Freeway requires 2.5 miles of highway and interchange construction at an estimated cost of $12.5 million for actual construction and an additional $2.3 million for right-of-way costs; and

WHEREAS, The completion of the Grove-Shafter Freeway will create a direct ambulance route to the major medical complex in the East Bay regional area; and

WHEREAS, The Grove-Shafter Freeway, when fully completed, will provide a direct alternate route for bay area commuters, thereby saving considerable fuel and maintenance costs on local streets of Oakland and Berkeley; and

WHEREAS, The success of the downtown redevelopment project by the City of Oakland is contingent upon full completion of the Grove-Shafter Freeway; and

WHEREAS, The completion of the Grove-Shafter Freeway will help to create 12,000 jobs at the Oakland city center project; and

WHEREAS, The Grove-Shafter Freeway, when fully completed, will provide a much needed access to the office, hotel, restaurant, theater, and retail complex being planned by the City of Oakland for its city center; and

WHEREAS, The completion of the Grove-Shafter Freeway will provide the City of Oakland with a substantial increase in its tax base; and

WHEREAS, A Grove-Shafter Freeway completion project will furnish, during the period of freeway construction, a large payroll within a depressed area; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That high-priority status be assigned by the Department of Transportation to the completion of the Grove-Shafter Freeway; and be it further

*Resolved,* That any current or future surplus funds that may be accumulated in the budget of State Highway District No. 4, formerly allocated to other state highway projects, be made available to facilitate completion of the Grove-Shafter Freeway; and be it further

*Resolved,* That the department prepare a report specifying current hindrances to the completion of the Grove-Shafter Freeway, alternative solutions, if any, to these hindrances, a proposed timetable for completion of the freeway, and the effect of anticipated reductions in gas tax revenues on the Grove-Shafter project; and be

it further

*Resolved,* That the department make every effort to secure a full relocation in suitable housing of those persons who will be displaced by the completion of the Grove-Shafter Freeway; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

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## RESOLUTION CHAPTER 165

*Assembly Concurrent Resolution No. 232—Relative to county boards of education.*

[Filed with Secretary of State August 31, 1974 ]

WHEREAS, Chapter 1041 of the Statutes of 1973, required that on or before February 1, 1974, each county committee on school district organization undertake action in the manner prescribed in Section 602 of the Education Code, where and to the extent necessary, to change boundaries of trustee areas from which members of the several counties boards of education are elected to insure that such areas are as nearly equal in population as is practicable; and

WHEREAS, The Legislature has learned that in many counties where the provisions of Chapter 1041 of the Statutes of 1973 are applicable, the county committees on school district organizations have failed to comply with this statutory mandate; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the county clerks of the several counties are requested to report to the Assembly Education Committee and the Subcommittee on Education to the Assembly Ways and Means Committee within 30 days of the effective date of this measure concerning the action undertaken in the respective counties in order to comply with the provisions of Chapter 1041 of the Statutes of 1973; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the county clerks of the several counties.

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## RESOLUTION CHAPTER 166

*Assembly Concurrent Resolution No. 258—Relative to primary care physicians*

[Filed with Secretary of State August 31, 1974 ]

122—3659

1258 28 12 140 1487

WHEREAS, The Legislature has found a need for more primary care physicians in the state, particularly in rural areas; and

WHEREAS, The Legislature is concerned that California citizens, desiring to become physicians, do not have an adequate opportunity to attend medical schools in California; and

WHEREAS, The Carnegie Commission's report on Higher Education and the Nation's Health recommended that the most desirable site for the development of a new medical school in California is in the Fresno-San Joaquin Valley region of the state; and

WHEREAS, Congress has appropriated funds under provisions of PL 90-541, the Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972, that would enable the development of a medical education program in the Fresno-San Joaquin Valley region resulting in cost savings to the state, particularly in capital outlay; and

WHEREAS, The Joint Committee on the Siting of Teaching Hospitals has reported to the Legislature that the establishment of a clinical medical education program, emphasizing the training of family physicians and other primary care physicians, is desirable; and

WHEREAS, The University of California at San Francisco has submitted an application to the Veterans' Administration to sponsor a clinical medical education program in the Fresno-San Joaquin Valley region, emphasizing the training of family physicians and other primary care physicians; and

WHEREAS, The sum of seventy thousand dollars ($70,000) has been included in the 1974–75 State Budget for the purpose of planning a University of California clinical medical education program in the Fresno-San Joaquin Valley region; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature hereby indicates its intent to support financially a clinical medical education program in the Fresno-San Joaquin Valley region, emphasizing the training of family physicians and other primary care physicians; and be it further

*Resolved,* That the Regents of the University of California are urged to provide evidence satisfactory to the Veterans' Administration that they are in support of, and committed to, the establishment and ongoing support of a clinical medical education program in the Fresno-San Joaquin Valley region; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Regents of the University of California.

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## RESOLUTION CHAPTER 167

*Assembly Concurrent Resolution No. 279—Approving amendments to the Charter of the City of Santa Barbara, State of California, ratified by the qualified electors of the city at a special municipal election consolidated with the state primary election held therein*

1279 28 12 160 1491

*on the fourth day of June, 1974.*

[Filed with Secretary of State August 31, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Santa Barbara a municipal corporation in the County of Santa Barbara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF A CHARTER AMENDMENT BY ELECTORS OF THE CITY OF SANTA BARBARA

State of California,
County of Santa Barbara } ss.
City of Santa Barbara

We, the undersigned, David T. Shiffman, Mayor of the City of Santa Barbara, and J. E. Newton, City Clerk of said City, do hereby certify and declare as follows:

That the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, is now and at all times herein mentioned was a City duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 3 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California, the Council of said City, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City certain proposals for the amendments of the Charter of said City at a special election consolidated with the State Primary election duly and regularly called and held for that purpose in said City on the 4th day of June, 1974, said charter amendments being herein designated as Charter Amendment Numbers 3, 4, 6 & 7 (Measures "E", "F", "H", "I").

That on the 12th day of April, 1974, said Council caused said proposed Charter amendments to be duly and regularly published and advertised in each and every edition of said 12th day of April, 1974 in the Santa Barbara News-Press, a daily newspaper of general circulation, printed, published and circulated in said City, there being no official paper of said City.

That said Council caused copies of said proposed Charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point and caused copies thereof to be mailed to each of the qualified electors of said City.

That said Council, until the day fixed for the election upon said proposed Charter amendment, did advertise in said Santa Barbara News-Press, a daily newspaper of general circulation in said City, a notice that copies thereof might be had upon application therefor; that copies of said proposed Charter amendments could be had upon

application therefor at the office of the City Clerk of said City up to and including the day fixed for said special election.

That said special election consolidated with a State Primary election was duly and regularly held in said City on the 4th day of June, 1974, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed Charter amendments and the returns of said special election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified electors voting thereon voted in favor of and did ratify said Charter amendments hereinafter specifically set forth.

That said amendments to the Charter of said City so ratified by the voters of said City are as follows, to wit:

Charter Amendment No. 3

That Section 503 of Article V of the Charter of the City of Santa Barbara be amended to read as follows:

"Section 503. Vacancies. A vacancy on the City Council, from whatever cause arising other than expiration of term, shall be filled by appointment by the City Council within thirty (30) days of the occurrence of such vacancy if less than ten (10) months remain in the unexpired term. In the event that an office becomes vacant when the unexpired portion of the term is more than ten (10) months, or, in the event that said portion is less than ten (10) months, but the City Council has not filled the vacancy by appointment within thirty days, the City Council shall, within thirty days, set a date for a special election to fill said vacancy for the unexpired portion of the term remaining.

If the Mayor or other member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular council meeting attended by him, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the City, his office shall become vacant. The City Council shall declare the existence of any such vacancy.

"(Section 503 shall be amended to read as set forth above if Charter Amendment No. 1 is adopted by the electors. In the event that Charter Amendment No. 1 is not adopted, a vacancy in the office of Mayor, from whatever cause arising other than expiration of term, shall be filled in the manner provided in § 503, as amended, for a vacancy in the City Council and the words "or in the office of Mayor" shall be added to the first paragraph of said § 503 after the words "City Council".)

Charter Amendment No. 4

That Section 600 of Article VI of the Charter of the City of Santa Barbara be amended to read as follows:

"Section 600. City Administrator. There shall be a City Administrator who shall be the chief administrative officer of the City. He shall be appointed by the affirmative vote of at least a majority of the members of the City Council and shall serve at the pleasure of the City Council, provided, however, that he shall not be removed from office except as provided in this Charter. He shall be chosen on the basis of his executive and administrative qualifications, and adequate examination, with special reference to his actual experience in, and his knowledge of, accepted practice in respect to the duties of his office as herein set forth, and shall have been the manager or chief administrative office of a City or County for at least five years or shall have been the assistant or deputy of such manager or chief administrative officer for at least five years or shall have had least five years esperience in the management of a business or other organization, or shall have had commensurate and equal public or private administrative experience. He shall be at least thirty years of age."

Charter Amendment No. 6

That Section 1304 be added to Article XIII of the Charter of the City of Santa Barbara to read as follows:

"Section 1304. Nomination of Candidates. Each candidate for elective City office shall be proposed by the filing of a nomination paper signed by not less than one hundred (100) nor more than two hundred (200) registered voters. Only one candidate may be named in any one nomination paper. No voter may sign more than one nomination paper for the same office, and in the event he does so, his signature shall count only on the first nomination paper filed which contains his signature. Nomination papers subsequently filed and containing his signature shall be considered as though his signature does not appear thereon. Any person registered to vote may circulate a nomination paper."

Charter Amendment No. 7

That Section 1305 be added to Article XIII of the Charter of the City of Santa Barbara to read as follows:

"Section 1305. Ballot. Order of Candidates' Names. The names of all candidates for elective City office, including incumbents and all other candidates, shall be listed in random order on the ballot in the manner determined by the City Council by ordinance."

That we have compared the amendment as stated herein with the original proposal submitted to the electors of said City and find and

certify that it is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused seal of said City of Santa Barbara to be affixed hereto this 14th day of August, 1974.

(SEAL)

DAVID T. SHIFFMAN
David T. Shiffman
Mayor of the City of
Santa Barbara, California
J. E. NEWTON
J. E. Newton
City Clerk of the City of
Santa Barbara, California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Santa Barbara, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Santa Barbara.

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## RESOLUTION CHAPTER 168

*Senate Concurrent Resolution No. 135—Relative to animal laboratory facilities.*

[Filed with Secretary of State September 5, 1974]

WHEREAS, It is highly desirable that the animal laboratory facilities at Hunter's Point Naval Station in San Francisco be made available for use by scientists at the University of California Medical Center in San Francisco so as to ensure that no further animal facilities will be built at the Mt. Sutro site of the present facilities above the university; and

WHEREAS, It is desirable that the University of California Medical Center in San Francisco and the appropriate federal agencies pursue further negotiations for the development of needed rural animal facilities at the same Hunter's Point site; and

WHEREAS, It is the intent of the Legislature that the University of California lands on Mt. Sutro may in the near future be cleared of this

inappropriate use of prime urban land and be allowed to revert to open space and ultimately be made available for recreational purposes; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislature urges the University of California to expedite negotiations to achieve these goals; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President of the University of California, and the Chancellor of the University of California at San Francisco.

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## RESOLUTION CHAPTER 169

*Senate Concurrent Resolution No. 140—Relative to the Harlan D. Miller Bridge*

[Filed with Secretary of State September 5, 1974 ]

WHEREAS, Harlan D. Miller served as Chief of the California Highway Commission Bridge Department from 1924 to 1926; and

WHEREAS, He believed not only that California bridges should be substantial, but also that beauty should be an integral part of the structures; and

WHEREAS, The California Highway Commission, in 1926, named the concrete arch bridge across Dog Creek on the Pacific Highway in Shasta County in honor of Harlan D. Miller; and

WHEREAS, This structure was removed from the state highway system in 1957 and may be physically removed in the near future; and

WHEREAS, It appears appropriate that another bridge across Dog Creek, which is architecturally very similar to the older structure, should be named the Harlan D. Miller Bridge; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the bridge numbered 6-27, located on State Highway Route 5 across Dog Creek, is hereby officially designated the Harlan D. Miller Bridge; and be it further

*Resolved,* That the Department of Transportation be requested to erect appropriate signs and markers, consistent with signing requirements for the National System of Interstate and Defense Highways, showing this official designation; and be it further

*Resolved,* That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Mrs. Harlan D. Miller and a copy of this resolution to the Director of Transportation.

## RESOLUTION CHAPTER 170

*Senate Concurrent Resolution No. 143—Relative to the Carl Langford Memorial Bridge.*

[Filed with Secretary of State September 5, 1974 ]

WHEREAS, Carl Langford, born in Montana in 1886, first came to Somes Bar in 1908 to survey the area for a site for an electrical generating dam, which would have supplied power for electrometallurgy processing of aluminum ore, at Trinidad, for the Electro Metals Company, a subsidiary of the Guggenheim Corporation; and

WHEREAS, After he had made many visits to the area from 1908 to 1923, a tunnel was driven through Sugarloaf Mountain to form a diversion of the Klamath River during construction of the Ishi Pishi Falls Dam; and

WHEREAS, He bought the Somes Bar Store in 1926 and, from that time until his death in 1949, he served as postmaster and as a distributor for an oil company in the area; and

WHEREAS, During World War II, he was in charge of sugar and gas rationing for the area; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the bridge numbered 02-177, located on State Highway Route 96 across the Salmon River at Somes Bar, is hereby officially designated the Carl Langford Memorial Bridge; and be it further

*Resolved,* That the Department of Transportation be directed to erect appropriate signs and markers, consistent with signing requirements for the state highway system, showing this official designation; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Transportation.

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## RESOLUTION CHAPTER 171

*Senate Concurrent Resolution No. 145—Relative to the Frederick W. Panhorst Bridge.*

[Filed with Secretary of State September 5, 1974 ]

WHEREAS, Frederick W. Panhorst served as Chief of the Bridge Section of the California Division of Highways from 1931 to 1960; and

WHEREAS, Mr. Panhorst inspired the personnel and encouraged innovative ideas and methods in the design and construction of California's bridges; and

WHEREAS, He was a past National Director of the American Society of Civil Engineers and a former president of the Sacramento

section of that organization; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the bridge numbered 10-151, located over Russian Gulch on Route 1, is hereby officially designated the Frederick W. Panhorst Bridge; and be it further

*Resolved,* That the Department of Transportation be directed to erect appropriate signs and markers, consistent with signing requirements for the state highway system, showing this official designation; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Transportation.

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## RESOLUTION CHAPTER 172

*Senate Concurrent Resolution No. 157—Relative to emergency medical services.*

[Filed with Secretary of State September 5, 1974.]

WHEREAS, Emergency medical services, including emergency transportation, for care and treatment of highway accident victims in many rural areas of the state are inadequate or nonexistent; and

WHEREAS, Emergency communications capabilities between emergency medical services and other public safety agencies is an essential element in the care and transportation of highway accident victims; and

WHEREAS, The California Highway Patrol, the State Department of Health, and the Division of Forestry have established services in the rural areas of the state dedicated to the safety and well-being of the public; and

WHEREAS, The Department of General Services, Communications Division, has the technical resources for the design and implementation of communications systems between emergency medical services and other public safety agencies; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the California Highway Patrol, the State Department of Health, the Division of Forestry, and the Department of General Services, Communications Division, are hereby authorized and directed to conduct a joint study to determine the feasibility and costs for these agencies to provide emergency medical treatment and transportation services, and the emergency communications capabilities required to support such services, in those rural areas of the state where such services are determined by them to be inadequate or nonexistent; and be it further

*Resolved,* That the results of this study shall be submitted to the Legislature with recommendations not later than July 1, 1975; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the Commissioner of the California Highway Patrol, the Director of Health, the State Forester, and the Director of General Services.

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## RESOLUTION CHAPTER 173

*Senate Concurrent Resolution No. 168—Relative to the Legislature.*

[Filed with Secretary of State September 5, 1974 ]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That either or both houses of the Legislature may meet on Saturday, August 31, 1974.

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## RESOLUTION CHAPTER 174

*Senate Concurrent Resolution No. 36—Relative to correctional personnel.*

[Filed with Secretary of State September 10, 1974.]

WHEREAS, The Senate Select Committee on Penal Institutions, and various other agencies of the governments of the State of California and of the United States, have conducted extensive studies and have found serious deficiencies in the recruitment, selection and development of correctional personnel; and

WHEREAS, The basic line position in the California Department of Corrections has been the correctional officer, whose primary responsibilities are the custody and control of inmates; and

WHEREAS, In the California Department of the Youth Authority, youth counselors combine their custodial responsibilities with general supervision, counseling, and evaluation of limited numbers of wards; and in the Department of Corrections, correctional program supervisors combine similar responsibilities for limited numbers of inmates; and

WHEREAS, Both the Department of Corrections and the Department of the Youth Authority agree with the Senate Select Committee on Penal Institutions that the combined custody-casework approach is a superior means of supervising confined persons, from the standpoint of improving staff-inmate relationships, predicting conduct and misconduct, improving security, reducing levels of tension and inducing well-qualified persons to seek employment; and

WHEREAS, The establishment of correctional program supervisors

as the basic line personnel in the Department of Corrections is desirable but should be accompanied by reevaluation of the standards and procedures by which they are selected; and

WHEREAS, The correctional program supervisor classification should be available as an entry level position for persons seeking employment with the department, as well as a position for persons with previous experience in the department, in order to produce a more highly skilled qualified group of applicants; and

WHEREAS, Persons with experience as correctional officers should be encouraged to prepare themselves for, and to seek employment as correctional program supervisors, but such experience should not be deemed a necessary or sufficient qualification for the work of correction program supervisors; and

WHEREAS, Conversion to correctional program supervisors will free correctional counselors from most of their routine tasks of advising, assisting and evaluating inmates, and permit them to provide meaningful treatment for inmates presenting special problems; and four years of college education or the equivalent has been determined to be the highest realistic academic standard for such work, which once required a master's degree but at present requires only two years of college education; and

WHEREAS, Present testing practices are not adequate to determine whether candidates for employment are emotionally and psychologically suited for supervising or controlling inmates and wards, or whether employees who have worked in such stressful employment for a period of years continue to be emotionally and psychologically suited for such work; and

WHEREAS, Salaries and benefits paid to all, or almost all, state correctional personnel are grossly inadequate; and

WHEREAS, Salaries paid to many correctional personnel have recently been increased but still fail to adequately reflect several changes in circumstances, including the modern roles of such personnel, the variety and difficulty of their responsibilities as compared with those in other criminal justice employment, the importance of employing high quality personnel in such positions, the increased academic requirements for such positions as a result of Section 1031 of the Government Code, the increased training requirements, and the increase in the danger factor for such positions; and

WHEREAS, State correctional officers, women's correctional supervisors, and youth group supervisors, generally, must perform duties and assume responsibilities comparable to those performed and assumed by personnel of the California Highway Patrol and major police and sheriff's departments, in that the job requirements of such correctional personnel are, in general, at least as difficult, dangerous, varied, and important, and they therefore should be paid salaries at least as high as those paid to such other personnel; and

WHEREAS, Salaries paid to correctional program supervisors fail to reflect the impact of this resolution, namely the increase in danger

as a result of employment in medium and maximum security prisons, and the increase in training requirements and further fail to reflect the increase in duties and responsibilities over those required by correctional officers, so that the pay differential, which should be 10 percent to 20 percent at all levels, is presently only 5 percent at the entry level; and

WHEREAS, Competent correctional line personnel, who may not be appropriate for promotion to casework, supervisory or management positions, or who may not desire such promotion, should be given an opportunity to increase their own responsibilities as line personnel and to receive appropriate economic consideration by demonstrating an appropriate combination of work experience, educational achievement and volunteer service; and

WHEREAS, Salaries for personnel working in penal institutions should reflect the increased danger factor over that facing personnel performing similar work in other environments; and

WHEREAS, Practically all personnel recruiting in the Department of Corrections and the Department of the Youth Authority is performed by institutional training officers, with the assistance of other institutional personnel working overtime; but most institutions are located far from population centers, so that it is difficult for the institutions to effectively recruit many well-qualified persons, particularly college students and residents of urban population centers, including minority group persons; and

WHEREAS, Experience in the state correctional system or other state civil service is an important ingredient in the management or administration of the Department of Corrections and the Department of the Youth Authority, but it is not essential that every administrator have that particular experience; and

WHEREAS, By employing both persons with experience in the state system and persons with experience in the correctional systems of counties, other states or the federal government, other agencies of criminal justice or social welfare, academic criminology, or other appropriate fields, the departments would help avoid excessive inbreeding, would introduce new and different perspectives into their operations and would further the continuing reevaluation of practices and policies; and

WHEREAS, The training of state correctional personnel has been grossly inadequate and extensive basic and in-service training is required to prepare correctional personnel for supervising, understanding, evaluating, relating to and controlling inmates, wards and parolees, and for performing supervisory and administrative duties in the departments; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Corrections, the Department of the Youth Authority, the State Personnel Board, the Department of Finance, and every other agency of the State of California whose cooperation and assistance is required to carry out the intent of the Legislature as expressed in this concurrent

resolution, shall, to the extent compatible with good practice, make every reasonable effort to accomplish the following:

1. Establish correctional program supervisors as the basic line personnel in all Department of Corrections institutions as rapidly as feasible and, as a minimum step in order to achieve this objective, provide that at least two-thirds of all correctional officer and women's correctional supervisor positions which shall become vacant during each month shall be converted to correctional program supervisor positions and filled as provided in this resolution.

2. Provide that the State Personnel Board specifications for correctional program supervisors shall permit otherwise qualified candidates to apply and compete without requiring prior service as a correctional officer or the equivalent; and amend specifications for other positions as needed to insure that minimum qualifications for such other positions are not reduced as a result of making correctional program supervisor an entry level position.

3. Amend the State Personnel Board specifications for correctional counselors to require all candidates for appointment to complete four years of college study or its equivalent in demonstrating acceptable levels of motivation, intelligence and social awareness necessary to perform extraordinary casework responsibilities.

4. Provide that all persons employed by the Department of Corrections and the Department of the Youth Authority, by promotion or otherwise, in positions requiring the supervision or control of inmates or wards, must first pass a basic examination designed and administered for the purpose of evaluating the person's emotional and psychological suitability for the position in question and for this provide that psychiatric services also be available for determining continued suitability for sensitive assignments.

5 (a) Adjust the basic salaries of correctional officers, women's correctional supervisors, correctional program supervisors, correctional counselors, caseworkers, parole agents and other personnel to the extent necessary to reflect changing circumstances meriting increases, to maintain proper intraagency salary relationships, and otherwise to reflect the findings of the Legislature as expressed in this resolution.

(b) Provide that new classifications be established to provide promotional opportunities for competent correctional officers, correctional program supervisors, correctional counselors, youth group supervisors, youth counselors and adult and youth parole agents who demonstrate an appropriate combination of work experience, educational achievement and volunteer service, but who may not be appropriate for, or who may not desire, promotion to supervisory or administrative positions.

(c) Provide that salaries for all Department of Corrections and Department of the Youth Authority nonsecurity personnel working in their institutions should be 5 percent above salaries paid to persons performing similar work outside of such institutions.

6. Provide that centralized recruiting units be established and assigned to coordinate and assist institutional recruiting efforts and to locate and recruit qualified correctional personnel at locations not readily accessible to institutional recruiters.

7. Provide that open competition be required for at least one-fourth of those positions in the Department of Corrections and the Department of the Youth Authority which presently are filled through career executive appointments, with appropriate experience in corrections, law enforcement, academics and other appropriate areas being permitted to substitute for experience in the California correctional system.

8. Provide for extensive programs to develop competent and effective personnel, including centralized training programs in conjunction, to the extent feasible, with regional criminal justice training centers or other college or university programs.

Provide that such training programs include courses for new and experienced personnel, as appropriate, in correctional history, theory and practice; the proper roles and responsibilities of correctional personnel; the personal and cultural characteristics, and the civil and other legal rights and responsibilities of persons in confinement; counseling skills and procedures and interpersonal relations; safety, security, self-defense, emergency first aid, and disturbance control; administrative, management and supervision skills; and such other areas as are deemed essential to the development of effective and competent correctional personnel.

Provide that all persons who are employed as correctional officers, correctional program supervisors, correctional counselors, or adult parole agents, or as trainees for such classifications, and whose employment, whether by promotion or otherwise, commences on or after July 1, 1975, shall receive a minimum total of six weeks of training in the program during the first year of such employment; and during every two-year period succeeding the completion of such initial period of training shall receive a minimum of two weeks of additional training in the program. Any person who has fulfilled the above minimum training requirements for purposes of a previous appointment to one of the above classifications, may be deemed to have completed three weeks of training for purposes of the new appointment. All persons who are employed in managerial, administrative, or supervisory capacities involving the care, supervision, or custody of inmates or parolees, or employed as members, representatives, investigators or administrative officers of the Adult Authority, the Women's Board of Terms and Parole and the Narcotic Addict Evaluation Authority, and whose employment, whether by promotion or otherwise, commences on or after July 1, 1975, shall receive a minimum total of three weeks of training in the program during the first six months of such employment; and during every succeeding two-year period shall receive a minimum of two weeks of additional training in the program. All persons employed in any of the above capacities prior to July 1, 1975, shall receive a

minimum of two weeks of such training no later than June 30, 1978, and during every succeeding two-year period; and be it further

*Resolved,* That whenever the intent of the Legislature is not clear by reference to this resolution alone, the intent shall be determined by reference to the Senate Select Committee on Penal Institutions' report on Upgrading Correctional Manpower, A Report to the California Legislature, Part I, (April 1972); and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the Director of Corrections, the Director of the Youth Authority, the Executive Officer of the State Personnel Board, and the Director of Finance; and be it further

*Resolved,* That these officers report to the Legislature on or before July 1, 1975, as to their progress in implementing this resolution, and that they include in their reports detailed explanations for any decisions not to fully implement any of the provisions of this resolution.

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## RESOLUTION CHAPTER 175

*Senate Concurrent Resolution No. 110—Relative to solar energy.*

[Filed with Secretary of State September 10, 1974.]

WHEREAS, The present imbalance between supply and demand for fuel and energy supplies in California is causing severe shortages; and

WHEREAS, These energy shortages are causing growing economic and social dislocations in California; and

WHEREAS, It is now clear that to meet our mounting energy shortfalls in California, it will be necessary for a vigorous attack on the problems associated with new energy forms; and

WHEREAS, It is incumbent on the elected officials of the State of California to take a leadership role in exploring all means of limiting energy consumption and utilizing new energy sources; and

WHEREAS, California is in a unique position to make early and dramatic utilization of solar energy as a source for heating and cooling; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Architect conduct a study and issue a report on the feasibility of the utilization of a solar energy system for the executive mansion for heating and cooling; and be it further

*Resolved,* That the State Architect shall complete and submit the report on utilization of a solar energy system for the executive mansion to the Legislature on or before January 1, 1975; and be it further

*Resolved,* That a copy of this resolution be transmitted to the State Architect.

# RESOLUTION CHAPTER 176

*Senate Concurrent Resolution No. 113—Relative to state salaries.*

[Filed with Secretary of State September 10, 1974 ]

WHEREAS, Section 18850 of the Government Code directs the State Personnel Board to establish and adjust salary ranges for each class of position in the state civil service based on the principle that like salaries shall be paid for comparable duties and responsibilities, and that in establishing or changing such ranges consideration shall be given to the prevailing rates for comparable service in other public employment and in private business; and

WHEREAS, In 1971 the State Personnel Board discontinued gathering and reporting prevailing rates and relative salary values paid executives and senior level officers in private industry and other government jurisdictions, thus neglecting its duty to consider comparable salaries as specified in Government Code Section 18850; and

WHEREAS, The State Personnel Board has arbitrarily and without specific legislative authority limited civil service salaries to an artificial level below statutory rates of state department heads and constitutional officers; and

WHEREAS, The resulting salary compaction in state government has been criticized not only by every independent consulting firm engaged to study state salary-setting practices but also by the State Legislative Analyst and the Assembly Interim Committee on Governmental Efficiency and Economy on the basis that such compaction results in wasteful turnover, severe problems of retention and recruitment and perpetual inequities throughout the state structure; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Personnel Board is requested to comply with Section 18850 of the Government Code by surveying private and governmental salaries of executives, senior level officers, attorneys, physicians, engineers and any other class of employee whose salary rate is affected by compaction; and be it further

*Resolved,* That the Commission on California State Government Organization and Economy, with the assistance of the State Personnel Board and the Department of Finance, prepare a schedule of proposed salary rates for all levels of state employees up to and including statutory and constitutional officers designed to eliminate salary compaction. These recommendations shall be presented to the fiscal committees hearing the salary increase items for the 1975–76 fiscal year and shall be presented each year thereafter to the Governor and the Legislature; and be it further

*Resolved,* That the State Personnel Board is requested to set the salaries of civil service employees for the 1975–76 fiscal year without regard to statutory and constitutional salaries.

## RESOLUTION CHAPTER 177

*Senate Concurrent Resolution No. 117—Relative to a study of the counties' role in health care delivery.*

[Filed with Secretary of State September 10, 1974.]

WHEREAS, Prior to the enactment of the California Medical Assistance Program in 1965, the county hospitals provided a wide range of services to indigent persons; and

WHEREAS, The role of county hospitals in the provision of health care to indigents has steadily declined since the enactment of the California Medical Assistance Program; and

WHEREAS, At least five counties have closed their county hospitals; and

WHEREAS, The Medi-Cal program has not replaced county care for medical indigents as intended by both the Medical Assistance Program and the Medi-Cal Reform Program; and

WHEREAS, Many counties are incurring serious fiscal difficulties in attempting to meet the medical needs of their indigent residents; and

WHEREAS, The Legislative Analyst has recommended in his Analysis of the Budget Bill for 1974 that a study of these problems be conducted; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislative Analyst, in conjunction with the State Department of Health and the County Supervisors Association of California, conduct a study to determine what the role of the counties should be in the delivery of health care; and be it further

*Resolved,* That the Analyst report his findings to the Legislature by May 1, 1975; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the Legislative Analyst, the State Department of Health, and the County Supervisors Association of California.

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## RESOLUTION CHAPTER 178

*Senate Concurrent Resolution No. 118—Relative to the University of California.*

[Filed with Secretary of State September 10, 1974 ]

WHEREAS, At the present time no agreement exists between the building and construction trades unions and the various campuses and facilities of the University of California for employees filling construction trades classifications; and

WHEREAS, No agreement has existed between the building and

construction trades unions and the four campuses of the University of California since July 1, 1973; and

WHEREAS, Prior to July 1, 1973, a prevailing wage rate agreement existed between the university and the construction trades unions; and

WHEREAS, Other employees of the university have received wage increases from 7 to 15 percent while construction trades employees have only been offered a 2-percent increase; and

WHEREAS, During this same period the cost-of-living index has risen approximately 7 percent; and

WHEREAS, Bargaining agents of the construction trades employees have attempted to negotiate in good faith with the university in an attempt to settle this labor dispute but to date this dispute has not been resolved; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Regents of the University of California are requested to direct the properly authorized representatives of the university, authorized to sign a labor agreement, to enter into good-faith negotiations with the construction trades unions so that the employees filling construction trades classifications at all the campuses and facilities of the University of California receive on an annual basis not less than the average annual earnings received by others in the same construction trade who are paid prevailing wage rates in the county in which the University of California campus or facility is located.

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## RESOLUTION CHAPTER 179

*Senate Concurrent Resolution No. 122—Relative to motor vehicle air pollution standards.*

[Filed with Secretary of State September 10, 1974]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Air Resources Board is hereby requested to undertake, and complete by March 1, 1975, a study of the state's motor vehicle air pollution standards that are stricter than those adopted by the federal government for the other states; and be it further

*Resolved,* That the study determine the effect of such state standards in contributing to the control of vehicular emissions, the increase in consumption of gasoline because of such state standards, and the desirability of amending such state standards to be identical with the federal standards; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the State Air Resources Board.

## RESOLUTION CHAPTER 180

*Senate Concurrent Resolution No. 130—Relative to the University of California.*

[Filed with Secretary of State September 10, 1974.]

WHEREAS, It is the intent of the Legislature that the University of California at San Francisco develop a master plan that outlines projections of future physical needs for the San Francisco medical campus; and

WHEREAS, The Legislature finds that the impact on the community of San Francisco due to the development of this large public institution, and particularly the impact on the neighborhoods nearest the campus and facilities of the University of California at San Francisco, requires that the citizens of San Francisco should participate in the master planning process;

WHEREAS, Such a master plan should include as its chief planning assumption a 3,550,000 gross square foot limit on all facility construction at the Parnassus-Mt. Sutro site as has been agreed upon by the campus administration and members of the neighboring communities as being both desirable and sufficient for the university; and

WHEREAS, Such a planning process incorporating widespread community participation, will be more likely to produce a master plan that reflects realistic university needs and concern for the surrounding environment; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the University of California at San Francisco is requested to develop and submit for comment a master plan of future development of the campus and facilities of the University of California at San Francisco by July 1, 1975, utilizing maximum feasible community participation; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Regents of the University of California and the Chancellor of the University of California at San Francisco.

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## RESOLUTION CHAPTER 181

*Senate Concurrent Resolution No. 133—Relative to the Legislative Analyst.*

[Filed with Secretary of State September 10, 1974.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That Joint Rule 37 of the Temporary Joint Rules of the Senate and Assembly for the 1973–74 Regular Session is amended to read:

## Joint Legislative Budget Committee

37. In addition to any other committee provided for by these rules, there shall be a joint committee to be known and called the Joint Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the state budget, the revenues and expenditures of the state, and of the organization and functions of the state, its departments, subdivisions and agencies, with a view of reducing the cost of the state government, and securing greater efficiency and economy.

The committee shall consist of seven Members of the Senate and seven Members of the Assembly. The Senate members of the committee shall consist of seven Members of the Senate appointed by the Committee on Rules. The Assembly members of the committee shall consist of seven Members of the Assembly appointed by the Speaker. The committee shall select its own chairman or chairwoman.

Any vacancies occurring between regular sessions in the Senate membership of the Joint Legislative Budget Committee shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not reelected at the general election.

Any vacancies occurring between regular sessions in the Assembly membership of the Joint Legislative Budget Committee shall be filled by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he is not reelected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker. The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the express terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The Joint Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Joint Legislative Budget Committee and the committee

for which the services are to be performed. The contract may provide for payment to the Joint Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter into such contracts with the Joint Legislative Budget Committee. Money received by the Joint Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Joint Legislative Budget Committee.

The provisions of Joint Rule 36 shall apply to the Joint Legislative Budget Committee, and it shall have all the authority provided in such rule or pursuant to Section 11 of Article IV of the Constitution.

The committee shall have authority to appoint a Legislative Analyst, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The duties of the Legislative Analyst shall be as follows:

(1) To ascertain the facts and make recommendations to the Joint Legislative Budget Committee and under its direction to the committees of the Legislature concerning:

(a) State budget.

(b) Revenues and expenditures of the state.

(c) The organization and functions of the state, its departments, subdivisions, and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Joint Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Joint Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Joint Legislative Budget Committee and to keep and make available all documents, data, and reports submitted to him by any Senate, Assembly or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The chairman or chairwoman of the committee or, in the event of such person's inability to act, the vice chairman or vice chairwoman, shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman or chairwoman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman or chairwoman, and the Treasurer shall pay the same to the chairman or chairwoman of the committee to be

disbursed by the chairman or chairwoman.

On and after the commencement of a succeeding regular session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel, and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Analyst for use and custody all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be. Such documents, data, reports, and other material shall be available to Members of the Legislature, the Senate Office of Research, and the Assembly Office of Research, upon request.

The Legislative Analyst with the consent of the committee shall make available to any Member or committee of the Legislature any other reports, records, documents, or other data under his control, except that reports prepared by the Legislative Analyst in response to a request from a Member or committee of the Legislature shall only be made available with the written permission of the member or committee who made the request.

The Legislative Analyst, upon the receipt of a request from any committee or Member of the Legislature to conduct a study or provide information which falls within the scope of his responsibilities and which concerns the administration of the government of the State of California shall at once advise the Joint Legislative Budget Committee of the nature of the request without disclosing the name of the member or committee making the request.

The Legislative Analyst shall immediately undertake to provide the requesting committee or legislator with the service or information requested, and shall inform the committee or legislator of the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requester.

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## RESOLUTION CHAPTER 182

*Senate Concurrent Resolution No. 134—Relative to the feasibility and necessity of constructing a state or joint city-state building in the Van Nuys Civic Center.*

[Filed with Secretary of State September 10, 1974.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of General Services shall prepare a report by January 2, 1975, with respect to the feasibility and necessity of constructing a state or a joint city-state building in the Van Nuys Civic Center; and be it further

*Resolved,* That the report shall include the total amount of square footage space presently used by the state in the San Fernando Valley and the cost thereof and the estimated space needs of the state in the San Fernando Valley and the estimated cost thereof for 1977 and for each of the next 10 years thereafter; and be it further

*Resolved,* That the Department of General Services shall consult with the appropriate departments of the City of Los Angeles with respect to the feasibility of joint city-state financing of such building; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Department of General Services.

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## RESOLUTION CHAPTER 183

*Senate Concurrent Resolution No. 144—Relative to bicycle route facilities.*

[Filed with Secretary of State September 10, 1974 ]

WHEREAS, There is a need for balanced transportation systems, including bicycle route facilities; and

WHEREAS, The increased use of bicycles would reduce air pollution in the Los Angeles Basin; and

WHEREAS, The increased use of bicycles would assist in easing the effects of the fuel shortage; and

WHEREAS, Continuous and safe bicycle routes would encourage the increased use of bicycles as a method of transportation; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Transportation is hereby directed to conduct a study of the feasibility of providing separate bicycle route facilities, approximately paralleling 100 miles of state highways in Los Angeles and Ventura Counties; and be it further

*Resolved,* That the study include the provision for facilities along the state highway system as well as incorporation of Los Angeles city and county bikeway plans; and be it further

*Resolved,* That the study include alternate plans for the implementation and design of such a system; and be it further

*Resolved,* That the Department of Transportation coordinate and study with the agencies involved in developing the California Transportation Plan; and be it further

*Resolved,* That the study include the costs of providing separate

bicycle route facilities generally along the following highways:

(1) Route 101 from Lankershim Boulevard to its intersection with Routes 134 and 170; Route 170; and Route 5 from its intersection with Route 170 to its intersection with Route 126;

(2) Route 405 from the intersection with Wilshire Boulevard to its intersection with Route 5;

(3) Route 118 near Hansen Lake to its intersection with First Street in Simi Valley;

(4) Route 134 from Riverside Drive to its intersection with Routes 101 and 170;

(5) Route 101 from its intersection with Routes 134 and 170 to its intersection with Moorpark Road in Thousand Oaks; and be it further

*Resolved,* That the study include recommendations concerning the needs, priorities, and suggested methods of financing such bicycle route facilities system, and be it further

*Resolved,* That the department submit its findings and recommendations to the Legislature not later than January 1, 1975; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Director of Transportation.

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## RESOLUTION CHAPTER 184

*Senate Concurrent Resolution No. 149—Relative to conference committees.*

[Filed with Secretary of State September 10, 1974 ]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That Rule 29.5 of the Temporary Joint Rules of the Senate and Assembly for the 1973–74 Regular Session is amended to read:

### Conference Committees

29.5. (a) All meetings of any conference committee on the Budget Bill shall be open to the public. All meetings of any conference committee other than that on the Budget Bill shall be open to press representatives accredited by the Joint Rules Committee.

(b) The first committee on conference of the Budget Bill, if such a committee is appointed, shall submit its report to each house no later than 15 days after the Budget Bill has been passed by both houses. If such report is not submitted by such date, the conference committee shall be deemed to have reached no agreement and shall so inform each house pursuant to Rule 30.7.

(c) A committee on conference of the Budget Bill shall only consider differences between the version of the Budget Bill as passed

by each house and shall not approve any item of expenditure nor control which exceeds that contained in one of the two versions before the conference committee.

(d) No conference committee on any bill, other than the Budget Bill, shall approve any substantial financial provision in any bill if such financial provision has not been heard by the fiscal committee of each house, nor shall any such conference committee approve substantial policy changes which have not been heard by the policy committee of each house.

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## RESOLUTION CHAPTER 185

*Senate Concurrent Resolution No. 154—Relative to equalized taxation of imported goods.*

[Filed with Secretary of State September 10, 1974.]

WHEREAS, Certain county assessors have interpreted the Volkswagen v. City of Los Angeles decision, reported in Volume 7 of California Reports, 3rd, at page 48, to allow them to subject imports, that were previously immune, to property taxes within the county; and

WHEREAS, The method of determining which imports are protected by federal immunity and which are subject to local taxation is not being applied uniformly by the counties in California; and

WHEREAS, Under current state statutes, the counties are receiving funds from the state as a subvention to the inventory floor tax, and the local agencies are not receiving this subvention equally because of the difference in assessing the property tax; and

WHEREAS, Section 9 of Article XIII of the California Constitution states that it shall be the duty of the State Board of Equalization to equalize the valuation of the taxable property in the several counties for the purposes of taxation; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Board of Equalization is requested to furnish to the Legislature comprehensive guidelines by the 1975 lien date concerning how and whether the Volkswagen decision shall affect the immunity of imported goods arriving in sea-van containers; and be it further

*Resolved,* That a copy of this resolution be transmitted to the Chairman of the State Board of Equalization.

## RESOLUTION CHAPTER 186

*Senate Concurrent Resolution No. 160—Relative to the expenditure of budgeted child care service funds.*

[Filed with Secretary of State September 10, 1974]

WHEREAS, Both the underspending of funds budgeted for child care in this state and the resulting loss of previously allocated matching federal funds, for each fiscal year, constitute serious problems and contravene the stated intent of the Legislature in enacting the Child Development Act to generate maximum federal reimbursement; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Department of Education is hereby requested to report to the Legislature on or before February 15, 1975, the actual rate of expenditures of all budgeted child care funds from any source for child care services provided in this state during the first six months of the 1974–75 fiscal year and the projected expenditures therefor during the last six months of the 1974–75 fiscal year; and be it further

*Resolved,* That copies of this resolution be transmitted to the Superintendent of Public Instruction, the Director of Health, the Director of Benefit Payments, and the Director of Employment Development.

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## RESOLUTION CHAPTER 187

*Senate Concurrent Resolution No. 165—Relating to the abandoned vehicle program.*

[Filed with Secretary of State September 10, 1974.]

WHEREAS, The Abandoned Vehicle Trust Fund was established for the purpose of funding the removal and disposal of abandoned and junked motor vehicles from private property or public property, both on and off the highways; and

WHEREAS, The Department of the California Highway Patrol was granted primary jurisdiction for administration and implementation of the abandoned vehicle program on a coordinated basis with local jurisdictions; and

WHEREAS, The provisions relating to the removal of abandoned vehicles recognized a concurrent responsibility for enforcement and administration of the program with cities and counties which had effective and operating abandoned vehicle programs; and

WHEREAS, The provisions relating to the removal of abandoned vehicles permitted the Department of the California Highway Patrol to establish and administer programs for the removal of abandoned

vehicles in local jurisdictions not providing such services; and

WHEREAS, A number of local agencies have requested the Department of the California Highway Patrol to administer the abandoned vehicle programs in their jurisdictions on the basis of experience and efficiency of operations; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of the California Highway Patrol is hereby requested to administer, upon request of a local agency, the abandoned vehicle program in local jurisdictions not contracting for their own programs; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the Secretary of the Business and Transportation Agency and to the Commissioner of the California Highway Patrol.

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## RESOLUTION CHAPTER 188

*Senate Concurrent Resolution No. 167—Approving amendments to the Charter of the City of Oakland, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 4th day of June, 1974.*

[Filed with Secretary of State September 10, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth in the certificate of the vice mayor and city clerk of the city, as follows:

State of California,
County of Alameda } ss.
City of Oakland

We, the undersigned, Raymond Eng, Vice Mayor of the City of Oakland, State of California, and Robert C. Jacobsen, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation, in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been, and is now, organized, existing and acting under a new revised charter adopted under and by virtue of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at an election held for that purpose on the fifth day of November, 1968, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the twenty-eighth day of January, 1969, (Statutes of 1969,

Rés. Ch. 21, p. 3528).

That in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California, and Government Code §§34450, et seq., the Council of the City of Oakland, being the governing body of said City, on its own motion by its Resolution No. 53866 C.M.S., passed March 19, 1974, duly and regularly proposed and submitted to the qualified electors of said City certain proposals designated as Measure (1), Measure (2) and Measure (3) for amending the Charter of said City, to be voted upon by said qualified electors at a Special Municipal Election called and held in said city on the fourth day of June, 1974.

That pursuant to the provisions of Division 12, Chapter 4, of the Elections Code, said Special Municipal Election was ordered consolidated with the District Primary Election to be held in the City of Oakland on June 4, 1974.

That said Special Municipal Election was duly and regularly held in said City as required by law and in accordance with Section 3 of Article XI of the Constitution of the State of California, Government Code §§34450, et seq., and the Charter of the City of Oakland, on the fourth day of June, 1974, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "Oakland Tribune," a daily newspaper of general circulation published in the City of Oakland, and the official newspaper of said City.

That said proposed amendments were published on the sixteenth day of April, 1974, in the "Oakland Tribune," in each edition thereof, during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune," a newspaper of general circulation published in said City, on the twenty-fifth day of April, 1974, and on each day thereafter to and including the fourth day of June, 1974, the date of said election.

That in accordance with the provisions of the Charter of the City of Oakland and Oakland City Ordinance No. 8732 C.M.S., the City Attorney of said City prepared an impartial analysis of each of the proposed amendments not exceeding five hundred words in length; that a copy of each said analysis was mailed and distributed to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That in accordance with the provisions of the Charter of the City of Oakland and Oakland City Ordinance No. 8732 C.M.S., the City Auditor of said City prepared an impartial financial impact analysis of each of the proposed amendments not exceeding five hundred words in length; that a copy of each said analysis was mailed and

distributed to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That in accordance with Sections 5010–5014 of the Elections Code of the State of California, the Charter of the City of Oakland, and Oakland City Ordinance No. 8732 C.M.S., notice of the date fixed for submission of arguments for and against each of said proposed amendments was published on the twenty-seventh day of March, 1974, in the "Oakland Tribune," and arguments, if any, in favor of and against each said proposed amendment were mailed and distributed to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That the Council of said City framed a synopsis of each said proposed amendment and, on May 21, and May 28, 1974, caused a notice containing each said synopsis to be published in the "Oakland Tribune."

That in accordance with the provisions of law applicable thereto, the Registrar of Voters of Alameda County did duly and regularly canvass the votes cast at said Special Municipal Election, and did determine the result of said election to be that a majority of the qualified electors of the City of Oakland voting on each of the proposed amendments to the Charter of the City of Oakland hereinafter set forth and designated Measure 1, Measure 2 and Measure 3; appearing on the ballot of said consolidated election as Measure K, Measure L, and Measure M, had voted for and adopted each of said amendments.

That as to each of the said amendments to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law applicable thereto have been fully conformed to and complied with.

That the proposed amendments to the Charter of the City of Oakland, which were so ratified by a majority of the electors of said city at said Special Municipal Election held June 4, 1974, are in words and figures as follows:

Measure (1)

Amend Section 2013 of the Charter of the City of Oakland to read as follows:

Section 2013. It shall be the duty of the first Board of Administration created under this Section to recommend a retirement system to the Council and to secure from a competent actuary a report of the cost of establishing the same.

The mortality, service, experience, or other tables calculated by the said actuary and the valuations determined by him and approved by the Board shall be conclusive and final. Any system adopted by the Council shall be based thereon, and no changes shall be made in

the system by the Council until the cost of such changes has been estimated by a competent actuary and the changes themselves have been approved by the Board of Administration.

The Board of Administration shall cause the tables on which the system is based to be reviewed at least every three (3) years by a competent Actuary and shall recommend to the Council any changes in the system that the Board may deem necessary as the result of such actuarial review.

Measure (2)

Amend Section 2002 of the Charter of the City of Oakland to read as follows:

Section 2002. A Board of Administration of said retirement system is hereby created consisting of the City Treasurer, the Auditor, three (3) members elected from the active, retired and deferred membership of the retirement system, a resident representative of a life insurance company, and an officer of a local bank.

The Council shall, upon the recommendation by the Mayor, appoint the resident representative of a life insurance company and the officer of a local bank hereinbefore referred to. Persons holding membership on said Board upon the adoption of this amendment shall continue to serve the terms to which they were elected or appointed.

The City Treasurer and Auditor shall be members of the Board ex-officio.

All members shall serve without compensation.

Measure (3)

Amend Section 2601(e) of the Charter of the City of Oakland to read as follows:

Section 2601(e). The Board shall possess power to make all necessary rules and regulations for its guidance and shall have exclusive control of the administration and investment of the fund established for the maintenance and operation of the System, subject to the terms, conditions, limitations and restrictions hereinafter set forth. All funds received by the Board not required for current disbursements shall be invested only in:

1. Those investments of a character legal for banks in the State of California.

2. Interest bearing obligations of the United States Government, any agency of the United States Government, any bank which is a member of the Federal Deposit Insurance Corporation, or any corporation whose bonds are eligible for investment by banks in the State of California.

3. Common stocks provided that:

a. The total of such investments together with the total of all holdings of shares of diversified management investment companies

(Mutual Funds) (4 next below) shall not exceed forty (40) percent of the book value of all invested funds of the retirement system.

b. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits of at least fifty million dollars ($50,000,000);

(2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unasssigned surplus of at least fifty million dollars ($50,000,000).

c. Such stocks shall, at the time of purchase, have paid cash dividends for not less than five years next preceding the date of the investment.

d. Not more than 2% of the book value of the invested funds of the retirement system may be invested in the common stock of a single corporation.

e. The total number of shares held in any single corporation shall not exceed 5% of the issued and outstanding common shares of such corporation.

4. Shares of diversified management investment companies (Mutual Funds) provided that:

a. The total of such investments together with the total of all holdings of common stocks (3 next above) shall not exceed forty (40) percent of the book value of all invested funds of the retirement system.

b. Such diversified management investment companies shall be registered under the "Investment Company Act of 1940" and shall each have total assets of at least $50,000,000.

5. Preferred stocks and securities convertible into common stocks, provided:

a. That of the funds invested in such stocks of convertibles not more than 2% of the book value of the invested funds of the Retirement System may be invested in such stocks or convertibles of a single corporation; and

b. That the total number of such shares or convertibles held in any single corporation shall not exceed 5% of the issued and outstanding preferred stock or convertibles of such corporation; and

c. That the corporations in whose preferred stock or convertible securities the funds of the Retirement System are invested shall be only those whose common stock would qualify for investment of funds of the Retirement System under sub-section 3 above; and

d. That such investments authorized by this sub-section 5 does not exceed ten percent of the book value of the invested funds of the Retirement System.

6. F.H.A. mortgages, certificates and shares of state or federal chartered savings and loan associations if insured as defined in Title IV of the National Housing Act, and conventional mortgage loans,

provided that such investment in conventional mortgage loans does not exceed ten percent of the book value of the invested funds of the Retirement System, and in F.H.A. mortgages, certificates and shares of chartered savings and loan associations does not exceed fifteen percent of the book value of the invested funds of the Retirement System.

7. Real property or improvements constructed or to be constructed on real property when such real property or such improvements are acquired for sale or lease to a public agency or to a buyer or lessee whose common stock and/or bonded indebtedness qualify as an investment for this fund under all other provisions of this section 2601(e), provided:

a. Such investment, together with all other investments in real property or improvements, does not exceed ten percent of the book value of the invested funds of the Retirement System.

b. The Board is owner in fee title of the real property or real property and improvements in and upon which such investment is to be made.

c. Before making such an investment the Board shall appoint a qualified real property appraiser acceptable to the City Manager who shall examine the property or the plans and specifications of any improvement proposed to be constructed and who shall determine and report to the Board whether the project in his opinion will have a fair rental value sufficient to return the investment together with interest over a period of time not to exceed 30 years.

d. Before making such an investment the Board shall enter into a lease or lease-option agreement with a qualifying lessee under which such lessee agrees to rent the property at a monthly rental and for a period not less than 20 years. Where the lessee is a public agency, said Public Agency shall have a municipal bond rating equivalent to Baa on the Moody's quality rating scale of BBB on the Standard and Poor's quality rating scale, or higher. "Public Agency" as used herein means a political subdivision or political corporation of the State of California.

e. In order to make the provisions of this section relating to the investment of retirement funds completely effective, the Board is authorized for investment purposes only to purchase, sell or lease real property or to enter into options therefor and when necessary for investment purposes to enter into contracts for the construction of buildings and may repair and maintain such property and do any and all things necessary to protect the investment including, but not limited to, purchasing insurance against the loss of the property or the loss of use and occupancy of the property. It may also take any other action necessary to carry out the investment provisions of this section. In the construction of buildings, the Board shall follow, substantially and insofar as applicable, the procedure and limitations prescribed by law for the construction of buildings by the City of Oakland.

The Board may secure from competent investment counsel, not a

member of the board, such counsel and advice as to investing the funds of the Retirement System as it deems necessary. Discretionary powers granted such investment counsel will be at the option of the Board. The Board shall pay for such counsel and advice such compensation as it deems reasonable, payable from Retirement System funds.

The City Treasurer shall be the custodian of the Retirement Fund, subject to the exclusive control of the Board as to the administration and investment of said fund. All payments from the said fund shall be made by the Finance Director as authorized by the Board. All demands against said fund shall be presented, audited and paid as provided in the Charter of the City.

Interest on any cash and on any investments constituting a part of the said fund shall be paid into said fund as received.

Except as herein provided, no member and no employee of the Board, shall have any interest, direct or indirect, in the making of any investment, or in the gains or profits accruing therefrom. And no member or employee of the said Board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by said Board; nor shall any member or employee of said Board become an endorser or surety or become in any manner an obligor for moneys invested by the Board.

And we further certify that we have compared each of the foregoing proposed and ratified amendments to the Charter of the City of Oakland with the respective original proposals submitting the same to the electors of said City, and find that each of the foregoing is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 13th day of August, 1974.

RAYMOND L. ENG
(SEAL) Vice Mayor of the City of Oakland
ROBERT C. JACOBSEN
City Clerk of the City of Oakland

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Oakland, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth,



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are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Oakland.

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## RESOLUTION CHAPTER 189

*Senate Concurrent Resolution No. 169—Relative to memorializing Chief Justice Earl Warren.*

[Filed with Secretary of State September 10, 1974]

WHEREAS, It is with the highest reverence and the greatest admiration and respect that the members hereby memorialize the name and the deeds of the late Chief Justice of the United States of America, the Honorable Earl Warren, Sr., who passed away in Washington, D.C., on July 9, 1974, at the age of 83; and

WHEREAS, Chief Justice Warren, a former Governor of the State of California, Republican vice presidential candidate, and Chief Justice from 1953 to 1969, dedicated his life in service to his nation and state, and among civil libertarians, gained a towering reputation for guiding the court in great decisions expanding personal liberties and civil rights; and

WHEREAS, A native of California, having been born in Los Angeles on March 19, 1891, the son of Methias H. and Chrystal Warren, he attended public schools in Bakersfield and graduated with a bachelor of law degree from the University of California in 1912, and from the School of Jurisprudence at the University of California with a juris doctor degree in 1914; and

WHEREAS, Intertwining law with politics to carve out an impressive career, Chief Justice Warren battled the criminal world as Alameda County District Attorney for 14 years, establishing himself as a "no-nonsense" crime fighter; and in the political stream, he was elected Governor of California in 1942 and reelected in 1946 and 1950, was a vice presidential candidate on the Thomas E. Dewey ticket in 1948, and made a bid for the presidential nomination in 1952; and

WHEREAS, During his 10-year governorship, his success in expanding the state welfare program, old age pensions, workmen's compensation, and mental health and prison reforms foretold the coming of the "court of the people," which would have a profound effect on American life with the outlawing of school segregation, the one-man-one-vote ruling, and extending the Bill of Rights to defendants in state criminal trials; and

WHEREAS, Possessing strong convictions that legal rules must be adopted to contemporary conditions in terms of moral considerations, Chief Justice Warren exerted an influence over the court, and his persuasiveness and broad understanding of human nature and national events earned him a place as perhaps the most

significant public figure in midcentury America; and

WHEREAS, He is survived by his devoted wife of 49 years, Nina, and six children, James; Mrs. John Daly; Earl, Jr.; Mrs. Harry Van Knight, Jr.; Mrs. Stuart Brien; and Robert; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members memorialize the late Chief Justice of the United States and former Governor of the State of California, Earl Warren, a man of profound integrity and clear principle, whose service to America will continue to shape the course of America's life for generations to come; and be it further

*Resolved,* That suitably prepared copies of this resolution be transmitted to Mrs. Nina Warren, Mr. James Warren, Mrs. John Daly, Mr. Earl Warren, Jr., Mrs. Harry Van Knight, Jr., Mrs. Stuart Brien, and Mr. Robert Warren.

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## RESOLUTION CHAPTER 190

*Senate Concurrent Resolution No. 170—Approving amendments to the Charter of the City of San Rafael, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the fourth day of June, 1974.*

[Filed with Secretary of State September 10, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of San Rafael, a municipal corporation in the County of Marin, State of California, as hereinafter set forth in the certificate of the vice president of the city council and the city clerk of the city, as follows:

### CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SAN RAFAEL

State of California,
County of Marin } ss.
City of San Rafael

We, the undersigned, John A. Miskimen, Vice President of the Council of the City of San Rafael, and Marion A. Grady, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Rafael, a municipal corporation in the County of Marin, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders Charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 3,500 and less than 50,000 inhabitants.

That in accordance with the provisions of Section 3 (b) of Article

XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion, submitted to the qualified electors of said City, certain proposals for the amendment of the Charter of said City at a Special Municipal election duly and regularly called and held in said City on the 4th day of June, 1974, said Charter Amendments being hereinafter set forth in full.

That on the 5th day of March, 1974, said City Council caused said Charter Amendments to be duly and regularly published and advertised in each and every edition of said 5th day of March, 1974, in the Independent Journal, the official newspaper of said City, printed, published and circulated in said City.

That said special municipal election was duly and regularly held in said City on the date fixed by said Council, to wit, June 4, 1974 which date was not less than seventy-four (74) days after completion of the advertising of said proposed Charter Amendments, and the returns of said special municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor and did ratify the Charter Amendments herein specifically set forth.

That said amendments to the Charter of said City so ratified by the voters of said City are as follows, to wit:

Sec. 3.1 of Article XIII was amended to read as follows:

Section 3.1. When Purchase of Supplies, Materials, Machinery or Equipment Shall be by Contract. The purchase of supplies, materials, machinery or equipment by the city, except when furnished or acquired under a contract pursuant to Section 3 of this Article (XIII) shall, when the estimated cost therefor exceeds the sum of Thirty-five Hundred ($3500.00) Dollars, be done by contract, which shall be let to the lowest responsible bidder, after advertising for sealed proposals at least twice, not less than seven (7) days apart in a newspaper of general circulation, published in said city. Such notice shall contain a general description of the supplies, materials, machinery or equipment to be purchased. The time specified for opening bids shall be not less than three (3) days from the date of the last publication of said notice. The council may reject any bid deemed excessive and re-advertise, or the council may purchase the supplies, materials, machinery or equipment upon the open market. If no bid is received the council may purchase the supplies, materials, machinery or equipment upon the open market.

Section 1 of Article IV was amended to read as follows:

Section 1. General and Special Elections. A municipal election shall be held in the city on the Tuesday after the first Monday in March of each odd-numbered year and shall be known as the general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

That we have compared the amendments as stated herein with the original proposals submitted to the electors of said City, and find and

certify that said amendments are a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of San Rafael to be affixed hereto this 23rd day of July, 1974.

JOHN A. MISKIMEN
(SEAL) John A. Miskimen, Vice President of the Council of the City of San Rafael
MARION A. GRADY
Marion A. Grady
City Clerk—City of San Rafael

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of San Rafael, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of San Rafael.

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## RESOLUTION CHAPTER 191

*Senate Joint Resolution No. 58—Relative to Filipino veterans.*

[Filed with Secretary of State September 10, 1974.]

WHEREAS, According to the Filipino-American Veterans Committee, there are between 500 and 1,000 unnaturalized veterans in the United States and the Philippines who fought in the United States armed forces during World War II; and

WHEREAS, Prior to 1946, when a special provision for the naturalization of veterans expired, many Filipinos won United States citizenship because of their allegiance to this country during the war; and

WHEREAS, House Resolution 11963, sponsored by Representative Phillip Burton of California, which would grant citizenship to Filipinos who fought in the United States armed forces during World War II, has won the support of the Human Rights Commission; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California,*

*jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to support, enact, and implement House Resolution 11963; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 192

*Senate Joint Resolution No. 63—Relative to earthquake hazard.*

[Filed with Secretary of State September 10, 1974 ]

WHEREAS, The earthquake hazard to California, the nation's most populated state, is severe, and the urban areas of California are increasingly more vulnerable to seismic disaster because of the ever-increasing strain along major fault traces and the increasing concentration of population; and

WHEREAS, The world's earthquake experts agree that California will experience and is chronologically overdue for another "great" earthquake of the magnitude of that experienced by San Francisco in 1906; and

WHEREAS, Many seismically hazardous buildings still exist in California, some of which are federally owned structures; and

WHEREAS, Several federally owned structures have collapsed in recent earthquakes resulting in numerous deaths and an inability to provide services necessary to relief and recovery operations, one of such structures being the Veterans Hospital in the San Fernando Earthquake of 1971 which resulted in 47 deaths; and

WHEREAS, The Veterans Administration is currently studying the need for more stringent earthquake building code provisions for use in veterans hospitals in California; and

WHEREAS, Local jurisdictions and the State of California are initiating programs for the abatement of public and private hazardous buildings; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to assure the people of California that action will be initiated to establish a program for the abatement of seismically hazardous federally owned structures in the State of California, and that such program will consider the elements of abatement programs in existence in California; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States,

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to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 193

*Senate Joint Resolution No. 71—Relative to a commemorative stamp for Jedediah Strong Smith.*

[Filed with Secretary of State September 10, 1974 ]

WHEREAS, The Citizens Stamp Advisory Committee of the United States Postal Service was established to receive proposals for the depictions to be placed on commemorative stamps to be issued by the United States Postal Service; and

WHEREAS, The 1976 Bicentennial Anniversary of the United States of America also marks the 175th anniversary of the birthday of Jedediah Strong Smith, who was the first white man to cross overland to California, and the 150th anniversary of his famous trek; and

WHEREAS, Although commemorative stamps are usually reckoned on 50-year intervals, the coincidence of the year 1976 with the nation's historical bicentennial celebration and the first entry into California from the East by Jedediah Strong Smith reasonably presents an event of not only state, but also national, importance; and

WHEREAS, Letters in support of such a commemorative issuance from President Richard M. Nixon; Caspar W. Weinberger, Secretary of Health, Education and Welfare; United States Senator John McFall; Congressman Harold Johnson; Governor Ronald Reagan; Lieutenant Governor Ed Reinecke; and numerous members of the Jedediah Smith Society, as well as others, are on file with the United States Postal Service; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the President and Congress of the United States and the United States Postal Service to promulgate and preserve the history of Jedediah Strong Smith, the first American to cross overland to California, through the issuance of a commemorative stamp; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to Mr. E. T. Klassen, Postmaster General of the United States Postal Service.

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## RESOLUTION CHAPTER 194

*Senate Joint Resolution No. 72—Relative to terminating the Airline Mutual Aid Agreement.*

[Filed with Secretary of State September 10, 1974 ]

WHEREAS, The Federal Aviation Act of 1958, Section 401, subsection (k), paragraph 3, of Title IV, states that nothing therein shall be construed as restricting the collective bargaining process; and

WHEREAS, The Federal Aviation Act of 1958, Section 412, subsection (b), paragraph 1, of Title IV, states that the board shall by order disapprove any such contract or agreement it finds to be adverse to the public interest; and

WHEREAS, The Federal Aviation Act of 1958, Section 416, subsection (b), paragraph 2, of Title IV, states, in pertinent part, that no air carrier is exempt from subsection (k), Section 401, Title IV; and

WHEREAS, The Railway Labor Act, as amended, Section 10, of Title I, states that if a dispute threatens substantially to interrupt interstate commerce so as to deprive any section of the country of essential transportation service, the mediation board shall notify the President, who may, in his discretion, create a board to investigate and report on such dispute; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to terminate the Airline Mutual Aid Agreement, as amended, as being in violation of the Federal Aviation Act of 1958, Section 401, subsection (k), paragraph 3; and be it further

*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 195

*Senate Joint Resolution No. 73—Relative to commercial whaling.*

[Filed with Secretary of State September 10, 1974.]

WHEREAS, Whales form a resource which is of esthetic and scientific value to mankind; and

WHEREAS, The United States Bureau of Sports Fisheries and Wildlife reports that there were about 300,000 blue whales 45 years ago, but there are only 3,000 today, more whales being killed in the

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past 10 years than ever before; and

WHEREAS, The respected International Union for the Conservation of Nature and Natural Resources has listed the blue, humpback, right, and bowhead whales as endangered, and the fin whale as vulnerable to extinction; and

WHEREAS, Even those species of whales which are not now in imminent danger of extinction could become so if pressures are continued; and

WHEREAS, Whales are being killed for products such as lipstick, pet food, car wax, machine oil, soap, and perfume, for which substitutes are available; and

WHEREAS, The Congress of the United States has urged the Secretary of State to negotiate a 10-year moratorium on the commercial killing of whales, and the United States has prohibited the import of whale products into the country and whaling from ships registered at United States ports; and

WHEREAS, Fifty-three nations, including the United States, adopted a resolution at the June 1972 United Nations Conference on the Human Environment at Stockholm, Sweden, urging a moratorium on the commercial killing of whales, which vote was confirmed at Geneva in June 1973 at the first session of the United Nations Governing Council for Environmental Programs; and

WHEREAS, The Union of Soviet Socialist Republics and Japan account for approximately 80 percent of the annual take of whales, and these nations have rejected the conservation measures adopted by a three-fourths vote of the International Whaling Commission; and

WHEREAS, Other living marine resources also have been dangerously depleted by serious overfishing and other practices adverse to conservation conducted by large foreign fleets of vessels to the detriment of North American fisheries industries; and

WHEREAS, Trawling activities by ships of Japan and the Union of Soviet Socialist Republics have been a major cause of the depletion of food fish stocks off the Atlantic and Pacific coasts; and

WHEREAS, Whale conservation has become one of the foremost international conservation issues and has been endorsed by the AFL-CIO, Sierra Club, Audubon Society, Wildlife Conservation Coalition, Fund for Animals, National Wildlife Federation, Japanese American Citizen's League, and Friends of the Earth; and

WHEREAS, The Congress of the United States is considering legislation to broaden the Fishermen's Protective Act of 1967 to strengthen the import restrictions which may be imposed to deter foreign countries from conducting fishing operations contrary to international fishery conservation programs, as well as other measures intended to benefit whales; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the President and the Congress of the United States to support a 10-year moratorium on commercial whaling by all nations to insure

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the survival of whales; and be it further

*Resolved,* That the Legislature of the State of California expresses grave concern with respect to the actions of Japan and the Union of Soviet Socialist Republics regarding whaling and other fishing operations; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice-President of the United States, the Secretary of State, the Secretary of the Interior, the Secretary of Commerce, the United Nations Environmental Programme, the White House Council on Environmental Quality, the National Oceanic and Atmospheric Association, the International Whaling Commission, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 196

*Senate Joint Resolution No. 75—Relative to the National Railroad Passenger Corporation.*

[Filed with Secretary of State September 10, 1974.]

WHEREAS, The National Railroad Passenger Corporation (AMTRAK) has been authorized and has received funds to provide rail passenger service; and

WHEREAS, There is great need for public transportation from the San Francisco Bay Area to the City of Santa Cruz and the Monterey Peninsula because air transportation is often inconveniently scheduled or nonexistent in the Monterey Bay Area; and

WHEREAS, Vast community support has been received for the routing of AMTRAK from San Francisco to Santa Cruz, passing through the cities of San Mateo, Palo Alto, and San Jose; and from San Francisco to Monterey, passing also through Gilroy and Watsonville; and

WHEREAS, Passenger transportation by rail is environmentally sound, economical, and highly efficient in the consumption of fuel, thus offering an important and attractive alternative to the public's dependence on the private automobile; and

WHEREAS, The tourist industry on the Monterey Peninsula has faced a sharp decline in business due to the unavailability and increased cost of gasoline; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the National Railroad Passenger Corporation to reinstate the route formerly known as the "Del Monte Express" which connected the San Francisco Bay Area and the Monterey Peninsula and, further, to reinstate the route formerly known as the "Suntan Special" which connected the San Francisco Bay Area with the City of Santa Cruz; and be it further

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*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Railroad Passenger Corporation.

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## RESOLUTION CHAPTER 197

*Senate Joint Resolution No. 76—Relative to California's livestock and poultry industries.*

[Filed with Secretary of State September 10, 1974.]

WHEREAS, California continued to be the nation's number one farm state in 1973 for the 26th consecutive year; and

WHEREAS, Marketing in 1973 from cattle and calves again was California's major agricultural commodity with sales of over $1,316,000,000, followed by milk and cream at $694,000,000, and eggs at $324,000,000; and

WHEREAS, California's livestock and poultry industries are the foundation of the state's agricultural economy and their products provide essential articles of human nutrition; and

WHEREAS, These vital livestock and poultry industries convert feed and other agricultural byproducts into valuable and essential human food forms; and

WHEREAS, Weather conditions throughout the midwest and south have significantly reduced the feed supply essential to the survival of the livestock and poultry industries in California; and

WHEREAS, The feed supply for these basic industries has been subject to drastic price increases in recent months, weeks, and days; and

WHEREAS, The present parity price level for milk is not sufficient to return to producers their cost of production; and

WHEREAS, An excessive volume of feed grains are now required to be fed to livestock in order to meet what appears to be an outdated beef grade standard; and

WHEREAS, The United States government has extensive programs for the assistance and stability of these livestock industries including parity price supports for milk, emergency commodity purchase programs and beef grading standards; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to urge the Secretary of Agriculture to make necessary adjustments to these various federal programs as provided by law which will insure the stability of these industries and prevent any further economic deterioration; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this

resolution to the President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 198

*Assembly Constitutional Amendment No. 111—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 3 to Article XXVIII thereof, relating to historic property.*

[Filed with Secretary of State September 11, 1974]

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 1973–74 Regular Session commencing on the eighth day of January, 1973, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 3 to Article XXVIII thereof, to read:

SEC. 3. To promote the preservation of property of historical significance, the Legislature may define such property and shall provide that when it is enforceably restricted, in a manner specified by the Legislature, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses.

*And be it further resolved,* That if Assembly Constitutional Amendment No. 32 of the 1973–74 Regular Session of the Legislature is approved by the voters in the general election to be held on November 5, 1974, that Section 3 of Article XXVIII, as added in the first resolved clause of this Assembly Constitutional Amendment shall not become operative;

*And be it further resolved,* That if Assembly Constitutional Amendment No. 32 of the 1973–74 Regular Session of the Legislature is approved by the voters in the general election to be held on November 5, 1974, that the Constitution of the state be further amended by adding a second paragraph to Section 8 of Article XIII, to read:

To promote the preservation of property of historical significance, the Legislature may define such property and shall provide that when it is enforceably restricted, in a manner specified by the Legislature, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses.

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# RESOLUTION CHAPTER 199

*Assembly Joint Resolution No. 72—Relative to water planning.*

[Filed with Secretary of State September 11, 1974 ]

WHEREAS, It has come to the attention of the Members of the California Legislature that there is an urgent need for an increased supply of agricultural and municipal water in the central and northeastern portions of San Joaquin County, particularly in the North San Joaquin Water Conservation District, the Stockton-East Water District, and the Central San Joaquin Water Conservation District; and

WHEREAS, The aforementioned area encompasses in excess of 250,000 acres of highly productive and fully developed agricultural land and also includes the Cities of Lodi and Stockton; and

WHEREAS, The entire area is primarily dependent upon ground water; and

WHEREAS, A critical problem has been created in the area due to the continued overdrafting of the ground water basin which, among other things, has caused saline water from the aquifers underlying the Sacramento-San Joaquin Delta to intrude into the basin, thereby destroying a portion of the basin each year; and

WHEREAS, The present water supply of the City of Stockton is obtained entirely from the ground water basin which is in the process of being destroyed by the continued salt water intrusion; and

WHEREAS, The agricultural portion of the area consists primarily of class I lands and has long been a major producer of nonsurplus specialized agricultural commodities; and

WHEREAS, In recognition of this problem, the County of San Joaquin and the three districts, since the 1950's, have been seeking a supplemental supply of surface water of an adequate quantity which would permit a reduction in pumping to a quantity that is within the safe yield of the ground water basin; and

WHEREAS, Based upon repeated statements and assurances from state and federal water planners, representatives of the County of San Joaquin and the three districts have foregone past opportunities to develop alternate sources of supply, and have looked instead to the federal government's Folsom-South Canal project as the solution to their common problem; and

WHEREAS, Based upon recent developments, including, among others, Decision 1400 of the State Water Resources Control Board which granted priority to higher than historical flows in the American River, there is now substantial controversy as to whether or not the Folsom-South Canal should be extended further south to serve San Joaquin County; and

WHEREAS, The boards of directors of the three districts, recognizing the desirability of maintaining higher minimum flows in the American River, while at the same time faced with an unsatisfied

and urgent need for water, have urged the United States Bureau of Reclamation to formulate a workable solution to the conflicting water-planning goals of Sacramento and San Joaquin Counties; and

WHEREAS, In response to these urgings, the Bureau of Reclamation is commencing a study to determine the best means of solving the divergent problems faced by Sacramento and San Joaquin Counties; and

WHEREAS, The Members of the California Legislature are deeply concerned that the ecological, economic, and social well-being of the State of California may be deleteriously affected if a workable solution to the problems at hand is not found in the very near future; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the State of California lend all possible assistance to the United States Bureau of Reclamation in its efforts to resolve these most pressing problems; and be it further

*Resolved,* That the Secretary of the Resources Agency of the State of California, to the extent that the federal government will permit such participation, is urged and requested to actively participate, both personally and through his staff, in the study to be conducted by the United States Bureau of Reclamation; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of the Resources Agency and to the Director of the Mid-Pacific Region of the United States Bureau of Reclamation.

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## RESOLUTION CHAPTER 200

*Assembly Joint Resolution No. 97—Relative to rapid transit financing.*

[Filed with Secretary of State September 11, 1974 ]

WHEREAS, The existing freeway systems of California's major urban areas are recognized as an essential and useful means for transporting people within these areas; and

WHEREAS, The people of the San Francisco-Oakland bay region now have a rapid transit system to alleviate part of the congestion of that area's freeway system; and

WHEREAS, Los Angeles County recognizes as an urgent need that it, too, must have a multibillion-dollar modern public transit system (such as a high-speed corridor service and supplemental local and feeder service) in addition to its present freeway system; and

WHEREAS, Other California urban centers, such as Fresno, Orange County, San Bernardino and Riverside Counties, Sacramento, San Diego, and San Jose, also recognize the need to implement alternatives to the near total reliance on automobiles, highways, and freeways—especially because of the current energy crisis and such

problems associated with automobiles and freeways as air and noise pollution, human respiratory malfunctions, damage to plant life, and geographic disruptions and divisions of communities; and

WHEREAS, The California Legislature recognizes and declares the urgent need for California's urban centers to have sufficient federal funds to both maintain and develop modern public transit systems; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the President and Congress are respectfully memorialized to appropriate to the United States Department of Transportation, and that department is urged to expend, the sum of 1.5 billion dollars per year for the next 10 years for proportional distribution to major urban areas in California for the development and construction of modern public transit systems; and be it further

*Resolved,* That such federal funds be utilized in the local area for either capital cost or operational cost, at the discretion of the transit districts or transit operators involved; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the United States Department of Transportation.

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## RESOLUTION CHAPTER 201

*Assembly Joint Resolution No. 112—Relative to low-flying aircraft.*

[Filed with Secretary of State September 11, 1974 ]

WHEREAS, Low-flying aircraft over certain areas of the state cause irreparable damage to a great number of birds and animals; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States and the Secretary of Transportation to prohibit any aircraft, including any airplane or helicopter, from flying less than 2,000 feet or as assigned by air route traffic control, above water or land over the Sespe Condor Sanctuary, and less than 1,000 feet above water or land over the Año Nuevo State Reserve, the Farallon Islands Game Refuge, the Point Lobos State Reserve, the California Sea Otter Game Refuge, and Anacapa, San Miguel, Santa Barbara, and San Nicolas Islands, except for rescue operations, in case of any emergency, for authorized scientific purposes, or for administrative or operational purposes of the National Park Service, the United States Navy, or the United States Coast Guard; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of

this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Transportation.

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## RESOLUTION CHAPTER 202

*Assembly Joint Resolution No. 116—Relative to bank protection and flood control.*

[Filed with Secretary of State September 11, 1974]

WHEREAS, Bank erosion along the Sacramento River creates loss of valuable land and other properties of the citizens of Shasta, Tehama, Glenn, and Butte Counties and facilities are greatly needed on the tributary streams which feed into the Sacramento River to alleviate flood damage and bank erosion; and

WHEREAS, A flood control project, known as the Cottonwood Creek Project, has been proposed in Shasta and Tehama Counties, and such project, together with the bank protection project, should be funded as soon as possible; and

WHEREAS, Such projects, in addition to solving flood damage and bank erosion problems for the people along the Sacramento River, will also assist in the unemployment problem in the area, and will enhance the area's environment, recreation opportunities, and fish and wildlife; and

WHEREAS, It would be false economy to delay these projects any longer because of the increasing costs of new construction due to inflation, and delays cannot be justified in the face of the unemployment problems and flood disasters that the people of these counties have experienced; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the appropriate committees of the Congress of the United States to press for adequate funding in the federal budget for the construction of such needed bank protection and flood control facilities in Shasta, Tehama, Glenn, and Butte Counties; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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# RESOLUTION CHAPTER 203

*Assembly Joint Resolution No. 119—Relative to balancing the federal budget.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, It is generally conceded that, regardless of the amount of income it receives in the year 1974, federal spending will result in an enlarged deficit in the national government's budget; and

WHEREAS, Deficit spending by the federal government has been a plague to this nation for over a third of a century and both the legislative and executive branches have repeatedly demonstrated unwillingness to stand against political pressures to spend beyond our means; and

WHEREAS, A means of arresting the ravages of said plague, and of vaccinating against the susceptibility to political pressure of either branch of government to spend beyond estimated income for a current year, was offered Congress, in midyear 1973, by Senator Carl T. Curtis of Nebraska, and other Senators, by Senate Joint Resolution No. 142; and

WHEREAS, Senate Joint Resolution No. 142 proposes a constitutional amendment to make effective automatically a surtax on individual and corporate income sufficient to finance any deficit in estimated receipts to the budget proposed in any fiscal year, unless Congress finds other ways of financing the deficit; and

WHEREAS, The concept of said Senate Joint Resolution No. 142 merits consideration by the entire body of the Senate, it should be reported out of committee, acted upon, and, if approved, opportunity be afforded the several states for ratification; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That Congress be, and hereby is, memorialized to implement the concepts of a balanced federal budget by adopting Senate Joint Resolution No. 142 which proposes a constitutional amendment to make it mandatory that the amount of any deficit in the national budget submitted by the President be underwritten by a surtax on individual and corporate income, unless Congress, by other method of financing or by reduction of expenditures, provides for a balanced budget for the year; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Speaker of the House of Representatives, the Senate Chairman of the Judiciary Committee, and to each Senator and Representative from California in the Congress of the United States.

## RESOLUTION CHAPTER 204

*Assembly Joint Resolution No. 123—Relative to the crisis in Cyprus.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, The nation of Turkey, with a population of over 30,000,000, is mercilessly attacking a small country of 600,000 people; and

WHEREAS, Turkey has one of the largest standing military forces in Europe which includes a navy, air force, and army; and

WHEREAS, The nation of Cyprus has no navy or air force; and

WHEREAS, The nation of Turkey has consistently ignored the attempts of the United States' and the United Nations' forces to protect unarmed Greek Cypriot civilians; and

WHEREAS, The nation of Turkey has demonstrated a total insensitivity to the heroin problems of the United States through its recent resumption of the growing of opium poppies in spite of the over $35 million in aid which the United States has agreed to contribute to compensate Turkey for its loss of opium poppies as an agricultural product; and

WHEREAS, The nation of Turkey has ordered its air force to bomb unarmed civilian populations on Cyprus; and

WHEREAS, The Turkish armed forces, navy, and air force are almost entirely supplied by the United States; and

WHEREAS, The use of the armaments furnished by the United States against unarmed civilian populations through unilateral aggression is a clear violation of Public Law 87-195, which specifies the conditions under which these weapons supplied by the United States can be used; and

WHEREAS, The Turkish government has attempted to mask its aggression behind the unsubstantiated charge that the Turkish minority on Cyprus is in danger from the Greek Cypriot majority; and

WHEREAS, The Turkish minority is fully protected by the 1960 treaty, agreed to by Great Britain, Turkey, and Greece, which imposed a constitution upon the people of Cyprus that guarantees the sovereignty and integrity of Cyprus and the constitutional rights of the Turkish minority; and

WHEREAS, This tragic war has already resulted in the killing of the United States Ambassador to Cyprus, Rodger Davies, an act which we deplore, and could lead to further acts of terror; and in addition

WHEREAS, The rights guaranteed by the Cyprus Constitution include: the vice president must be a Turkish Cypriot; the Turkish minority is guaranteed representation of their own choice in the parliament; and the Turkish minority has a veto power over defense appropriations, foreign policy, and the national budget; now, therefore, be it

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*Resolved by the Assembly and Senate of the State of California, jointly,* That the President of the United States and the Congress of the United States be urged to immediately halt all economic and military aid of the United States to Turkey and that the United States government should use its resources and the resources of the United Nations to demand the total and immediate withdrawal of Turkish troops from Cyprus; and be it further

*Resolved,* That the United States government adopt a position in support of guaranteeing self-determination to the nation of Cyprus; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 205

*Assembly Joint Resolution No. 125—Relative to creating a Radiation Health Control Program in southern California.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, The University of Southern California School of Medicine has applied to the U.S. Atomic Energy Commission for a planning grant of $250,000 per year for two years to create a Radiation Health Control Program in southern California; and

WHEREAS, Such a program would provide reassurance in the control, avoidance, and correction of potential hazards in the urgently needed increased generation of nuclear power as a means of alleviating the energy shortage; and

WHEREAS, The program would add the dimensions of medicine and biology to atomic research, protect the public health, and develop a health control program in relation to nuclear power development; and

WHEREAS, The program would be conducted in cooperation with state and private universities and colleges in southern California, and would significantly assist the State Department of Health and Office of Emergency Services in the state's nuclear powerplant safety plans; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the U.S. Atomic Energy Commission to approve the application of the University of Southern California School of Medicine planning grant for a Radiation Health Control Program in southern California; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the U.S. Atomic Energy Commission.

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## RESOLUTION CHAPTER 206

*Assembly Joint Resolution No. 126—Relative to interest rates.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, Economic conditions have resulted in depositors being able to obtain interest on large deposits from non-California institutions in excess of 10 percent; and

WHEREAS, The availability of high interest deposits in other states and not within California may have serious long-term effects on the economy of the State of California by resulting in withdrawals of large deposits from California with subsequent adverse effects on loan availability and employment; and

WHEREAS, California financial institutions could offer these same high-interest deposits but for the lack of clarity of the California Constitution; and

WHEREAS, It is impossible to place a clarifying amendment to the California Constitution before California voters before June 1976 at the next scheduled statewide general election; and

WHEREAS, The California Legislature is advised that legislation now pending in the Congress of the United States, S. 3838, could, if amended to do so, solve California's problem on a temporary basis pending resolution by the California electorate; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the California Legislature memorializes the Congress of the United States to provide the State of California with temporary relief from the above-stated apparent unforeseen and unintended effects of the California Constitution and thus provide the citizens of California with time to consider amending said Constitution at the first available opportunity; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Majority Leader of the Senate of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## RESOLUTION CHAPTER 207

*Assembly Concurrent Resolution No. 139—Relative to social studies.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, Concern has been expressed over a serious deterioration in public school students' grasp of social studies concepts and critical thinking skills; and

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WHEREAS, At the same time, state-mandated testing programs have emphasized the low reading and mathematics scores, thereby limiting social studies courses in favor of remedial reading and remedial mathematics; and

WHEREAS, It is feared that relatively lower scores would be found in social studies learning if this area were to be measured; and

WHEREAS, Such a serious imbalance in our curriculum does serious harm to citizenship education in California in general, and in particular in minority communities; and

WHEREAS, Chapter 9 (commencing with Section 12820) of Division 9 of the Education Code provides that in addition to annual testing in reading and mathematics, other content courses may be assessed as designated by the State Board of Education; and

WHEREAS, Section 12831 of the Education Code authorizes the Department of Education to use portions of tests, and to otherwise engage in sampling the level of achievements of pupils in grades 6 and 12; and

WHEREAS, The use of sampling techniques suggests that a variety of instruments might be used without disrupting any single pupil's ongoing educational program; and

WHEREAS, It is suggested that the seventh grade be used as an appropriate level for assessment since most pupils will be in departmentalized social studies classes, and the results may be useful for diagnosis and curriculum decisions in the following two years, and the cumulative effect of the six years of elementary learning will be objectively sampled; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Board of Education is requested to sample social studies learning at the seventh grade in a manner which will reveal the general level of social studies learning relative to other areas of the curriculum; and will reveal the relative level of social studies learning of pupils in urban, suburban, and rural communities, and be it further

*Resolved,* That upon completion of this study a report of the findings of this study be filed with the Chief Clerk of the Assembly and the Secretary of the Senate; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Board of Education.

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## RESOLUTION CHAPTER 208

*Assembly Concurrent Resolution No. 150—Relative to public postsecondary education.*

[Filed with Secretary of State September 11, 1974.]

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*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That it is the intent of the Legislature that a major goal of California for the remainder of the 1970's shall be to insure that considerations of quality early schooling, ethnic grouping, family income, geographic location, and age no longer impede the access of any citizen to the benefits of higher education; and be it further

*Resolved,* That the Legislature finds that the following admissions criteria shall be adopted:

(a) The California Community Colleges shall accept all applicants who are high school graduates and all adults who can benefit from the instruction offered.

(b) The California State University and Colleges shall select first-time freshmen from among 33⅓ percent of high school graduates most capable of benefiting from the instruction offered.

(c) The University of California shall select first-time freshmen from among the 12½ percent of high school graduates most capable of benefiting from the instruction offered.

(d) Both the California State University and Colleges and the University of California shall have the flexibility to utilize nontraditional criteria for accepting up to 12½ percent of their entering lower division students.

(e) Each segment of public postsecondary education in California shall report annually to the Legislature through the California Postsecondary Education Commission on the use of nontraditional admissions criteria; and these criteria shall not necessarily be applied to innovative programs designed to serve adults beyond the normal age of college attendance.

(f) The segments or institutions of public postsecondary education, or both, may, with the approval of the Legislature, alter the eligibility pools established in subdivisions (b) and (c) and the flexibility level in subdivision (d) herein. The conditions which might justify alteration include:

(1) New knowledge based upon controlled experiments, carried out within the segments, which might provide a new basis for targeting students most likely to profit from the instruction offered.

(2) Capacities of segments and institutions.

(3) The needs of a geographic area.

(4) The programs of a specific institution.

(g) The California Postsecondary Education Commission shall review all proposals for changes in eligibility pools for admission to institutions and segments of public postsecondary education and shall make recommendations to the Legislature, the Governor, and the institutions of public postsecondary education.

(h) Admissions policies within the parameters specified need not be applied uniformly within each segment, provided that the utilization of nontraditional criteria shall not exceed 12½ percent of the entering lower division students on any campus. The criteria are sufficiently flexible to allow for, and encourage diversity of, student

mix within multicampus systems; and be it further

*Resolved,* That, insofar as the four-year segments of public postsecondary education use high school achievement as a criterion for freshman admissions:

(a) The high school records used shall normally begin with the 10th year; and

(b) Methods shall be devised to assess competencies rather than requiring specific high school courses; and

(c) When specific courses are required, no student attending high school on a full-time basis shall be required to devote more than two-thirds of his program to fulfilling course requirements; and be it further

*Resolved,* That to facilitate the transfer of qualified students from two-year to four-year colleges and universities:

(a) The University of California and California State University and Colleges shall continue to maintain an undergraduate ceiling of 40 percent lower division students (this is intended to be a ceiling, not a floor; a campus may fall below 40 percent or even eliminate the lower division if circumstances justify); and

(b) Transfer students who were eligible for admission as freshmen to a four-year segment of public postsecondary education, and who have maintained satisfactory academic standing, shall continue to be eligible for admission at any undergraduate level to that segment; and

(c) Each campus within the four-year segments of public postsecondary education shall implement measures to insure that upper division transfer students receive parity in admissions and course enrollments with previously enrolled students; and

(d) The California Postsecondary Education Commission shall assume responsibility for coordinating transfer procedures among the public segments of California public postsecondary education; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Regents of the University of California, the Trustees of the California State University and Colleges, the Board of Governors of the California Community Colleges, and the California Postsecondary Education Commission.

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## RESOLUTION CHAPTER 209

*Assembly Concurrent Resolution No. 151—Relative to public higher education.*

[Filed with Secretary of State September 11, 1974.]

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WHEREAS, The Legislature recognizes that certain groups, as characterized by sex, ethnic, or economic background, are underrepresented in our institutions of public higher education as compared to the proportion of these groups among recent California high school graduates; and

WHEREAS, It is the intent of the Legislature that such underrepresentation be addressed and overcome by 1980; and

WHEREAS, It is the intent of the Legislature that this underrepresentation be eliminated by providing additional student spaces rather than by rejecting any qualified student; and

WHEREAS, It is the intent of the Legislature to commit the resources to implement this policy; and

WHEREAS, It is the intent of the Legislature that institutions of public higher education shall consider the following methods for fulfilling this policy:

(a) Affirmative efforts to search out and contact qualified students.

(b) Experimentation to discover alternate means of evaluating student potential.

(c) Augmented student financial assistance programs.

(d) Improved counseling for disadvantaged students;

now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Regents of the University of California, the Trustees of the California State University and Colleges, and the Board of Governors of the California Community Colleges are hereby requested to prepare a plan that will provide for addressing and overcoming, by 1980, ethnic, economic, and sexual underrepresentation in the makeup of the student bodies of institutions of public higher education as compared to the general ethnic, economic, and sexual composition of recent California high school graduates, and to submit such plan to the California Postsecondary Education Commission on or before July 1, 1975. The California Postsecondary Education Commission shall integrate and transmit the plans to the Legislature with its comments by the first legislative day of 1976. The regents, the trustees, and the board of governors shall annually report to the California Postsecondary Education Commission, on or before July 1 of each year, which shall integrate and transmit the reports to the Legislature by December 31 of each year with evaluations and recommendations, on their progress, including specification as to what obstacles stand in the way of implementation of the plan; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Regents of the University of California, the Trustees of the California State University and Colleges, the Board of Governors of the California Community Colleges, and the California Postsecondary Education Commission.

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## RESOLUTION CHAPTER 210

*Assembly Concurrent Resolution No. 155—Relative to public higher education.*

[Filed with Secretary of State September 11, 1974.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Regents of the University of California and the Trustees of the California State University and Colleges are hereby urged to adopt and to implement administrative policies under which individual branches and campuses of the respective segments of higher education are provided full fiscal flexibility to the extent permitted by law, and are not bound to fixed formulae applying to the entire segmental system of higher education; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Regents of the University of California, and to the Trustees of the California State University and Colleges.

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## RESOLUTION CHAPTER 211

*Assembly Concurrent Resolution No. 156—Relative to higher education.*

[Filed with Secretary of State September 11, 1974.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Regents of the University of California and the Trustees of the California State University and Colleges are hereby requested to extend the principle of differentiation of postsecondary educational functions within their general functions and to develop missions with more specificity and delineation than "general campus" and "statewide program"; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Regents of the University of California and the Trustees of the California State University and Colleges.

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## RESOLUTION CHAPTER 212

*Assembly Concurrent Resolution No. 157—Relative to public higher education.*

[Filed with Secretary of State September 11, 1974.]

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*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That each institution of public higher education redeploy a percentage of its annual operating budget, insofar as necessary, to insure significant support for innovative education programs and consider carefully the following proposals for increasing educational productivity and cost effectiveness:

(a) Acceleration of certificate and degree programs where consistent with educational quality.

(b) Creating new graduate programs under exceptional circumstances of student demand and societal need.

(c) Greater use of advanced placement and challenge examinations.

(d) Interinstitutional and intersegmental cooperation, including sharing of facilities and faculty and concurrent enrollment of students.

(e) Continued review by the public segments of the feasibility of cooperative arrangements as a major criterion in the capital review process.

(f) Greater use of technology, particularly tapes, television, and other media which are conducive to student self-paced learning and educational flexibility.

(g) Development of methods to encourage cost effectiveness at all levels including incentives such as additional funds for innovation from savings achieved.

(h) Improvement of management techniques and information systems, including the development of capacity to compare costs and results of comparable programs.

(i) Development of an outcomes approach to budgeting for postsecondary education.

(j) Utilization of all available academic and nonacademic facilities that are on and off campus.

(k) Continued efforts to maximize facility utilization, including evenings and weekends.

(*l*) Provision of adequate support services to faculty to insure that their time and energies are freed for teaching or research, or both.

(m) Improvement of the transfer processes to insure removal of unreasonable barriers, particularly between two-year and four-year institutions, and to avoid repetition of courses covering similar material.

(n) Improved programmatic articulation with high schools to avoid unnecessary repetition of subject matter.

(o) Continuing review of the feasibility of year-round operation.

(p) Early admission of advanced high school students.

(q) Careful and vigorous monitoring of the growth of administrative staffs, particularly in the segmental central offices; and be it further

*Resolved,* That the Regents of the University of California, the Trustees of the California State University and Colleges, and the Board of Governors of the California Community Colleges are

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hereby requested to annually prepare a report on the use of redeployed funds within their respective segments. The reports shall include commentary and an inventory of projects and shall be submitted to the California Postsecondary Education Commission on or before July 1 of each year. The California Postsecondary Education Commission shall integrate and transmit the reports to the Legislature with its comments on or before the first legislative day of each year; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Regents of the University of California, the Trustees of the California State University and Colleges, the Board of Governors of the California Community Colleges, the California Community Colleges district governing boards, the California Postsecondary Education Commission and each president or chancellor of a campus of an institution of public higher education in California.

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## RESOLUTION CHAPTER 213

*Assembly Concurrent Resolution No. 159—Relative to the California Postsecondary Education Commission.*

[Filed with Secretary of State September 11, 1974 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the California Postsecondary Education Commission is hereby directed to develop and submit to the Legislature and the Governor a plan for establishing, on a pilot basis, independent postsecondary education counseling centers in several urban and rural areas, subject to the following conditions:

(1) The centers shall offer college opportunity information and counseling to any potential applicant;

(2) Counseling shall include information on proprietary schools and vocational education opportunities, as well as higher education;

(3) The centers shall provide continually updated information for high school counselors responsible for college counseling;

(4) The centers shall coordinate recruiting and counseling pools among neighboring institutions to facilitate admission of educationally disadvantaged candidates;

(5) Where local needs dictate, information and counseling should be available in other languages, as well as English;

(6) The commission shall be responsible for administering, staffing, and evaluating the programs; and

(7) The staff shall be employees of the commission; and be it further

*Resolved,* That the California Postsecondary Education Commission is hereby directed to prepare and submit to the Legislature and the Governor a plan for establishing regional

postsecondary education councils throughout the state, subject to the following conditions:

(1) Each council shall be composed of community representatives and representatives of each postsecondary institution within the region;

(2) The regional councils shall promote interinstitutional cooperation and comprehensive regional planning; and

(3) Specific functions shall include:

(a) Surveying total demand, present and projected, for postsecondary education in each region;

(b) Surveying availability of public and private resources to meet demands for postsecondary education;

(c) Finding methods for effectively utilizing or increasing educational resources; and

(d) Encouraging the development of policies and procedures for the cross-registration of students and sharing of faculty and facilities; and be it further

*Resolved,* That the California Postsecondary Education Commission is hereby directed to develop and submit to the Legislature and the Governor a plan for administering a fund to support innovation in postsecondary education, subject to the following conditions:

(1) The fund shall be supported at the level determined by the commission to be needed to support innovation in postsecondary education;

(2) It shall be utilized to support:

(a) Innovative proposals for providing educational services to new clientele;

(b) New curriculum and pedagogy; and

(c) Greater cost effectiveness and productivity;

(3) Individuals or institutions in nonprofit postsecondary education shall be eligible for grants;

(4) A minimum of 10 percent of each grant shall be used for evaluation and dissemination of results; and

(5) Absent special justification, no project shall be supported by this fund for more than three years; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the California Postsecondary Education Commission.

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## RESOLUTION CHAPTER 214

*Assembly Concurrent Resolution No. 160—Relative to public postsecondary education.*

[Filed with Secretary of State September 11, 1974]

WHEREAS, The Joint Committee on the Master Plan for Higher Education has urged that effective teaching and effective research at the public institutions of higher learning be equally valued by the Legislature in providing for public postsecondary education; and

WHEREAS, Adequate information concerning possible discrepancies in faculty compensation for teaching and research both within and between the public segments of higher education is presently not available to the Legislature; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the California Postsecondary Education Commission undertake a study and report to the Legislature by January 1, 1976, on whether discrepancies exist in faculty compensation for teaching and research, together with recommendations to the Legislature for action to assure equity in compensation for these functions.

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## RESOLUTION CHAPTER 215

*Assembly Concurrent Resolution No. 161—Relative to public postsecondary education.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, It is the intent of the Legislature that fee structures, admission policies, and financial aid policies and programs at institutions of public postsecondary education shall not discriminate against part-time students and students choosing to combine or alternate education with other learning experiences such as work or travel; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Director of the California State Scholarship and Loan Commission, the Regents of the University of California, the Trustees of the California State University and Colleges, and the Board of Governors of the California Community Colleges are hereby requested to report to the California Postsecondary Education Commission on or before July 1, 1975, on whether their programs or procedures treat differently, part-time students and students choosing to combine or alternate education with other learning experiences and, if so, justifications for such differences in programs and procedures; and be it further

*Resolved,* That the California Postsecondary Education Commission shall integrate the reports and transmit a final copy to the Legislature with its comments on or before December 31, 1975.

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# RESOLUTION CHAPTER 216

*Assembly Concurrent Resolution No. 181—Relative to opening of new retail petroleum products outlets.*

[Filed with Secretary of State September 11, 1974 ]

WHEREAS, The State of California and the nation have recently faced a major shortage of petroleum products, and severe disruption in the normal distribution of petroleum products; and

WHEREAS, Several thousand retail petroleum products outlets across the country have been forced to close due to the shortage of petroleum products and the closure of these outlets has resulted in increased unemployment and reduced economic competition; and

WHEREAS, There is a current shortage of petroleum products to fully supply all existing petroleum products outlets to meet the demands of co· sumers; and

WHEREAS, L· spite the gravity of the present situation and the possibility of thousands of additional retail petroleum products outlets being forced to close their businesses, new retail petroleum products outlets are still being constructed and encouraged to open for business; and

WHEREAS, During the period of the current shortage of petroleum products, there is no public interest being served in the construction of new retail petroleum products outlets unless it can be clearly demonstrated that such construction is necessary to adequately serve the needs of the public; and;

WHEREAS, As used in this resolution "retail petroleum products outlet" is intended to include any facility which sells, offers for sale, dispenses or contains the apparatus for dispensing petroleum products, and does not include any outlet which is a part of and adjacent to a retail business where the retail sale of petroleum products, the servicing and repair of motor vehicles, or the sale of goods or services for motor vehicles are not the primary purpose of that business, and

WHEREAS, As used in the resolution "petroleum products" means gasoline or diesel fuel; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature of the State of California requests all county and city planning commissions and all boards of zoning adjustment and offices of zoning administration in California to consider these facts when reviewing applications for new retail petroleum products outlets, and that the Legislature recommends that such applications, except those relating to new outlets contemplated upon property for which a lease was entered into and a use permit applied for prior to January 1, 1974, be denied during the period of the current shortage of petroleum products; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of

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this resolution to the county board of supervisors and the city council of each county and city in the State of California.

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## RESOLUTION CHAPTER 217

*Assembly Concurrent Resolution No. 188—Relative to the Joint Rules.*

[Filed with Secretary of State September 11, 1974 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That Rule 32 of the Temporary Joint Rules of the Senate and Assembly for the 1973–74 Regular Session is amended to read:

### Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Joint Rules Committee. Such application shall constitute compliance with any provisions of the Rules of the Assembly or the Senate with respect to registration of news correspondents. Applications shall state in writing the names of the daily newspapers, periodic publications, news associations, or radio or television stations by which they are employed, and what other occupations or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privilege of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, qualified periodic publications, or news associations requiring daily telegraphic or radio or television service on legislative news. It shall be the duty of the standing committee at its discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Except as otherwise provided in this subdivision, persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to news associations requiring telegraphic or radio or television service shall not be entitled to the privileges accorded accredited press representatives; and the press

list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents. Accreditation may be granted to bona fide correspondents of reputable standing employed by periodic publications of general circulation, providing that the applicants are employed on a full-time basis in the Capitol area preparing articles dealing with state government and politics and that their publications are not organs or organizations involved in legislative advocacy.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

(f) No accredited member of the Capitol Correspondents Association shall, for compensation, perform any service for state constitutional officers or members of their staffs, for state agencies, for the Legislature, for candidates for state office, or for a state officeholder, or for any person registered or performing as a legislative advocate.

(g) An accredited member of the association who violates subdivision (a) or (f) of this rule shall be subject to the following penalties:

(1) For the first offense, the Standing Committee of the Capitol Correspondents Association shall send a letter of admonition to the offending member, his employer, and the Joint Rules Committee. The letter shall state the nature of the member's rule violation and shall warn of an additional penalty for a second offense.

(2) For a second offense, the Standing Committee of the Capitol Correspondents Association shall recommend to the Joint Rules Committee that the member's accreditation be suspended or revoked and that he lose all rights and privileges attached thereto. The Standing Committee of the Capitol Correspondents Association shall also dismiss the member from the association.

Any member of the Standing Committee of the Capitol Correspondents Association may propose that the committee make an inquiry to determine if an association member has violated subdivision (a) or (f) of this rule. Upon a majority vote of the Standing Committee of the Capitol Correspondents Association, an inquiry shall be made.

Upon receipt of a signed, written notice from any association

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member of his belief that another association member may have violated subdivision (a) or (f) of this rule, the Standing Committee of the Capitol Correspondents Association shall commence an inquiry into the possible violation.

If the Standing Committee of the Capitol Correspondents Association determines by majority vote that an association member has broken an association rule, it shall inform the member of its finding. Within two weeks of notification, the member may request a meeting of the membership. If the member makes such a request, the Standing Committee of the Capitol Correspondents Association shall promptly schedule a meeting at the soonest possible time. After hearing the member and the committee review the circumstances of the alleged violation, the membership may, by majority vote, nullify the finding of the Standing Committee of the Capitol Correspondents Association. If nullification does not occur, the Standing Committee of the Capitol Correspondents Association shall impose immediately the appropriate penalty.

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## RESOLUTION CHAPTER 218

*Assembly Concurrent Resolution No. 206—Relative to establishing a district office of the Department of Motor Vehicles in the City of Vacaville.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, Criteria for the location of Department of Motor Vehicles offices have been greatly affected by the energy crisis and the growth of rural communities throughout California, including Solano County; and

WHEREAS, The projected population growth of rural communities is expected to increase greatly in the near future; and

WHEREAS, It is often possible to use rent-free office space in existing public facilities in the suburban-rural areas of the county; and

WHEREAS, Government offices located close to the people they serve are best for providing necessary services; and

WHEREAS, Social benefits of providing a traveling staff to serve Vacaville and the neighboring communities on an intermittent basis far outweighs the immediate cost to the Department of Motor Vehicles, and such services will be capable of expanding to meet the long-term needs of these communities; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Director of the Department of Motor Vehicles reevaluate the criteria for establishing service in the Vacaville community on an intermittent basis; and be it further

*Resolved,* That service to Vacaville and surrounding communities begin as soon as adequate space within a public facility is found, if the



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findings of the reevaluation study warrant it; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of the Department of Motor Vehicles.

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## RESOLUTION CHAPTER 219

*Assembly Concurrent Resolution No. 217—Relative to P.O.S.T. instruction in rape case investigation.*

[Filed with Secretary of State September 11, 1974 ]

WHEREAS, Many rape victims suffer great emotional trauma as well as physical injury as the result of being assaulted; and

WHEREAS, Current peace officer training practices emphasize the legal elements of the crime of rape and neglect the psychological effects of the crime on the victim and her emotional needs following the ordeal; and

WHEREAS, Rape victims have charged that peace officers display a lack of sensitivity to their needs; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Commission on Peace Officer Standards and Training (P.O.S.T.) develop and implement, as soon as practicable, with the participation of community women's organizations, a course of study for the patrol, supervision, and management level law enforcement officer relating to the proper conduct of a rape investigation and case preparation, with emphasis on the psychological and emotional effects on the victim; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Commission on Peace Officer Standards and Training (P.O.S.T.).

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## RESOLUTION CHAPTER 220

*Assembly Concurrent Resolution No. 218—Relative to special investigative units for cases involving sexual offenses.*

[Filed with Secretary of State September 11, 1974 ]

WHEREAS, Most law enforcement agencies have inadequately staffed and trained investigative units for cases involving sexual offenses; and

WHEREAS, The special investigative units for cases involving sexual offenses which have been established provide more thorough and effective investigation of rape reports; and

WHEREAS, Special units for the investigation of reported rapes

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should be employed in areas with a known high incidence of rape; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Commission on Peace Officer Standards and Training is requested to implement a program for the training of specialists to investigate cases of rape and encourage local law enforcement agencies to develop special units to investigate rape reports, if funds are made available to the commission for the implementation of the program; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Commission on Peace Officer Standards and Training and to each chief of police and sheriff in the state.

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## RESOLUTION CHAPTER 221

*Assembly Concurrent Resolution No. 221—Relative to self-defense.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, With the high incidence of violent crimes against individuals, there is a need for public high schools to include as part of their physical education programs training in nonaggressive self-defense; and

WHEREAS, If persons were better able to defend themselves, they would be less vulnerable to rape and other violent bodily assaults; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the governing board of each school district maintaining a high school is requested to ascertain the need for offering physical education classes in nonaggressive self-defense in the district, and each governing board that finds that a need exists is hereby requested, as part of required physical education classes pursuant to Section 8572 of the Education Code, to provide physical education classes for pupils in nonaggressive self-defense, and to report to the Department of Education by July 1, 1975, what action, if any, has been taken; and be it further

*Resolved,* That the Department of Education is requested to work with and assist school districts in developing programs in nonaggressive self-defense and to submit a report to the Legislature by January 1, 1976, with a summary and evaluation of school district findings and their progress in implementing such programs; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Superintendent of Public Instruction and the governing board of each school district maintaining a high school in California.

## RESOLUTION CHAPTER 222

*Assembly Concurrent Resolution No. 229—Relative to pupil records.*

[Filed with Secretary of State September 11, 1974]

WHEREAS, Sections 10751 and 10757 of the Education Code require school officials, upon the request of a pupil's parent or guardian, to permit the pupil's parent or guardian to inspect the written records concerning his child or ward in any reasonable manner in consultation with a certificated employee of the school district; and

WHEREAS, Some school districts in the state are denying the parents and guardians of pupils their right to inspect the written records concerning their children and wards; and

WHEREAS, In many instances these written records follow students throughout their lives and have proved to be damaging in later years; and

WHEREAS, Section 1 of Article I of the California Constitution provides that among the inalienable rights is the right to obtain privacy; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Education shall establish guidelines for student recordkeeping, and shall establish a procedure to ensure that each parent or guardian have access to any and every written record concerning a pupil in order to assure compliance with Sections 10751 and 10757 of the Education Code and Section 1 of Article I of the California Constitution; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Education.

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## RESOLUTION CHAPTER 223

*Assembly Concurrent Resolution No. 233—Relative to community colleges.*

[Filed with Secretary of State September 11, 1974]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislative Analyst is hereby directed to make a study of the change of program and dropout incidence in community colleges located in the County of Los Angeles, to include, among other things, a study of the following:

(1) Classes dropped or added to include:

(a) The number of students who enroll in classes but do not appear for sessions of classes;

(b) The number of students who drop out after the first week of classes;

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(c) The number of students who change their programs.

(2) The cost to the community college districts related to changes in programs and to the dropout incidence.

(3) The predominate reasons for dropping out and a percentage breakdown of their occurrence.

(4) Particular programs which would decrease the dropout incidence, and their cost; and be it further

*Resolved,* That the Legislative Analyst report his findings and recommendations, including his recommendations as to necessary legislation, to the Legislature and the Board of Governors of the California Community Colleges on or before September 4, 1975; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Legislative Analyst, the governing board of each California community college district maintaining a community college located in the County of Los Angeles, and the Board of Governors of the California Community Colleges.

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## RESOLUTION CHAPTER 224

*Assembly Concurrent Resolution No. 236—Relative to child custody during marital dissolution.*

[Filed with Secretary of State September 11, 1974 ]

WHEREAS, The law of this state considers the custody of children by their parents to be a matter of civil law during or after the process of marital dissolution; and

WHEREAS, There are reported instances of one parent concealing a child from the other spouse during or after the course of dissolution proceedings, making it more difficult for the other spouse to present all relevant information to the court for consideration in its awarding custody of the children and its continuing jurisdiction over the children; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Justice, in cooperation with the district attorneys of the state and the California State Bar Association, study the problem of child custody and abduction during and after dissolution proceedings and report its findings along with recommendations regarding such practices, including interstate travel of parent and child prior to or after a court award of custody, to the Legislature not later than April 1, 1975; and, be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Attorney General.

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## RESOLUTION CHAPTER 225

*Assembly Concurrent Resolution No. 237—Relative to elections.*

[Filed with Secretary of State September 11, 1974.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Joint Committee for the Revision of the Elections Code is directed to hold hearings on the advisability of limiting the number of ballot propositions at any statewide election, and to report its findings and recommendations to the Legislature on or before June 30, 1975; and be it further

*Resolved,* That the Joint Committee for the Revision of the Elections Code be expanded to include one additional Senator and one additional Assemblyman; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Joint Committee for the Revision of the Elections Code.

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## RESOLUTION CHAPTER 226

*Assembly Concurrent Resolution No. 238—Relative to veteran disability benefit plan.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, For the purposes of veteran farm and home loans, certain veterans receive under a pre-1970 disability insurance benefit plan a fixed benefit amount of $120; and

WHEREAS, With increasing interest rates this fixed benefit amount, in some cases, may go only towards interest and not principal; and

WHEREAS, Insurance companies writing veteran disability policies have increased the amount of premiums charged so as to offset large payments towards principal upon the death of certain veterans receiving a fixed benefit amount; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Veterans' Affairs and the State Veterans' Board conduct a study and report to the Legislature by January 1, 1975, on recommendations for departmental or legislative action with regard to permanent disability beneficiaries under the pre-1970, $120 per month maximum benefit disability plan; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Department of Veterans' Affairs and the State Veterans' Board.

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## RESOLUTION CHAPTER 227

*Assembly Concurrent Resolution No. 245—Relative to Lake Berryessa.*

[Filed with Secretary of State September 11, 1974 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That, subject to the appropriation of sufficient funds, the Department of Parks and Recreation is directed to undertake, in cooperation with concerned local agencies and the federal government, a study of the feasibility of acquiring, developing, and managing Lake Berryessa in Napa County as a unit of the state park system and a study of alternative methods of developing and operating Lake Berryessa; and be it further

*Resolved,* That the Department of Parks and Recreation shall submit to the Legislature its findings and recommendations with respect to the feasibility of acquiring, developing, and managing Lake Berryessa as a unit of the state park system, and its findings and recommendations with respect to alternative methods of developing and operating Lake Berryessa, not later than December 1, 1975; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Parks and Recreation.

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## RESOLUTION CHAPTER 228

*Assembly Concurrent Resolution No. 246—Relative to state highway lands.*

[Filed with Secretary of State September 11, 1974 ]

WHEREAS, The City of Bellflower desires to lease certain parcels of land acquired by the Department of Transportation for state highway purposes for use by the city for park purposes; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Transportation is hereby requested to enter into an agreement with the City of Bellflower for the lease of Parcels B1532, B1534, B1535, and B1536, Par. 1 & 2, as shown on that certain map of the department entitled "Plat Accompanying Director's Deed No. D-B1532" and dated June 7, 1971, on such terms and conditions as are required by law and in accordance with the procedures, terms, and conditions prescribed by the California Highway Commission; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Transportation and the California Highway Commission.

## RESOLUTION CHAPTER 229

*Assembly Concurrent Resolution No. 249—Relative to environmental impact reports.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, The Environmental Quality Act of 1970 and the guidelines adopted pursuant to that act by the Secretary of the Resources Agency require the preparation of environmental impact reports by public agencies on projects, including construction projects, which the agencies propose to carry out or approve and which may have a significant adverse effect on the environment; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislative Analyst is hereby requested to conduct a study of the effects of the environmental impact report requirement on construction in the state, with emphasis on whether or not such report requirement has been beneficial to the environment; and be it further

*Resolved,* That the Legislative Analyst submit a report of such study, together with his findings and recommendations, to the Legislature no later than January 15, 1975; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Legislative Analyst.

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## RESOLUTION CHAPTER 230

*Assembly Concurrent Resolution No. 250—Relative to registered engineers employed by the state.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, The State of California employs registered engineers in many important aspects of the planning, designing, and constructing of highways, dams, bridges and other structures in the state; and

WHEREAS, The Business and Professions Code requires that registered engineers be used in all positions in responsible charge of engineering work; and

WHEREAS, Registered engineers have established their proficiency in the various fields of engineering by passing an examination given by the State Board of Registration for Civil and Professional Engineers; and

WHEREAS, The comparison of rates of pay for registered engineers employed by the state, to rates of pay for registered engineers employed by private industry and by other governmental jurisdictions for the purpose of establishing the rate of compensation of the state-employed registered engineers, should be made on the

basis of comparing levels of responsibility rather than specific duties; and

WHEREAS, The positions in private industry and other governmental jurisdictions used in the comparison should be only those positions requiring registration as a professional engineer; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Personnel Board be requested to establish a rate of pay for a state-employed registered engineer on a level equal to the prevailing level paid to a registered engineer, with responsibility equal to that of the state engineer, who is employed by private industry or any other governmental jurisdiction and to use only those positions in private industry and other governmental jurisdictions requiring registration as a professional engineer as a comparison in establishing such rate of pay; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Personnel Board.

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## RESOLUTION CHAPTER 231

*Assembly Concurrent Resolution No. 257—Relative to the Joint Committee on Educational Goals and Evaluation.*

[Filed with Secretary of State September 11, 1974 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* As follows:

(1) The Joint Committee on Educational Goals and Evaluation is continued in existence and authorized to continue its study for the purpose of identifying for the Legislature and the State Board of Education the goals and priorities of public elementary and secondary education, as developed by local educational agencies, which shall apprise the Legislature and other state policymakers as to the wishes of the people as reflected in the data collected.

(2) The Joint Committee on Educational Goals and Evaluation is further authorized to assist local educational agencies, with the cooperation of the Department of Education, by recommending procedures for citizen participation in goal setting and evaluation to assure continuity and compatibility of statewide efforts in these areas.

(3) Finally, the Joint Committee on Educational Goals and Evaluation is authorized to study and recommend to the Legislature the purposes of state assessment of educational progress and plans for realizing those purposes. Such recommendations shall preserve the local responsibility of district governing boards to provide diversified programs pursuant to the stated philosophy, goals, and objective of their schools.

(4) The committee consists of four Members of the Senate, appointed by the Committee on Rules thereof, and four Members of the Assembly, appointed by the speaker thereof, and working in cooperation with a three-member committee of the State Board of Education appointed by its president. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

The committee may act until May 31, 1975.

(5) The identification and development of committee recommendations shall continually involve the general public, including students, parents, educators (including classroom teachers), school board members, scholars, representatives of business, labor and communities, and any other citizens. The Joint Committee on Educational Goals and Evaluation shall appoint appropriate advisory committees from the public, as needed; and may, subject to prior approval of Joint Rules Committee, contract with any public or private agencies for any part of the study. The committee shall seek the support and assistance of the Department of Education on all matters pertaining to this resolution.

(6) The Joint Rules Committee may make such money available from the Contingent Funds of the Assembly and Senate as it deems necessary for the expenses of the committee and its members. In accordance with Joint Rule 36.8, any such expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

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## RESOLUTION CHAPTER 232

*Assembly Concurrent Resolution No. 263—Relative to the Earl Warren Building.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, Earl Warren served as District Attorney of Alameda County from 1925 to 1939, during which time he corrected a serious "logjam" in the court calendar and destroyed a notorious bail-bond racket; and

WHEREAS, He served as Attorney General of the State of California from 1939 to 1943 during which time he stopped racetrack racketeering, offshore shipboard gambling and successfully argued before the Congress of the United States the legitimacy of state title to tidelands oil; and

WHEREAS, He served as California's first three-term Governor from 1943 to 1953 during which time he eliminated the spoils system from the Department of Public Works and reorganized the State Guard and the Department of Industrial Relations to expedite the disposition of workmen's compensation accident claims; and

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WHEREAS, Following years of being in key national political roles including vice presidential nominee of the Republican Party in 1948, he was appointed Chief Justice of the United States Supreme Court by President Eisenhower in which capacity he served from 1953 to 1969 during which time permissive segregation was declared "inherently unequal" and therefore unconstitutional; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That for his many years of distinguished public service to his state and nation, for his achievements listed herein and the many more that could not be enumerated, for his selfless dedication to excellence, his commitment to honesty and integrity in all his dealings, that as a living memorial the State Office Building at 350 McAllister Street in the City of San Francisco shall be henceforth known as the Earl Warren Building.

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## RESOLUTION CHAPTER 233

*Assembly Concurrent Resolution No. 274—Relative to state governmental organization.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, There are presently various agencies in state government that have responsibility over matters pertaining to the archaeology, paleontology, and history of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislative Analyst is hereby directed to make a study, or to enter into an agreement for a study, of the feasibility of consolidating and organizing the following agencies as a single agency:

1. The State Archives, in the office of the Secretary of State.
2. The California Heritage Preservation Commission.
3. The Historical Landmarks Advisory Committee, in the Department of Parks and Recreation.
4. The Cultural Resources Section, in the Resource Management and Protection Division of the Department of Parks and Recreation.
5. The State Historical Resources Commission, in the Resources Agency, proposed in Assembly Bill No. 4139 of the 1973–74 Regular Session, should such commission be organized; and be it further

*Resolved,* That the Legislative Analyst, or his private consultant, shall also study and report to the Legislature, not later than February 1, 1975, the savings, if any, to the state arising from such consolidation; and be it further

*Resolved,* That the heads of each of the aforementioned agencies are requested to designate an individual on their staff with whom the Legislative Analyst, or his private consultant, may confer; and be it

further

*Resolved,* That the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for any expenses, charges, or claims the Legislative Analyst may incur pursuant to this resolution, to be paid from the funds and disbursed, after certification by the Legislative Analyst, upon warrants drawn by the State Controller upon the State Treasurer.

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## RESOLUTION CHAPTER 234

*Assembly Concurrent Resolution No. 281—Relative to the 1980 Olympic Games.*

[Filed with Secretary of State September 11, 1974.]

WHEREAS, The City of Los Angeles, with the encouragement and support of the President of the United States, the Governor of California, and the United States Olympic Committee, has submitted its bid to the International Olympic Committee to host the summer games of the XXII Olympiad in 1980; and

WHEREAS, The City of Los Angeles presently has the requisite facilities to conduct the Olympic Games, including the Los Angeles Memorial Coliseum, communications, lodging, athletic fields, and waterways, and the need to construct additional facilities would be minimal; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members support the bid of the City of Los Angeles to host the summer games of the XXII Olympiad in 1980 and urge the city and the Southern California Committee for the Olympic Games to actively pursue the campaign to win the 1980 bid; and be it further

*Resolved,* That copies of this resolution be transmitted to Mayor Tom Bradley of Los Angeles and to the Southern California Committee for the Olympic Games.

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## RESOLUTION CHAPTER 235

*Assembly Concurrent Resolution No. 219—Relative to the assignment of policewomen to respond to reported incidents of rape.*

[Filed with Secretary of State September 11, 1974.]

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WHEREAS, Rape victims believe that female peace officers would be more sensitive to their physical and emotional needs; and

WHEREAS, Policewomen currently employed by local law enforcement agencies are usually not assigned to positions which enable them to respond to reported rapes; and

WHEREAS, Special efforts should be made to assign policewomen to night duty during which time most rapes occur; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That local law enforcement agencies should undertake an affirmative assignment program to place more policewomen in positions that will enable them to respond to cases of reported rape; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to each police chief and sheriff in the state.

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## RESOLUTION CHAPTER 236

*Assembly Concurrent Resolution No. 227—Relative to bilingual mental health services.*

[Filed with Secretary of State September 11, 1974 ]

WHEREAS, In implementing Chapter 1182 of the Statutes of 1973 the Legislature intends that the Department of Health and local public agencies directly involved in the furnishing of information or the rendering of services relating to mental health to a substantial number of non-English-speaking people, ensure provision of such information and services to such people in their language; and

WHEREAS, The Legislature intends that the Department of Health and local public agencies employ a sufficient number of qualified bilingual persons or interpreters in furnishing mental health information or delivering mental health services; and

WHEREAS, The Legislature intends that any materials explaining available mental health services and notices concerning such materials be translated into any non-English language spoken by a substantial number of the public served by the agency; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That Chapter 1182 of the Statutes of 1973 shall be construed to provide the information, notices, materials and services concerning mental health in conformity with the legislative intent expressed in this resolution.

# RESOLUTION CHAPTER 237

*Senate Concurrent Resolution No. 171—Relative to recess of the 1973–74 Regular Session of the Legislature.*

[Filed with Secretary of State October 4, 1974 ]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the 1973–74 Regular Session of the Legislature of the State of California shall be in recess upon adjournment on Wednesday, October 2, 1974, until adjournment sine die on November 30, 1974.