# STATUTES OF CALIFORNIA

1979–80

REGULAR SESSION

1980 CHAPTERS



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# CHAPTER 1

An act to amend Section 987.56 of, to add Section 987.94 to, and to add Article 5p (commencing with Section 998.041) to Chapter 6 of Division 4 of, the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act of 1974 and acts amendatory thereof and supplemental thereto; defining the powers and duties of the Veterans' Finance Committee of 1943 and the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures, appropriating money for the purpose of carrying out the provisions of the article; and providing for the submission of the measure to the people at a special election to be consolidated with the 1980 direct primary election, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 24, 1980. Filed with Secretary of State January 24, 1980.]

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

SECTION 1. Section 987.56 of the Military and Veterans Code is amended to read:

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.

The following group shall be given third preference in the benefits conferred by this article:

(a) Indian veterans whose eligibility was or could have been established prior to the effective date of this legislation.

(b) Veterans whose eligibility is derived from service with any portion of which was on or after August 5, 1964, and prior to May 8, 1975, and veterans discharged or released from active duty within 10 years of their application to the department.

Nothing in this section regarding preferences shall affect any eligibility requirement for benefits conferred by this article.

SEC. 2. Section 987.94 is added to the Military and Veterans Code, to read:

987.94. The department shall allocate, reserve, or set aside in the Veterans' Farm and Home Building Fund of 1943 a sum equal to 10 percent of the aggregate amount of bonds authorized by the Veterans Bond Act of 1980 for a two-year period commencing on the date of the first issue of bonds pursuant to the Veterans Bond Act of 1980, and by each veterans bond act subsequent thereto for a two-year period commencing on the date of the first issue of bonds pursuant to each such subsequent veterans bond act, for the construction, purchase, or improvement of homes equipped with or to be improved by the installation of solar energy heating devices. Solar energy heating devices for swimming pools, hot tubs, saunas, and spas shall not qualify for any expenditure pursuant to this section.

SEC. 3. Article 5p (commencing with Section 998.041) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

## Article 5p. Veterans Bond Act of 1980

998.041. This article may be cited as the Veterans Bond Act of 1980.

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

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

meanings:

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

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

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

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

(e) "Bond act" means this article authorizing the issuance of state general obligation bonds and adopting Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code by reference.

998.044. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act of 1974 and of all acts amendatory thereof and supplemental thereto, the Veterans' Finance Committee of 1943, created by Section 991, shall be and hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of seven hundred fifty million dollars ($750,000,000), in the manner provided herein, but not otherwise, nor in excess thereof.

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

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

On the several dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal and interest of the bonds in each fiscal year, there shall be returned into the General Fund in the State Treasury, all of the money in the Veterans' Farm and Home Building Fund of 1943, not in excess of the principal of, and interest on, such bonds then due and payable, except as hereinafter provided for the prior redemption of such bonds, and, in the event such money so returned on said remittance dates is less than such principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of the Veterans' Farm and Home Building Fund of 1943 as soon thereafter as it shall become available, together with interest thereon from such dates of maturity until so returned at the same rate as borne by such bonds, compounded semiannually.

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

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

(b) Such sum as is necessary to carry out the provisions of Section 998.047, which sum is appropriated without regard to fiscal years.

998.047. For the purposes of carrying out the provisions of this article, 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. Any amounts withdrawn shall be deposited in the Veterans' Farm and Home Building Fund of 1943. Any moneys made available under this article to the board shall be returned by the board to the General Fund from moneys received 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.

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

998.049. So long as any bonds authorized under this article may be outstanding, the Director of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, such survey to be made by an independent public accountant of recognized standing. The results of such surveys and projections shall be set forth in written reports, and such independent public accountant shall forward copies of such reports to the Director of Veterans Affairs, the members of the California Veterans Board, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse such independent public accountant for his services out of any funds which such division may have available on deposit with the Treasurer of the State of California.

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

998.051. Whenever bonds are sold, out of the first money realized

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

SEC. 4. Section 3 of this act shall take effect upon the adoption of the people of the Veterans Bond Act of 1980, as set forth in Section 3 of this act. This section and Sections 5 to 8, inclusive, of this act contain provisions relating to, and necessary for, the submission of the Veterans Bond Act of 1980 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 5. A special election is hereby called to be held throughout the state on the third day of June 1980. The special election shall be consolidated with the direct primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used.

SEC. 6. At the special election called by this act there shall be submitted to the electors Section 3 of this act.

SEC. 7. The special election provided for in this act shall be proclaimed, held, and conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 8. All ballots at such election shall have printed thereon and in a square thereof, the words: "For the Veterans Bond Act of 1980," and the same square under such words the following in eight-point type: "This act provides for a bond issue of seven hundred fifty million dollars ($750,000,000) to provide farm and home aid for California veterans." In the square immediately below the square containing such words, there shall be printed on such ballot the words, "Against the Veterans Bond Act of 1980," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of seven hundred fifty million dollars ($750,000,000) to provide farm and home aid for California veterans." Opposite the words "For the Veterans Bond Act of 1980," and "Against the Veterans Bond Act of 1980," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against such act, and those voting for such act shall do so by placing a cross opposite the words "For the Veterans Bond Act of 1980," and those voting against the such act shall do so by placing a cross opposite the words "Against the Veterans Bond Act of 1980." Provided, that where the voting of such election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this

section, the use of voting machines and the expression of the voters' choice by such means, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for such election.

SEC. 9. (a) Within two days after the effective date of this act, the author and first coauthor of such act and one member of the opposite house who voted with the majority on such act shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of such measure. If such act was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within five days after the date of appointment. If the author or first coauthor dies prior to the filing of the arguments, the presiding officer of that house shall appoint another member who voted with the majority to draft the argument for adoption of the measure.

(b) Upon the effective date of this act, the Secretary of State shall request the Attorney General to prepare a ballot title for such measure submitted pursuant to this section and shall also request the Legislative Analyst to prepare an analysis of such measure in accordance with Section 88003 of the Government Code. Such title and such analysis of such act shall be filed with the Secretary of State within 10 days after the effective date of this act. The measure submitted pursuant to this section shall be designated on the ballots at the election by its ballot title.

(c) The submission of the arguments, rebuttal arguments, and press releases requesting arguments and rebuttal arguments for such act shall be in accordance with the applicable provisions of Division 5 (commencing with Section 3500) of the Elections Code, except that the times for the submission of arguments, rebuttal arguments, and press releases shall be the times provided as follows:

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

(2) Three days for rebuttal arguments.

SEC. 10. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections because the duties, obligations, or responsibilities imposed on local agencies or school districts by this act are such that related costs are incurred as part of their normal operating procedures. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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:

In order to insure that a maximum number of homes purchased or improved under the California Veterans' Farm and Home Loan Program are equipped with solar energy heating devices in view of the energy crisis facing California, it is necessary that this act take effect immediately.

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## CHAPTER 2

An act to add Sections 5.1, 5.2, and 5.4 to the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947), relating to the Monterey County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 24, 1980 Filed with Secretary of State January 24, 1980.]

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

SECTION 1. Section 5.1 is added to the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947), to read:

Sec. 5.1. Notwithstanding any other provision of this act, the district may authorize, issue, and sell revenue bonds pursuant to the provisions of Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code to provide funds for acquiring, constructing, improving, or financing any one or more revenue producing enterprises for any one or more of the purposes of the district, or zone or participating zones thereof, or for refunding any outstanding bonds that should be incurred, and can be repaid and liquidated as to both principle and interest from revenues designated by the board. "Enterprise," as used in this section means a revenue-producing system, plant, works, or undertaking used for, or useful in, carrying out any one or more of the purposes of the district. In connection with the authorization, issue, and sale of revenue bonds pursuant to this section and so long as any of these bonds remain outstanding, the district may exercise, in addition to the powers covered by this section, any or all of the powers of local agencies provided for in Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code. Notwithstanding the provisions of Sections 54382, 54400, and 54402 of the Government Code or any other provision of the law, the board may determine and provide, in any resolution providing for the issuance of such revenue bonds for the following:

(a) For maturity dates of the bonds not exceeding 50 years from their respective dates.

(b) If, before the issuance of the bonds, the board determines, to the best of its knowledge and belief, that the interest on the bonds will be subject to federal income taxation under then existing law, for interest on the bonds at a rate or rates not exceeding 10 percent a year, payable annually or semiannually.

Any election for the issuance of revenue bonds for a zone or participating zones of the district shall be limited to the area of such zone or participating zones, and the proceeds from the sale of any such revenue bonds shall be expended only for the benefit of such zone or participating zones.

No bonds authorized under the provisions of this section shall be issued and sold, until such bonds have been investigated and certified pursuant to the Districts Securities Law (Chapter 1 (commencing with Section 20000) of Division 10 of the Water Code).

SEC. 2. Section 5.2 is added to the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947), to read:

Sec. 5.2. Whenever in the opinion of the board the public interest or convenience may require, it may order any work or improvement which it is authorized to undertake to be done in accordance with the procedure and pursuant to the provisions of either the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), or the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code).

The following terms, as used in such improvement acts, shall refer to that which is set out herein for the purposes of this act:

(a) "Municipality" or "city" refers to the district.

(b) "City council" or "legislative body" refers to the board.

(c) "City treasurer" or "treasurer" refers to the officer of the district who has charge of and makes payments of the district funds.

(d) "Mayor" refers to the chairman of the board.

(e) "Clerk" refers to the clerk of the district.

(f) "Council chambers" refers to the place where the regular meetings of the board are held.

(g) "Superintendent of streets," or "street superintendent" and "city engineer" refer to the district engineer.

(h) "Right-of-way" refers to any parcel of land through which a right-of-way has been granted to the district for any purpose.

(i) All other words and terms relating to municipal officers and matters refer to the corresponding officers of the district and matters under this act.

SEC. 3. Section 5.4 is added to the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947), to read:

Sec. 5.4. (a) The district, by ordinance, may fix, on or before the first day of July in each calendar year, a water standby or availability charge for any lands to which water is made available by the district, whether the water is actually used or not. The water standby charge shall be used for ongoing maintenance and operation of Zones 2 and 2A of the Flood Control District, as well as for retirement of the revenue bond.

(b) The standby charge shall not exceed ten dollars ($10) per acre per year for each acre of land or ten dollars ($10) per year for a parcel less than one acre.

(c) The ordinance fixing a standby charge shall be adopted by the board only after adoption of a resolution setting forth the particular schedule or schedules of charges proposed to be established by ordinance and after notice and hearing. The adoption of the ordinance shall be subject to referendum pursuant to Section 5200 of the Elections Code.

Notice of the hearing shall be given by publication, pursuant to Section 6066 of the Government Code, in a newspaper of general circulation within the district and by posting on or near the doors of the meeting place of the board or on any official bulletin board customarily used for the purpose of posting of public notices. Publication and posting shall be completed at least seven days prior to the date set for hearing.

(d) The ordinance fixing a standby charge may establish schedules varying the charges according to land uses, water uses, and degree of water availability.

(e) On or before the third Monday in August, the board shall furnish in writing to the county board of supervisors and the county auditor a description of each parcel of land within the district upon which a standby charge is to be levied and collected for the current fiscal year, together with the amount of standby charge fixed by the district on each parcel of land.

(f) The board shall direct that, at the time and in the manner required by law for the levying of taxes for county purposes the board of supervisors shall levy, in addition to any other tax it levies, the standby charge in the amounts for the respective parcels fixed by the board.

(g) All county officers charged with the duty of collecting taxes shall collect district standby charges with the regular tax payments to the county. Such charges shall be collected in the same form and manner as county taxes are collected, and shall be paid to the district.

(h) Charges fixed by the district shall be a lien on all property against which the charge is imposed. Liens for such charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 4. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections because this act is in accordance with the request of a local

governmental entity or entities which desired legislative authority to carry out the program specified in this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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:

The provisions of this act will permit the Monterey County Flood Control and Water Conservation District to undertake urgently needed projects to improve flood control, generate new electrical power, and conserve water. In order to permit these projects to be completed at the earliest possible time, it is necessary that this act go into immediate effect.

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## CHAPTER 3

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

[Approved by Governor January 28, 1980 Filed with Secretary of State January 29, 1980 ]

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

SECTION 1. Notwithstanding the provisions of Section 7201 of the Elections Code, when a special general election is consolidated with a statewide direct primary election, the special primary election shall be held on the second Tuesday in April preceding such statewide direct primary and may be consolidated with any other election or elections held on the same day, in the same territory, or in territory that is in part the same. Candidates at such special primary election shall be nominated as provided in Section 7201 of the Elections Code, except that nomination papers shall not be circulated more than 67 days before the primary election and shall be left with the county clerk for examination not less than 46 days before the primary election and shall be filed with the Secretary of State not less than 43 days before the primary election.

SEC. 2. This act shall be operative only until June 4, 1980, and as of such date is repealed.

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:

A special general election to fill a vacancy in the Legislature has been consolidated with the 1980 statewide direct primary election. Under existing law a special primary election must be held four

weeks before the special general election, which does not allow sufficient time to prepare consolidated absent voter ballots and sample ballots for the special general and statewide primary elections. A separate ballot will have to be provided for the special general election, which will not only add significantly to election costs, but will be confusing to voters, will delay the mailing of absent voter ballots and sample ballots to voters, will result in disenfranchising some early absent voters with respect to the special general election, and will delay the tabulation of ballots and reporting of results on election night. Further, in the absence of this act, over 85,000 voters in general law cities in the affected district will be required to go to the polls three times during an eight-week period in order to fully exercise their franchise. This is inconvenient for such persons and can be expected to adversely affect voter turnout.

Allowing the special primary election to be held on the second Tuesday in April will permit consolidation with the general municipal elections scheduled to be held in the district on that day, and will allow sufficient time to consolidate the special general and statewide primary ballots, thus eliminating the added costs and other problems discussed above. For these reasons, it is necessary that this act take effect immediately.

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## CHAPTER 4

An act making an appropriation to the Franchise Tax Board in augmentation of the appropriation made in Item 113 of the Budget Act of 1979, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 3, 1980. Filed with Secretary of State February 4, 1980.]

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

SECTION 1. The sum of four hundred sixteen thousand dollars ($416,000) is hereby appropriated from the General Fund to the Franchise Tax Board, in augmentation of Item 113 of the Budget Act of 1979 (Ch. 259, Stats. 1979), for the purpose of restoring levels of toll-free telephone services for the public for the period February 1, 1980, through June 30, 1980.

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 fully fund toll-free telephone services for the public for the period February 1, 1980, through June 30, 1980, it is necessary that this act take effect immediately.

## CHAPTER 5

An act to amend Sections 20862.5, 21223.5, and 75093.1 of the Government Code, relating to the public retirement systems, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 3, 1980 Filed with Secretary of State February 4, 1980 ]

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

SECTION 1. 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 members other than local miscellaneous members employed before July 1, 1980, by a school district which is a contracting agency.

This section shall not be applicable to any person who becomes a school member on and after July 1, 1980, and any person who becomes a local member employed, on and after July 1, 1980, by a school district which is a contracting agency whether or not such person was ever a school member or local member prior to such date.

SEC. 2. Section 21223.5 of the Government Code is amended to read:

21223.5. In addition to the increase in allowance authorized and granted pursuant to the provisions of Section 21222 and notwithstanding the limitation on such increases imposed by this article, effective January 1, 1980, the monthly allowance paid with respect to a school member or local member employed by a school district or a county superintendent of schools who retired or died prior to July 1, 1975, shall be increased by the percentage set forth opposite the year of retirement or death in the following schedule:

| *Period During Which Retirement or Death Occurred* | *Percentage* |
|---|---|
| 12 months ending Dec. 31, 1966 | 0.62 |
| 12 months ending Dec. 31, 1967 | 3.21 |
| 12 months ending Dec. 31, 1968 | 2.97 |
| 12 months ending Dec. 31, 1969 | 3.57 |

| | |
|---|---|
| 12 months ending Dec. 31, 1970 | 4.26 |
| 6 months ending June 30, 1971 | 3.62 |
| 6 months ending Dec. 31, 1971 | 8.86 |
| 12 months ending Dec. 31, 1972 | 8.57 |
| 12 months ending Dec. 31, 1973 | 6.22 |
| 6 months ending June 30, 1974 | 2.16 |
| 6 months ending Dec. 31, 1974 | 3.00 |

The allowance as so increased shall be paid for time on and after January 1, 1980, and until April 1, 1980. The base allowance shall be the allowance as so increased and the base year shall be the calendar year of 1978 for annual adjustments of allowances increased under this section for time commencing on April 1, 1980.

SEC. 3. Section 75093.1 of the Government Code is amended to read:

75093.1. Notwithstanding any other provisions of this article, the surviving spouse of any judge who took office in January 1938 and who died in office October 1951 shall be entitled to receive a monthly allowance equal to four hundred dollars ($400) per month.

A surviving spouse who receives an allowance under this section shall have no other claim with respect to the Judges' Retirement Fund, or with respect to any other positions of the Judges' Retirement Law, and such surviving spouse shall not be entitled to receive such allowance for any period prior to the effective date of this section.

SEC. 4. The Legislature hereby declares that Sections 1 and 2 of this act are intended to clarify existing law and resolve any question regarding the eligibility of school members and local miscellaneous members employed by school districts for specified benefits under the Public Employees' Retirement System. Chapter 1201 and Chapter 1036 of the Statutes of 1979, respectively, revised a vested benefit and enacted a new benefit for such members and inadvertently contained technical errors which have raised such eligibility questions despite the fact that those benefits are fully funded for such members by those statutes and other prior enactments.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby, pursuant to Section 2231 or 2234 of the Revenue and Taxation Code. Moreover, no claim shall be considered with respect to this act by the State Board of Control pursuant to Section 905.2 of the Government Code or Section 2250 of the Revenue and Taxation Code, and the Department of Finance shall not review or report on this act pursuant to Section 2246 of the Revenue and Taxation Code.

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 for technical changes, clarifications, and corrections to be made in recently revised provisions of the Public Employees'

Retirement Law as soon as possible, it is necessary that this act take effect immediately.

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## CHAPTER 6

An act to amend Sections 35154, 35474, 35478, 35950, 35950.1, 35950.2, 35950.4, 35950.5, 35950.7, 36300, 36320, 36322, 36341, 36412, 36413, 36420, 36421, 36423, 36424, 36426, 36427, and 36428 of, to repeal and add Chapter 4 (commencing with Section 35175) of Part 4 of Division 13 of, and to repeal Sections 35950.6 and 36422 of, the Water Code, relating to water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 3, 1980 Filed with Secretary of State February 4, 1980.]

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

SECTION 1. Section 35154 of the Water Code is amended to read:

35154. If revenue bonds are proposed to be issued, the ballots cast at a bond election shall contain a statement to the effect that the bonds shall be revenue bonds payable solely from the revenues of the district or a designated portion thereof, and that whether or not all of the revenues of the district are to be applied to the bonds, the bonds shall never be a lien or charge upon any land or other property in the district, and no tax or assessment shall ever be levied or collected to pay principal or interest on the bonds.

SEC. 1.2. Chapter 4 (commencing with Section 35175) of Part 4 of Division 13 of the Water Code is repealed.

SEC. 1.4. Chapter 4 (commencing with Section 35175) is added to Part 4 of Division 13 of the Water Code, to read:

### CHAPTER 4. METHOD OF ELECTIONS FOR THE IRVINE RANCH WATER DISTRICT

35175. The provisions of this chapter shall apply only to the manner in which elections are conducted in the Irvine Ranch Water District. For purposes of this chapter, "district" means the Irvine Ranch Water District. In all other respects, the district shall continue to be operated, managed, and governed as a California water district in accordance with this division and other applicable provisions of law.

35176. Notwithstanding any other provision of law, or the bylaws of the district, all elections held after the effective date of this section within the district shall be conducted as resident voter elections in accordance with the provisions of this chapter. Nothing in this chapter shall be construed to require resident voter approval of

bonds where voter approval is not required under the statutory or constitutional provisions in effect prior to the effective date of this section.

35177. Qualified voters of the district shall be residents of and registered voters in the district.

35178. All directors elected after the effective date of this chapter shall be residents of and registered voters in the district and shall be registered voters at the time of their election and during their term of office.

35179. District elections shall be conducted in conformance with the Uniform District Election Law (Part 3 (commencing with Section 23500) of Division 14 of the Elections Code) and the laws generally applicable to districts created and operated pursuant to this division, except as follows:

(a) As permitted by Section 23509 of the Elections Code, commencing in 1980 the general district election shall be held on the first Tuesday after the first Monday in June of every even-numbered year.

(b) As permitted by Section 23557 of the Elections Code, the general district election shall be consolidated with the statewide election in accordance with the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 14 of the Elections Code.

35180. Directors of the district shall be elected on an at-large basis. Newly elected directors shall take office on the last Friday in June next following the general district election. The term of office of each director shall be four years and each director shall hold office until his successor qualifies and takes office. The terms of office of directors shall continue to be staggered to keep as nearly equal as practicable the number of directors to be elected at each subsequent general district election.

35181. In order to facilitate an orderly transition to resident voter elections in June of even-numbered years and to preserve staggered terms, the terms of office of directors serving on the effective date of this section shall be modified in accordance with this section. At the 1980 general district election, two directors shall be elected to fill the positions of the two directors who were elected by landowner vote. At the 1982 general district election three directors shall be elected to fill the positions of the other three directors. In order to coincide with these election dates the terms of office of directors shall be extended or shortened as follows:

(a) The terms of office of the two directors elected by landowner vote shall expire in June of 1980.

(b) The terms of the two directors elected in November of 1979 shall expire in June of 1982.

(c) The term of the director elected by resident vote in November of 1977 shall be extended to June of 1982. This extension is deemed to be a portion of the original term.

Each director shall hold office until a successor qualifies.

35182. After the 1980 general district election and the seating of the newly elected directors, the board of directors of the district may increase the number of directors pursuant to Section 34708. If the number of directors is increased, the term of office of new directors shall be determined so as to be consistent with the provisions of this chapter and the requirements of Section 34708. Expansion of the board of directors shall not affect the manner of electing directors at large as provided in this chapter.

35183. The provisions of this chapter shall in no way invalidate any act of the district, its directors, officers and employees, made or performed while the district was operating as a landowner voting district or while the district was following the alternative voting procedures previously set forth in this chapter.

35184. Nothing in this chapter shall affect any acts or proceedings heretofore taken for the authorization, issuance, or sale of any bonds of the district, in any manner provided by law, prior to the effective date of this chapter. Nor shall anything in this chapter affect the ability of the district to sell and issue any bond heretofore authorized. This section shall be applicable to any bonds of an improvement district thereof. For the purposes of this chapter, "bonds" shall include notes and other evidences of indebtedness of the district or any improvement district thereof.

SEC. 2. Section 35474 of the Water Code is amended to read:

35474. The charges to pay revenue bonds and interest thereon shall be fixed by the board upon a flat rate per acre or connection or on a metered basis or on a combination of a flat rate and metered basis and shall be sufficient to raise the amount specified on the face of the bonds when issued and one year's interest thereon unless the district has accumulated a surplus fund in the treasury of the district which is available for the payment of all bonds and interest that will accrue for payment during the current year, in which event the charges may be made so that the aggregate amount to be raised by the sale of water when added to the surplus fund equals the face value of the bonds that will mature within one year and the interest thereon.

SEC. 3. Section 35478 of the Water Code is amended to read:

35478. All revenue bond redemption and interest charges are a first lien on all revenues received from the sale of water unless the district, by a limitation clearly expressed in the ballots used at the election at which the bonds are voted and in all the bonds, limits the charge and lien to a part of the revenues of the district or to a fixed portion of all revenues from the sale and use of water.

SEC. 4. Section 35950 of the Water Code is amended to read:

35950. The board shall, as soon after the formation of the district as is practicable, prepare and adopt a plan of works and estimate the amount of money it is necessary to raise for the purposes for which bonds may be issued. Such plan shall be adopted in the manner hereinafter provided.

SEC. 4.5. Section 35950.1 of the Water Code is amended to read:

35950.1. After the board has adopted a plan of works it may thereafter by resolution change or supplement the plan if it determines that the works described in the plan as changed or supplemented will benefit all the territory within the district or improvement district, including any territory annexed thereto since the adoption of the original plan of works, and may revise its estimate of the amount of money it is necessary to raise for such purpose. Any such changes or supplements shall be accomplished in the manner hereinafter provided. If bonds to accomplish the original plan of works have previously been investigated and approved for certification by the California Districts Securities Commission or the State Treasurer, such change or supplement shall not be effective until approved by the State Treasurer.

SEC. 5. Section 35950.2 of the Water Code is amended to read:

35950.2. If the board determines to adopt a plan of works, or that it is necessary to change or supplement a plan of works previously adopted for a district or an improvement district, it shall adopt a resolution stating the following:

(a) The intention of the board to adopt a plan of works, or to change or supplement a previously adopted plan of works.

(b) A description of the purpose of the plan, or of the original purpose of the plan and a general description of the proposed change or supplement.

(c) The estimated expense of carrying out the plan of works, or any change in the estimated expense of carrying out the plan of works by reason of the change or supplement.

(d) If general obligation bonds are to be issued and sold for the purpose of providing funds to carry out the plan of works or the change or supplement of a plan of works previously adopted, that assessments for carrying out said purpose shall be levied exclusively on the lands of the district or improvement district including any territory annexed thereto.

(e) If revenue bonds are to be issued and sold for the purpose of providing funds to carry out the plan of works or change or supplement of a plan of works previously adopted, that only the revenues derived from the operation of such works shall be pledged to the payment of principal and interest on such bonds and that no tax or assessment shall ever be levied or collected to pay principal or interest on such bonds.

(f) That a map of the exterior boundaries of the district or an improvement district is on file with the secretary of the district and is available for inspection by any person or persons interested.

(g) The time and place of the hearing by the board in regard to the proposed plan, or to the proposed change or supplement, and the benefit or lack thereof to the lands within the district or an improvement district.

SEC. 5.5. Section 35950.4 of the Water Code is amended to read:

35950.4. At the time and place so fixed or at any time or place to which the hearing is continued, the board shall hold the hearing

provided for by said resolution at which hearing any person interested, including all persons owning land in the district or improvement district to which the hearing pertains, may appear and be heard concerning any matters set forth in the resolution or any matters material thereto. At the conclusion of the hearing on the proposed plan, or the proposed changes or supplements, the board may, by resolution, adopt the proposed plan of works, or amend the plan of works previously adopted in accordance with the proposed changes or supplements. The board shall set forth the estimated cost of carrying out any plan of works and the purpose to be accomplished. If there is any change in the estimate of cost of carrying out the plan of works and the purpose is to be accomplished, the amended total of the estimated expense shall be set forth specifically. Additionally, in the event that any bonds to accomplish the original plan of works has been previously investigated and approved for certification by the California Districts Securities Commission or the State Treasurer, the resolution shall request approval thereof by the State Treasurer and any such change or supplement shall not be effective until the approval of the State Treasurer has been obtained.

SEC. 6. Section 35950.5 of the Water Code is amended to read:

35950.5. If the issuance of bonds has been authorized previously by the district or by the district for an improvement district and the change or supplement to the plan of works has increased the original estimate of cost, the board may provide for and call a special bond election within the district or the improvement district to submit to the voters of the district or the improvement district a proposition of whether or not additional indebtedness shall be incurred and bonds issued therefor in an amount which, when added to the amount of unissued bonds previously authorized to accomplish the original plan of works, will not exceed the revised estimate of cost set forth in the resolution approving the change or supplement to the plan of works. Said proposition need only refer to the amended plan, state the amount of additional bonds to be authorized, and indicate that previously authorized bonds will be issued to carry out the amended plan. Said proposition need not state the amount of unissued bonds previously authorized. In any such instance, the special bond election provided for herein shall be called, noticed, held, conducted and the results thereof canvassed in substantially the same manner as provided for in this division for bond elections.

SEC. 7. Section 35950.6 of the Water Code is repealed.

SEC. 8. Section 35950.7 of the Water Code is amended to read:

35950.7. Any bonds authorized to accomplish the amended plan of the district or improvement district shall be issued and sold in the same manner and upon the same terms and conditions as general obligation bonds of the district.

SEC. 9. Section 36300 of the Water Code is amended to read:

36300. If a revenue bond issue is contemplated, there shall be included in the estimate required by Section 35950 every expense of

the district that it is probable will be incurred for and limited to the purpose of acquiring or constructing works for irrigation, domestic, municipal, and industrial water supply and to furnish facilities and services within or without the district to the extent provided for in Section 35500 for the collection, treatment, and disposal of sewage, waste, and storm water, including the acquisition of necessary property and property rights therefor, acquiring funds to fulfill contractual commitments to carry out the powers and purposes of the district contained in contracts with other agencies, acquiring all or part of the operating funds for the district, the total amount of such funds so to be acquired not to exceed an amount equal to the total operating costs of the district for a two-year period as estimated by its board, including the interest on such bonds to be due and payable prior to the date on which revenues of the district will be available for the payment thereof, acquiring any property necessary for the purposes of the district and otherwise carry out the provisions of this division.

SEC. 10. Section 36320 of the Water Code is amended to read:

36320. The payment of both principal and interest of revenue bonds shall be secured only by the revenues pledged therefor.

SEC. 11. Section 36322 of the Water Code is amended to read:

36322. All revenue bonds of the same issue shall, subject to the prior and superior rights of outstanding bonds, claims, or obligations, and notwithstanding anything to the contrary contained in Section 35471, have a prior and paramount lien on the revenue pledged for the payment or redemption thereof and the payment of interest thereon over and ahead of all revenue bonds of any issue which may be subsequently issued and over and ahead of any claims or obligations of any nature against the revenue subsequently arising or subsequently incurred. This section shall not prohibit the district from making provisions, at the time of issuance and sale of revenue bonds, for the subsequent issuance of parity lien bonds.

SEC. 12. Section 36341 of the Water Code is amended to read:

36341. The face of each revenue bond shall state:

(a) That the payment or redemption of the bond and the payment of the interest thereon is secured solely by a first and direct charge and lien upon all or the portion, as prescribed by the district by order or by contract, of the revenues pledged therefor.

(b) That neither the payment of all or any part of the principal or interest thereon is a general debt, liability, or obligation of the district.

(c) That the bond is subject to call and redemption prior to maturity, if the board has so provided.

SEC. 14. Section 36412 of the Water Code is amended to read:

36412. Bonds and warrants of a district for an improvement district may be issued for any purpose for which bonds and warrants of the district may be issued; provided, that the carrying out of such purpose shall benefit the lands within such improvement district. Such bonds or warrants may be either general obligation bonds or

warrants or revenue bonds.

SEC. 15. Section 36413 of the Water Code is amended to read:

36413. Whenever the board is of the opinion that an improvement district should be formed, the board of directors shall adopt a resolution of intention which shall state: (a) the intention of the board to form the proposed improvement district, (b) the purpose for which the proposed improvement district is to be formed, (c) the estimated expense of carrying out said purpose, (d) if assessments are to be levied for carrying out such purpose, such assessments shall be levied exclusively upon the lands in said proposed improvement district, (e) if revenue bonds are to be used for carrying out such purpose, only the revenues derived from the operation of improvement district works shall be pledged to the payment of principal and interest on such bonds, and no tax or assessment shall ever be levied or collected to pay principal or interest on such bonds, (f) that a map showing the exterior boundaries of said proposed improvement district, which map shall govern for all details as to the extent of the proposed improvement district, is on file with the secretary of the district and is available for inspection by any person or persons interested, (g) the time and place for a hearing by the board on the formation of said proposed improvement district, the extent thereof, the purpose for which it is to be formed, the benefit to lands within the proposed improvement district from carrying out said purpose, the estimated expense of carrying out said purpose or any other matter relating to any of the foregoing, which hearing may be held concurrently with the hearing required by Chapter 2 (commencing with Section 35950) of this part, and (h) that at said time and place any persons interested, including all persons owning lands in the district or in the proposed improvement district, may appear and be heard.

SEC. 16. Section 36420 of the Water Code is amended to read:

36420. (a) After adopting the resolution ordering the improvement district formed, the board may provide for and call a special bond election within such improvement district to submit to the voters of the improvement district a proposition of whether or not an indebtedness of the district shall be incurred and bonds issued therefor in an amount not exceeding the estimate stated in the resolution ordering the improvement district formed.

(b) If such bonds are to be general obligation bonds, such indebtedness and the bonds shall be payable from assessments to be levied and collected upon lands within said improvement district.

(c) If such bonds are to be revenue bonds only revenues derived from the operation of the improvement district works shall be pledged to the payment or redemption thereof and the payment of interest thereon, and such revenue bonds shall not be a general debt liability or obligation of the district.

SEC. 17. Section 36421 of the Water Code is amended to read:

36421. Except as otherwise provided in this chapter, special bond elections within an improvement district shall be called, noticed,

held, conducted and the results thereof canvassed in substantially the same manner as is provided in this division for bond elections held in the entire district.

SEC. 18. Section 36422 of the Water Code is repealed.

SEC. 19. Section 36423 of the Water Code is amended to read:

36423. Bonds of said district for said improvement district shall be issued and sold in substantially the same manner and upon the same terms and conditions as bonds of the entire district, except that (a) if such bonds are general obligation bonds of the district for such improvement district, assessments for the payment of said bonds and the interest thereon shall be levied and collected from annual assessments to be levied upon and collected from lands within said improvement district or (b) if such bonds are revenue bonds, only the net revenues of the improvement district shall be pledged to the payment or redemption thereof and the payment of interest thereon. The bonds shall be issued in the name of the district and, if general obligation bonds, shall be designated "Bonds of _____ District for Improvement District No. _____" and each bond and all interest coupons shall state that the assessment for the payment thereof shall be limited to annual assessments to be levied upon and collected from the lands within said improvement district, except to the extent that provision for such payment has been made by the board, as may be permitted by law or, if revenue bonds, shall be designated "Revenue Bonds of _____ District for Improvement District No. _____" and each bond and all interest coupons shall state that it is payable from revenues of the improvement district, except to the extent that provision for such payment has been otherwise made by the board, as may be permitted by law.

SEC. 20. Section 36424 of the Water Code is amended to read:

36424. Except to the extent that provision has otherwise been made by the board, as may be permitted by law, for the payment of the principal of and interest upon general obligation bonds and warrants of said district for such improvement district as they become due and also for the payment of operating expenses of said improvement district, the annual estimate made by the board of the sum required by the district to discharge all of its obligations shall, in addition to the other amounts required to be included therein, include an amount sufficient to pay the principal of general obligation bonds and warrants of the district for said improvement district and the interest thereon as the same becomes due and also to pay operating expenses for said improvement district.

SEC. 21. Section 36426 of the Water Code is amended to read:

36426. Except as otherwise provided in this chapter, the provisions of this division applicable to bonds and warrants of the district and assessments therefor shall, so far as consistent with this chapter, apply to bonds and warrants of the district for improvement districts therein.

SEC. 22. Section 36427 of the Water Code is amended to read:

36427. If general obligation bonds of the district for an

improvement district thereof shall have been issued, the treasurer shall establish within the general obligation bond fund for the district provided for in Section 35902 a separate account for general obligation bonds of the district for each improvement district to which shall be apportioned such portion of the general obligation bond fund as is applicable to the general obligation bonds of the district for the particular improvement district. The money in any separate account shall be used for the payment of the general obligation bonds of the district for the particular improvement district and interest thereon and until the general obligation bonded indebtedness of the district therefor is discharged shall not be used for any other purpose.

SEC. 23. Section 36428 of the Water Code is amended to read:

36428. After the formation of an improvement district additional lands contiguous or noncontiguous thereto may be included therein upon such terms and conditions as may be fixed by the board. If the board is of the opinion that territory should be added to an improvement district, the board shall adopt a resolution of intention which shall state:

(a) The intention of the board to add certain territory to Improvement District No. _____ of _____ District;

(b) That a map showing the exterior boundaries of the territory to be annexed, which map shall govern for all details as to the extent of the area to be annexed, is on file with the secretary of the district and is available for inspection by any person or persons interested;

(c) The terms and conditions of annexation, if any;

(d) If assessments will be levied for carrying out any purpose of said improvement district including the payment of principal of and interest on any general obligation bonds or warrants outstanding, such assessments shall be levied exclusively upon the lands in said proposed improvement district including the territory annexed thereto;

(e) If revenues are to be used for carrying out any purpose of such improvement district, including the payment of principal of and interest on any revenue bonds outstanding, such revenues shall be limited to revenues derived from the operation of the improvement district works, including the territory annexed thereto.

(f) The time and place for hearing by the board on the question of the annexation of said territory to said improvement district and any other matter relating to any of the foregoing; and

(g) That at said time and place any persons interested including persons owning land within the area to be annexed to the improvement district may appear and be heard. Notice of said hearing shall be given in the same manner as provided in Section 36414.

SEC. 24. It is hereby declared that pursuant to Section 16 of Article IV of the California Constitution, the enactment of Chapter 4 (commencing with Section 35175) of Part 4 of Division 13 of the Water Code, by Section 1.4 of this act, as a local and special statute

is necessary by reason of the October 4, 1979 judgment of the Orange County Superior Court in the consolidated cases of James A. O'Toole, et al. v. Irvine Ranch Water District, et al. (No. 29-12-52) and City of Irvine v. Irvine Ranch Water District, et al. (No. 29-12-63).

SEC. 25. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 or 2234 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. Moreover, there shall be no claim considered with respect to this act by the State Board of Control pursuant to Section 905.2 of the Government Code or Section 2250 of the Revenue and Taxation Code, and the Department of Finance shall not review or report on this act pursuant to Section 2246 of the Revenue and Taxation Code.

SEC. 26. 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:

It is presently impossible for districts organized under the California Water District Law to authorize and issue general obligation bonds to finance the construction of capital improvements. Many California water districts require financing for new projects in order to meet the water needs of the lands they serve in a timely and efficient manner and, therefore, it is necessary that this act go into immediate effect.

In addition, the Orange County Superior Court has found that the system of landowner voting in the Irvine Ranch Water District is unconstitutional and has ordered that elections in the Irvine Ranch Water District be conducted henceforth on a resident voter basis commencing with a general district election in June of 1980. A need exists to implement such court's order to permit a general district election to be held in June of 1980 and to provide for the orderly and timely transition from landowner voting procedures to voting by registered resident voters. In order, therefore, to implement such court order and to provide for such transition, it is necessary that Chapter 4 (commencing with Section 35175) of Part 4 of Division 13 of the Water Code, as enacted by Section 1.4 of this act, go into immediate effect.

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## CHAPTER 7

An act to amend Section 8961.10 of the Health and Safety Code, relating to cemetery districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 3, 1980. Filed with Secretary of State February 4, 1980.]

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

SECTION 1. Section 8961.10 of the Health and Safety Code is amended to read:

8961.10. Notwithstanding any other provision of this part, a district may conduct an agricultural or viticultural enterprise on land purchased for future cemetery use if the land is contiguous to an existing cemetery, the land is an amount of land reasonably necessary for the district's future requirements, and a declaration of intention to use the land for cemetery purposes has been filed with the county recorder. As an alternative to conducting an agricultural or viticultural enterprise on such land, the district may lease the land for the conduct of such an enterprise or for any other purpose compatible with applicable land use regulations of the city or county in which the land is located, provided the terms of the lease do not permit the conduct of funeral or cemetery functions not authorized in Section 8961 for districts or prevent the future use of such land for cemetery purposes.

Nothing in this section shall authorize a district to acquire or retain ownership of land not reasonably necessary for the district's future requirements.

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 adoption of Article XIII A of the California Constitution has resulted in the need for cemetery districts to quickly obtain alternative revenue sources.

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## CHAPTER 8

An act relating to the Newport-Mesa Unified School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 3, 1980 Filed with Secretary of State February 4, 1980 ]

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

SECTION 1. Notwithstanding the provisions of Article 14 (commencing with Section 39520) of Chapter 3 of Part 23 of the Education Code or any other provision of law, the governing board of the Newport-Mesa Unified School District may dispose of surplus materials salvaged from the Newport Harbor High School auditorium by allowing the committee established pursuant to Section 35310 of the Education Code to sell by auction such materials,

provided the net proceeds of such sale are deposited in the scholarship and loan fund for the purposes set forth in Section 35315 of the Education Code.

This section shall remain in effect only until December 1, 1981, and as of such date is repealed, unless a later enacted statute, which is chaptered before December 1, 1981, deletes or extends such date.

SEC. 2. Due to the unique circumstances concerning the sale of personal property in the Newport-Mesa Unified School District, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

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 facilitate the orderly disposition of certain surplus personal property of the Newport-Mesa Unified School District at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 9

An act to add Section 1501.5 to, and to repeal Section 7150.6 of, the Fish and Game Code, and to add Division 24 (commencing with Section 34000) to the Public Resources Code, relating to financing parklands and renewable resources by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of such funds; providing for the submission of the measure to a vote of the people at a special election to be consolidated with the 1980 direct primary election; and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 4, 1980. Filed with Secretary of State February 4, 1980.]

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

SECTION 1. Division 24 (commencing with Section 34000) is added to the Public Resources Code, to read:

## DIVISION 24. PARKLANDS AND RENEWABLE RESOURCES INVESTMENT PROGRAM

### CHAPTER 1. GENERAL PROVISIONS

34000. The Legislature finds and declares as follows:

(a) The state's economic prosperity and survival and the public's health and welfare are heavily dependent on four biological systems:

croplands, grasslands, forests, and fisheries, which together provide all of our food, many of our opportunities for recreation, and, with the exception of minerals and petrochemicals, all of the raw materials for industry. Various and numerous threats to the health and productivity of these natural systems require the state to implement an aggressive and coordinated program for enhancing these renewable resources.

(b) The funds made available by this division will be invested in a coordinated effort to deal with the interrelated problems of meeting the recreational and open space requirements of the people of California, conserving and extending the state's water supply, expanding sport and commercial fishing opportunities, and restoring, enhancing, and preserving wildlife habitat, and will insure that these natural systems are managed for the profit and benefit of future generations.The funds will also be invested in projects and activities which will preserve significant natural and cultural resources for the enjoyment and benefit of present and future generations and will make accessible to the public many natural systems for their study, enjoyment, and appreciation.

(c) The enactment of this division is, in itself, acknowledgement of the interrelatedness of natural systems and the human society that depends upon and benefits from them. As such, this division has as its objective the enhancement, through the investment of public funds, of various renewable resources that will demonstrably benefit the people of this state.

34001. The Renewable Resources Investment Program established and financed pursuant to Chapter 1104 of the Statutes of 1979 is hereby continued in existence as the Parklands and Renewable Resources Investment Program, involving the coordinated activities of the Resources Agency; the Departments of Boating and Waterways, Fish and Game, Forestry, Parks and Recreation, and Water Resources; the California Coastal Commission; the State Coastal Conservancy; the State Water Resources Control Board; the California Conservation Corps; the San Francisco Bay Conservation and Development Commission; and various local public agencies; and consisting of the following elements:

(a) The acquisition, development, rehabilitation, and restoration of state and local parklands, recreational facilities, historical resources, and coastal resources pursuant to Chapter 3 (commencing with Section 34030).

(b) The construction and expansion of salmon hatcheries, the restoration of salmon and steelhead spawning, nursery, and rearing habitat, and the acquisition, restoration, and preservation of wildlife habitat, including the habitat of rare or endangered species, pursuant to Chapter 4 (commencing with Section 34090).

(c) Grants and loans to private entities for reforestation, urban forestry, and wood energy production projects, to be administered and financed pursuant to Part 2.5 (commencing with Section 4790)

of Division 4.

(d) State financial assistance for water conservation and drainage measures pursuant to Chapter 5 (commencing with Section 34125).

34002. This division shall be known and may be cited as the Parklands and Renewable Resources Investment Program Act.

## CHAPTER 2. FISCAL PROVISIONS

34010. Bonds in the total amount of four hundred ninety-five million dollars ($495,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this division and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest on the bonds as the principal and interest become due and payable.

34011. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such a sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on the bonds maturing each year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which shall be necessary to collect that additional sum.

34012. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this division, such an amount as will equal the following:

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

(b) Such sum as is necessary to carry out the provisions of Section 34013, which sum is appropriated without regard to fiscal years.

34013. For the purposes of carrying out the provisions of this chapter, 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 division. Any moneys deposited in the fund for expenditure for the purposes of subdivision (f) of Section 34030 shall be transferred to the State Coastal Conservancy upon appropriation by the Legislature in the manner provided in Section 34015. Any moneys deposited in the fund for expenditure for the purposes of subdivision (g) of Section 34030 shall be appropriated to the Department of Parks and Recreation in the manner provided in Section 34015. Any amounts withdrawn shall be deposited in the Renewable Resources Investment Fund, which is hereby renamed and continued in

existence as the Parklands and Renewable Resources Investment Fund. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds for the purpose of carrying out the provisions of this division.

34014. (a) The proceeds of bonds issued and sold pursuant to this division shall be deposited in the fund. The money in such depository may be expended only for the purposes specified in this division and only pursuant to appropriation by the Legislature in the manner prescribed in this division.

(b) Any other funds that are made available for the program, or for purposes related to the program, by separate appropriation or from other sources may also be deposited in the fund. Such other funds shall be segregated and separately accounted from the proceeds of bonds deposited pursuant to subdivision (a), but such other funds may be appropriated in conjunction with the appropriation required by Section 34015.

34015. All proposed appropriations for the program specified in Section 34001 shall be included in a section in the Budget Bill for the 1980–81 and each succeeding fiscal year for consideration by the Legislature and shall bear the caption "Parklands and Renewable Resources Investment Program."The section shall contain separate items for each project, each class of projects, or each element of the program for which an appropriation is made.

All appropriations shall be subject to all limitations enacted in the Budget Act and to all fiscal procedures prescribed by law with respect to the expenditure of state funds unless expressly exempted from such laws by a statute enacted by the Legislature. Such section shall contain proposed appropriations only for the program elements and classes of projects contemplated by this division, and no funds derived from the bonds authorized by this division may be expended pursuant to an appropriation not contained in such section of the Budget Act.

34016. The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code), and all of the provisions of that law are applicable to the bonds and to this division and are hereby incorporated in this division as though set forth in full herein.

34017. For the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this division, the Parklands and Renewable Resources Investment Program Finance Committee is hereby created. The committee consists of the Governor, the State Controller, the Director of Finance, the State Treasurer, and the Secretary of the Resources Agency. For the purposes of this division, the Parklands and Renewable Resources Investment Program Finance Committee shall be "the committee" as that term is used in the State General

Obligation Bond Law, and the State Treasurer shall serve as chairman of the committee. The Secretary of the Resources Agency is hereby designated as "the board" for the purposes of this division and for the purposes of the State General Obligation Bond Law.

34018. All money deposited in the fund which is derived from premium and accrued interest on bonds sold shall be reserved in such depositories and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

34019. As used in this division, and for the purposes of the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "State grant" or "state grant moneys" means moneys received by the state from the sale of bonds authorized by this division which are available for grants to counties, cities, districts, and public agencies.

(b) "Coastal resources" means those land and water areas within the coastal zone or fronting on San Francisco Bay which are suitable for public park, beach, or recreational purposes, including, but not limited to, areas of historical significance and areas of open space that complement park, beach, or recreational areas, or which are suitable for the preservation of coastal resource values.

(c) As used in Chapter 3 (commencing with Section 34030), "district" means any district authorized to provide park, recreation, or open space services, or a combination of such services, except a school district.

(d) "Fund" means the Parklands and Renewable Resources Investment Fund.

(e) "Historical resource" includes, but is not limited to, any building, structure, site, area, or place which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

(f) "Historical resources preservation project" is a project designed to preserve an historical resource which is either listed in the National Register of Historic Places or is registered as either a state historical landmark or point of historical interest pursuant to Section 5021.

(g) "Investment" means the commitment or use of money and other resources of the state for the making of capital improvements and incurring costs related thereto with the expectation of profit or nonpecuniary benefit occuring to the people of the state.

(h) "Program" means the Parklands and Renewable Resources Investment Program established by this division.

34020. Commencing with the Budget Bill for the 1990-91 fiscal year, the balance remaining in the fund may be appropriated by the Legislature for expenditure, without regard to the maximum amounts allocated to each element of the program, for any or all elements of the program specified in subdivisions (a) to (e), inclusive, of Section 34001, or any class or classes of projects within

such elements, that the Legislature deems to be of the highest priority.

34021. (a) Payments required to be made as a consequence of any guaranty made in accordance with the provisions of this division shall be made by the State Treasurer from funds appropriated and deposited in the loan default contingency accounts established by this division.

(b) In the event of any default on any such guaranteed loan and upon payment in accordance with the guaranty by the state, the Attorney General shall take such action as may be appropriate to recover the amount of such payment, with interest, from the defaulting party or other persons liable therefor.

34022. Inasmuch as the proceeds from the sale of bonds authorized by this division are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

34023. If any provision of this division or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the division which can be given effect without the invalid provision or application, and to this end, the provisions of this division are severable.

## CHAPTER 3. PARKLANDS AND RECREATION ELEMENT

### Article 1. General Provisions

34030. Three hundred thirty-eight million dollars ($338,000,000) of the money deposited in the fund shall be available for appropriation in the manner set forth in Section 34015 for the purposes set forth below in amounts not to exceed the following:

| | |
|---|---|
| (a) For grants to counties, cities, and districts for the acquisition, development, rehabilitation, or restoration of real property for park, beach, recreational, and historical resources preservation purposes, including state administrative costs .... | $95,000,000 |
| (b) For acquisition, development, rehabilitation, or restoration of real property for the state park system in accordance with the following schedule | $75,000,000 |

Schedule:

(1) Forty million dollars ($40,000,000) for acquisition and costs of planning.

(2) Twenty-five million dollars ($25,000,000) for development and rehabilitation of structures and facilities in newly acquired and existing units of the state park system and for costs of planning and interpretation.

(3) Ten million dollars ($10,000,000) for acquisition, development, and restoration of historical resources and for historical resources preservation projects and costs of planning and interpretation.

(c) For expenditure for coastal resources in accordance with the following schedule ..... $95,000,000

Schedule:

(1) Sixty-five million dollars ($65,000,000) for acquisition of real property for the state park system and costs of planning.

(2) Thirty million dollars ($30,000,000) for grants to counties, cities, and districts for the acquisition, development, rehabilitation, or restoration of real property, or the acquisition of any interest in real property, necessary for the implementation of certified local coastal programs, and for state administrative costs in connection therewith.

(d) For acquisition and development by the Department of Boating and Waterways of, and for grants to cities, counties, and other public agencies for acquisition and development of, public access to recreational boating waterways, including costs of planning and interpretation ..... $3,000,000

(e) For land acquisitions in the Lake Tahoe region $25,000,000

(f) For expenditure by the State Coastal Conservancy for purposes set forth in Division 21 (commencing with Section 31000), and for state administrative and planning costs in connection therewith ..... $10,000,000

(g) For expenditure by the Department of Parks and Recreation for the purposes of the Roberti-Z'berg Urban Open-Space and Recreation Program Act (commencing with Section 5620 of the Public Resources Code) ..... $35,000,000

provided, however, that notwithstanding the provisions of Section 5627, funds made available pursuant to this category may be expended only for capital outlay purposes.

## Article 2. Local Assistance Grants

34035. (a) Funds available for appropriation for local assistance grants pursuant to subdivision (a) of Section 34030 may be expended for the acquisition of parks, beaches, open-space lands, recreational trails and areas, and historical resources, and for development rights and scenic easements in connection with such lands and resources.

(b) Funds granted pursuant to subdivision (a) of Section 34030 may be expended for development, rehabilitation, or restoration only on lands owned by, or subject to a lease or other interest held by, the applicant city, county, or district. If such lands are not owned by the applicant, the applicant shall first demonstrate to the satisfaction of the Director of Parks and Recreation that the development, rehabilitation, or restoration will provide benefits commensurate with the type and duration of interest in land held by the applicant.

34036. (a) All of the funds authorized in subdivision (a) of Section 34030 for local assistance grants shall be allocated among the counties on the basis of their populations as most recently projected by the Department of Finance for 1980.

(b) Each total county allocation of such funds shall be in the same ratio as the county's population is to the state's total population; provided, however, that each county shall be entitled to a minimum allocation of two hundred thousand dollars ($200,000).

(c) Each county shall consult with all cities and districts within the county and shall develop and submit a priority plan for expenditure of the total county allocation to the state for approval. The priority plan shall consist of an apportionment of the total county allocation to the county, cities, and districts. The priority plan may include the names of individual projects under each governmental jurisdiction and shall reflect consideration of deficiencies within the county in the preservation of historical resources and natural landscapes as well as in the provision of recreational areas and facilities. The priority plan shall be approved by at least 50 percent of the cities and districts representing 50 percent of the population of the cities and districts within the county, and by the county board of supervisors. Recognizing the fact that the boundaries of some cities and local districts overlap, only the jurisdictions that will actually provide the facilities contemplated in the priority plan may participate in the approval process. In any county in which a regional park or open-space district is wholly or partially located, the priority plan shall reflect regional park or open-space needs as well as community and neighborhood park and recreation needs.

(d) The priority plan shall be submitted prior to January 1, 1981, to the Director of Parks and Recreation for approval. Failure to submit a priority plan by January 1, 1981, shall result in a 10 percent annual reduction of the total county allocation until the priority plan is submitted. By January 1, 1983, if the priority plan has not been submitted to the Director of Parks and Recreation, the county board of supervisors shall petition the Director of Parks and Recreation to distribute to high-priority projects the remaining 80 percent of the total county allocation. Any funds not allocated to a county shall remain in the fund and shall be expended in the manner provided in Section 34020.

(e) Applications for individual projects may be submitted directly to the Director of Parks and Recreation by individual jurisdictions.

34037. (a) An application for a local assistance grant pursuant to this article shall be submitted to the Director of Parks and Recreation for review. The application shall be accompanied by certification from the planning agency of the applicant that the project is consistent with the park and recreation plan for the applicant's jurisdiction.

(b) The minimum amount that may be applied for any individual project is ten thousand dollars ($10,000).

(c) Every application for a grant shall comply with the provisions of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(d) Upon completion of the review of applications submitted pursuant to subdivision (a), approved projects shall be forwarded to the Director of Finance for inclusion in the Budget Bill.

34038. (a) No state grant funds may be disbursed until the applicant agrees that any property acquired or developed with such funds shall be used by the applicant only for the purpose for which the funds were requested and that no other use of the property shall be permitted except by specific act of the Legislature.

(b) No state grant funds may be disbursed unless the applicant agrees to maintain and operate the property acquired or developed pursuant to this article for a period commensurate with the type of project and the proportion of state grant funds and local funds allocated to the capital costs of the project.

## Article 3. State Park System

34045. The Legislature recognizes that public financial resources are inadequate to meet all capital outlay needs of the state park system and that the development of recently acquired units of the state park system has proceeded at a rate that has prevented their full potential for public use from being realized. Accordingly, it is declared to be the policy of the state that funds allocated pursuant to subdivision (b) of Section 34030 shall be appropriated primarily for projects that accomplish the following:

(a) Serve metropolitan population centers and accommodate day-use and weekend-overnight visits.

(b) Provide for the development of existing units with the minimum facilities necessary for accessibility, use, and interpretation.

(c) Rehabilitate facilities at existing units that will provide for more efficient management and reduced operational costs.

(d) Minimize dependence on motor vehicles and reduce other forms of energy and water consumption through appropriately designed facilities.

(e) Preserve examples of historical resources and natural landscapes that are underrepresented in the state park system.

34046. (a) Any Member of the Legislature, the State Park and Recreation Commission, the Boating and Waterways Commission,

the California Coastal Commission, or the Secretary of the Resources Agency may nominate any project to be funded under this article for study by the Department of Parks and Recreation. Any of the commissions shall make nominations by vote of its membership.

(b) The Department of Parks and Recreation shall study any project so nominated. In addition to the procedures required by Section 5006, the Department of Parks and Recreation shall submit to the Legislature by November 1 of each year a report consisting of a prioritized listing and comparative evaluation of all projects nominated for study during the preceding 12 months ending August 31, 1980, and during the preceding 12 months ending June 30, 1981, and each year thereafter.

(c) Projects proposed for appropriation for the state park system pursuant to subdivision (b) of Section 34030 shall be subject to the favorable recommendation of the State Park and Recreation Commission. Projects recommended by the commission shall be forwarded to the Director of Finance for inclusion in the Budget Bill.

34047. Acquisition for the state park system by purchase or by eminent domain shall be under the Property Acquisition Law (commencing with Section 15850 of the Government Code).

### Article 4. Coastal Resources

34050. Funds available pursuant to subdivision (c) of Section 34030 shall be expended pursuant to this article.

34051. (a) Any Member of the Legislature, the California Coastal Commission, the State Coastal Conservancy, the San Francisco Bay Conservation and Development Commission, the State Park and Recreation Commission, the Boating and Waterways Commission, or the Secretary of the Resources Agency may nominate, for study by the Department of Parks and Recreation, any project within the coastal zone or fronting on San Francisco Bay for acquisition with funds made available pursuant to category (1) of subdivision (c) of Section 34030. Any of the commissions, and the conservancy, shall make nominations by vote of its membership.

(b) The Department of Parks and Recreation shall study any project so nominated. In addition to the procedures required by Section 5006, the Department of Parks and Recreation shall submit to the Legislature by November 1 of each year a report consisting of a prioritized listing and comparative evaluation of all projects nominated for study during the preceding 12 months ending August 31, 1980, and during the preceding 12 months ending June 30, 1981, and each year thereafter.

(c) In making the prioritized listing and comparative evaluation of potential acquisition sites, the department shall adhere to the following criteria and priorities:

(1) The first priority for the acquisition of coastal resources is as follows:

(A) Land and water areas best suited to serve the recreational

needs of urban populations.

(B) Land and water areas of significant environmental importance, such as habitat protection.

(2) The second priority for the acquisition of coastal resources is as follows:

(A) Land for physical and visual access to the coastline where public access opportunities are inadequate or could be impeded by incompatible uses.

(B) Remaining areas of high recreational value.

(C) Areas proposed as a coastal reserve or preserve, including areas that are or include restricted natural communities, including, but not limited to, ecological areas that are scarce, involving only a limited area; rare and endangered wildlife species habitat; rare and endangered plant species range; specialized wildlife habitat; outstanding representative natural communities; sites with outstanding educational value; fragile or environmentally sensitive resources; and wilderness or primitive areas. Areas meeting more than one of these criteria may be considered as especially important.

(D) Highly scenic areas that are or include landscape preservation projects; open areas identified as being of particular value in providing visual contrast to urbanization, in preserving natural landforms and significant vegetation, in providing attractive transitions between natural and urbanized areas, or as scenic open space; and scenic areas or historical districts designated by cities and counties within the coastal zone.

34054. The State Coastal Conservancy and the California Coastal Commission shall prepare and adopt priorities, criteria, and procedures for the disbursement and administration of grants of funds made available pursuant to category (2) of subdivision (c) of Section 34030 for the implementation of local coastal programs. The procedures required by this section shall specify the categories of expenditures eligible for grants and shall include procedures for the submittal, review, and approval of applications and the disbursement of grant funds. The procedures shall include provisions that will serve as an incentive to local governments for timely completion of their local coastal programs, in accordance with the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)).

34055. (a) An application for a grant shall be submitted to the State Coastal Conservancy for preliminary evaluation, review of adequacy, and classification as a park, beach, coastal access, or other project necessary to preserve coastal resource values and implement local coastal programs.

(b) The minimum amount that may be applied for any individual project is one thousand dollars ($1,000).

(c) Every application for a grant shall comply with the provisions of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

34056. (a) After completing the evaluation, review, and

classification of an application, the State Coastal Conservancy shall forward the application to the California Coastal Commission for a determination as to its consistency with the approved land use plan of the applicable local coastal program.

(b) Applications which are determined by the Executive Director of the California Coastal Commission to be consistent with the approved land use plan of the applicable local coastal program shall be returned to the State Coastal Conservancy for the purpose of disbursing grants consistent with priorities and criteriadeveloped pursuant to Section 34054. No grant may be disbursed until the land use plan of a local coastal program has been approved.

34057. Funds granted pursuant to category (2) of subdivision (c) of Section 34030 may be expended for development, rehabilitation, or restoration only on lands owned by, or subject to a lease or other interest held by, the applicant city, county, or district. If such lands are not owned by the applicant, the applicant shall first demonstrate to the satisfaction of the Executive Officer of the State Coastal Conservancy that the development, rehabilitation, or restoration will provide benefits commensurate with the type and duration of interest in land held by the applicant.

34058. No state grant funds may be disbursed until the applicant agrees that any property acquired or developed with such funds shall be used by the applicant only for the purpose for which the funds were requested and that no other use of the property shall be permitted except by specific act of the Legislature.

34059. An amount, not to exceed seven hundred fifty thousand dollars ($750,000) in the aggregate, shall be available for appropriation during the 1980–81, 1981–82, and 1982–83 fiscal years, in amounts to be determined in each annual appropriation, from funds available pursuant to category (2) of subdivision (c) of Section 34030, in the manner provided in Section 34015, to the State Coastal Conservancy for expenditure for the administration of Sections 34054 to 34058, inclusive; provided, however, that not more than two hundred fifty thousand dollars ($250,000) may be appropriated in any one such fiscal year.

## Article 5. Recreational Boating Waterways

34065. (a) Funds available for appropriation pursuant to subdivision (d) of Section 34030 shall be expended for the acquisition and development of public access to recreational boating waterways in those places subject to the highest incidence of trespass by, or posing the greatest hazards to the safety of, persons using such waterways. Such funds may be expended for the acquisition of the fee or any other interest in real property. Expenditures for development shall be for minimal improvements necessary to facilitate public access to, and the safe use of, waterways, such as primitive roads and parking areas, campgrounds, water and sanitation facilities, fencing, and informational signs.

(b) No expenditure may be made for a particular project until it is determined to be feasible and the Department of Boating and Waterways has entered into an agreement with the applicant for a grant or the project's operator, as the case may be, providing for the operation and maintenance of the project at no cost to the department.

34066. Acquisition of real property pursuant to this article by the Department of Boating and Waterways shall be by purchase only and pursuant to the Property Acquisition Law (commencing with Section 15850 of the Government Code). Under no circumstances may eminent domain be exercised by the department or the recipient of any grant for the acquistion of any interest in real property pursuant to this article.

34067. (a) Grants of funds available pursuant to subdivision (d) of Section 34030 shall be made only for the purposes, and in accordance with the criteria, specified in Section 34065.

(b) Funds granted pursuant to this section may be expended for development only on lands owned by, or subject to a lease or other interest held by, the applicant city, county, or other public agency. If such lands are not owned by the applicant, the applicant shall first demonstrate to the satisfaction of the Director of Boating and Waterways that the development will provide benefits commensurate with the type and duration of interest in land held by the applicant.

(c) Grants made pursuant to this section shall be administered in the same manner as grants made from the Harbors and Watercraft Revolving Fund pursuant to Article 3 (commencing with Section 70) of Chapter 2 of Division 1 of the Harbors and Navigation Code.

(d) The minimum amount that may be applied for any individual project is one thousand dollars ($1,000).

(e) Every application for a grant shall comply with the provisions of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(f) No state grant funds may be disbursed until the applicant agrees that any property acquired or developed with such funds shall be used by the applicant only for the purpose for which the funds were requested and that no other use of the property shall be permitted except by specific act of the Legislature.

34068. (a) Expenditure shall be made pursuant to this article for the acquisition and development of lands and facilities that harmonize with and compliment established forest, agricultural, and other resource management plans to the maximum extent possible.

(b) No expenditure may be made for acquisition or development that will interfere with any landowner's water rights or right of access to the place of exercise of water rights or that will restrict any landowner's right to conduct agricultural, timber harvesting, or mining activities on private lands adjacent to, or in the vicinity of, lands or facilities acquired or developed pursuant to this article.

34069. No adjoining property owner is liable for any action of any

type resulting from, or caused by, any user of lands or facilities acquired or developed pursuant to this article who trespasses on adjoining property. No adjoining property owner is liable for any action of any type initiated on, or occurring within the boundaries of, any such lands or facilities and arising out of the activities of another person.

## Article 6. Lake Tahoe Acquisitions

34070. Funds allocated pursuant to subdivision (e) of Section 34030 shall be available for appropriation for expenditure in accordance with Section 34071 by a new or existing federal, state, regional, or local agency, or any combination thereof, to be designated by statute.

As used in this article, "Lake Tahoe region" and "region" means the area consisting of Lake Tahoe, the adjacent parts of the Counties of Douglas, Carson, and Washoe lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. and M.

34071. Money appropriated for expenditure by this state for acquisition of undeveloped land in the region shall be expended for the following purposes:

(a) For the acquisition of lands whose primary use will be public lakeshore access, preservation of riparian or littoral wildlife habitat, or recreation, or a combination thereof.

(b) For the acquisition of lands threatened with development that will adversely affect the region's natural environment, will adversely affect the use, management, or protection of public lands in the vicinity of the development, or will have a combination of such effects. In particular, preference shall be given to the acquisition of lands within stream environment zones and other lands that, if developed, would be likely to erode or contribute to the further eutrophication or degradation of the waters of the region due to that or other causes. "Stream environment zone" means that area which surrounds a stream, including major streams, minor streams, and drainage ways; which owes its biological and physical characteristics to the presence of water; which may be inundated by a stream; or in which actions of man or nature may directly or indirectly affect the stream. A stream includes small lakes, ponds, and marshy areas through which the stream flows. Acquisitions made pursuant to this subdivision are not intended to replace, wholly or partially, the exercise of any authority conferred by law for the protection of the

region's natural environment, including stream environment zones, or the protection of public lands and resources. Accordingly, every public official or agency responsible for the administration or enforcement of any law having any of those purposes shall continue to administer or enforce such law, notwithstanding the making of any acquisition pursuant to this subdivision.

(c) For the acquisition of lands that do not satisfy the requirements of either subdivision (a) or (b) but which, if acquired, would facilitate one or both of the following:

(1) Consolidation of lands for their more effective management as a unit.

(2) Provision of public access to other public lands.

As used in this section, "undeveloped land" includes land that has been subdivided and improved with streets and utilities, but does not have structures other than those related to such streets and utilities.

## Article 7. Miscellaneous Provisions

34080. Projects authorized for the purposes set forth in subdivision (b), category (1) of subdivision (c), and subdivision (d) of Section 34030 shall be subject to augmentation as provided in Section 16352 of the Government Code, as limited by any provision of the Budget Act. The unexpended balance in any appropriation made payable from the fund which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation, may be transferred on order of the Director of Finance to, and in augmentation of, the appropriation made in Section 16352 of the Government Code.

34081. The Director of Parks and Recreation may make agreements with respect to any real property acquired pursuant to subdivision (b) and category (1) of subdivision (c) of Section 34030, the Director of Fish and Game may make agreements with respect to any real property acquired pursuant to Chapter 4 (commencing with Section 34090), the Director of Boating and Waterways may make agreements with respect to any real property acquired pursuant to subdivision (d) of Section 34030, and the Executive Officer of the State Coastal Conservancy may make agreements with respect to any real property acquired pursuant to subdivision (f) of Section 34030 for the continued tenancy of the seller of the property for a period of time and under such conditions as mutually agreed upon by the state and the seller so long as the seller promises to pay such taxes on his interest in the property as shall become due, owing, or unpaid on the interest created by such agreement, and so long as the seller conducts his operations on the land according to specifications issued by the appropriate director or officer to protect the property for the public use for which it was acquired. A copy of such agreement shall be filed with the county clerk in the county in which the property lies. Such arrangement shall be compatible with

the operation of the area by the state, as determined by the appropriate director or officer.

34082. All real property acquired pursuant to this chapter shall be acquired in compliance with the provisions of Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code. The Department of Parks and Recreation, the Director of Boating and Waterways, or the State Coastal Conservancy, as the case may be, shall prescribe procedures sufficient to assure such compliance by local public agencies.

34083. For the purposes of this chapter, acquisition may include gifts, purchases, leases, easements, the exercise of eminent domain if expressly authorized, the transfer or exchange of property for other property of like value, and purchases of development rights and other interests.

34084. All grants, gifts, devises, or bequests to the state, conditional or unconditional, for park, conservation, recreation, or other purposes for which real property may be acquired or developed pursuant to this chapter, may be accepted and received on behalf of the state by the appropriate departmental director with the approval of the Director of Finance. Such grants, gifts, devises, or bequests shall be available, when appropriated by the Legislature, for expenditure for the purposes specified in Section 34030.

34085. Real property acquired by the state shall consist predominantly of open or natural lands, including lands under water capable of being utilized for multiple recreational purposes, and lands necessary for the preservation of coastal or historical resources. No funds derived from the bonds authorized by this division shall be expended for the construction of any reservoir designated as a part of the "State Water Facilities," as defined in subdivision (d) of Section 12934 of the Water Code, but such funds may be expended for the acquisition or development of beaches, parks, recreational facilities, and historical resources at or in the vicinity of any such reservoir.

34086. (a) Prior to recommending the acquisition of lands that are located on or near tidelands, submerged lands, swamp or overflowed lands, or other wetlands, whether or not such lands have been granted in trust to a local public agency, the Director of Parks and Recreation, the Director of Fish and Game, the Director of Boating and Waterways, or the Executive Officer of the State Coastal Conservancy, as the case may be, shall submit to the State Lands Commission any proposal by a state or local public agency for the acquisition of such lands pursuant to this chapter. The State Lands Commission shall, within three months of such submittal, review such proposed acquisition, make a determination as to the state's existing or potential interest in the lands, and report its findings to the person making the submittal and to the Department of General Services.

(b) No provision of this chapter shall be construed as authorizing the condemnation of state lands.

(c) This section applies to acquisitions made pursuant to Chapter 4 (commencing with Section 34090).

## CHAPTER 4. FISHERIES AND WILDLIFE ELEMENT

34090. Forty-five million dollars ($45,000,000) of the moneys deposited in the fund shall be available for appropriation to the Department of Fish and Game in the manner set forth in Section 34015 for the purposes set forth below in amounts not to exceed the following:

| | |
|---|---|
| (a) For preliminary plans, working drawings, and construction costs for expansion of the Nimbus Hatchery | $7,000,000 |
| (b) For preliminary plans, working drawings, and construction costs for a new hatchery at Big Springs on the Shasta River and for rearing facilities at the Tehama-Colusa Spawning Channel | $7,000,000 |
| (c) For planning and implementation of projects for the restoration of salmon and steelhead spawning, nursery, and rearing habitat on rivers suitable for that purpose | $11,000,000 |
| (d) For the acquisition or development of real property for wildlife management in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code, including costs of planning | $10,000,000 |
| (e) For projects for the restoration, enhancement, and preservation of wildlife habitat on federal lands | $8,000,000 |
| (f) For the acquisition, restoration, and preservation of habitat for rare or endangered species | $2,000,000 |

Upon completion of the expansion of the Nimbus Hatchery, the unexpended balance of funds authorized pursuant to subdivision (a) shall be available for appropriation for habitat restoration pursuant to subdivision (c). Upon completion of both the Shasta River Hatchery and the rearing facilities at the Tehama-Colusa Spawning Channel, the unexpended balance of funds authorized pursuant to subdivision (b) shall be available for appropriation for habitat restoration pursuant to subdivision (c).

34091. Operation and maintenance costs incurred by the Department of Fish and Game as a result of expenditures made for facilities authorized in subdivisions (a) and (b) of Section 34090 shall be paid for from the revenues of commercial and sport fishing licenses, taxes, or other revenues, as provided in Section 711 of the

Fish and Game Code.

34093. (a) The Department of Fish and Game shall conduct an investigation into the impact of the Shasta River hatchery and its operation on the genetic diversity and population structure of salmon and steelhead stocks indigenous to the Klamath River drainage.The department shall report to the Legislature the results of its investigation, including proposed operational criteria, at the time legislative authorization for appropriation for preliminary plans, working drawings, and construction costs of the hatchery is considered. In the event that the Legislature does not authorize construction of the hatchery, all funds authorized in subdivision (b) of Section 34090 for the hatchery shall be available for appropriation for the purposes of habitat restoration pursuant to subdivision (c) of Section 34090.

(b) The Joint Legislative Budget Committee shall review the investigation and shall recommend to the Legislature whether or not an independent evaluation of the investigation is necessary.

34095. Projects proposed for appropriation pursuant to subdivision (d) of Section 34090 shall be subject to the favorable recommendation of the Wildlife Conservation Board. Projects recommended by the board shall be forwarded to the Director of Finance for inclusion in the Budget Bill.

34096. Funds available for appropriation pursuant to subdivision (e) of Section 34090 may be expended only for projects that meet all of the following conditions:

(a) The project is located on publicly owned lands administered by the U.S. Forest Service, U.S. Bureau of Land Management, or other federal agency.

(b) The project to be financed has been agreed upon jointly by an appropriate federal land management agency and the Department of Fish and Game pursuant to procedures specified in the Sikes Act (Public Law 93-452), and the federal agency has agreed to finance not less than 50% of the cost of the project.

(c) The project will directly benefit wildlife through the restoration, enhancement, and preservation of habitat lands or areas.

(d) The project lies wholly within the State of California.

34098. The amount annually appropriated from funds available pursuant to subdivision (e) of Section 34090 may not exceed the amount committed by federal land management agencies for the particular fiscal year for which the appropriation is made, and not more than 20% of the funds made available pursuant to subdivision (e) of Section 34090 may be appropriated in any one fiscal year.

34099. Funds appropriated pursuant to subdivision (f) of Section 34090 shall be expended and administered by the Wildlife Conservation Board pursuant to procedures that are in accordance with the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code).

## CHAPTER 5. WATER CONSERVATION ELEMENT

### Article 1. General Provisions

34125. One hundred twelve million dollars ($112,000,000) of the moneys deposited in the fund shall be available for appropriation in the manner set forth in Section 34015 for the purposes set forth below in amounts not to exceed the following:

| | |
|---|---|
| To the State Water Resources Control Board: | |
| (a) For grants and loans to public agencies for the construction and improvement of (1) treatment plants and distribution facilities for the reclamation of municipal wastewater and (2) dual municipal water systems that would conserve or extend freshwater supplies | $77,000,000 |
| To the Department of Water Resources: | |
| (b) For loan guaranties and interest payments for improvements in agricultural water conservation systems and practices | $25,000,000 |
| (c) For loans to local public agencies for the construction of collector systems for agricultural wastewater and central wastewater disposal facilities | $10,000,000 |

### Article 2. Municipal Wastewater Reclamation

34130. (a) The State Water Resources Control Board may enter into agreements with public agencies for combined grants and loans from funds available pursuant to subdivision (a) of Section 34125 to aid in the construction and improvement of (1) municipal wastewater reclamation projects which are not funded pursuant to Title II of the federal Clean Water Act and acts amendatory thereof or supplementary thereto and (2) dual municipal water systems that would conserve or extend freshwater supplies.

(b) Such agreements shall provide for a grant equal to 87½ percent of the eligible costs of the project and, at the option of the State Water Resources Control Board, for a loan of the remaining 12½ percent of eligible costs. All loan funds shall be repayable, with interest, within 20 years. Interest shall be at a rate equal to the average, as determined by the State Water Resources Control Board, of the net interest costs to the state on the sales of general obligation bonds pursuant to this division.

(c) The priority of projects to be funded shall be determined by the State Water Resources Control Board. No project may be funded by the State Water Resources Control Board unless it finds the

project to be feasible and cost effective for the conservation or reclamation of water.

(d) Any agreement made pursuant to this section may include such other provisions as may be agreed upon by the parties.

(e) An amount, not to exceed one million five hundred thousand dollars ($1,500,000) in the aggregate, shall be available for appropriation during the 1980–81 to 1985–86, inclusive, fiscal years, in amounts to be determined in each annual appropriation, from funds available pursuant to subdivision (a) of Section 34125, in the manner provided in Section 34015, to the State Water Resources Control Board for expenditure for the administration of this section.

## Article 3. Agricultural Water Conservation

34140. (a) The Legislature hereby finds and declares that the public interest requires that the waters of the state be used as efficiently as possible and that economically and financially feasible means of agricultural water conservation be achieved to the maximum extent practicable. The Legislature further finds that agricultural water conservation, in conjunction with the present and future development of surface supplies, will assist in meeting the water requirements of the people of California and will help alleviate groundwater overdraft.

(b) The Legislature further finds and declares that it is the policy of the state to provide financial assistance to agricultural producers to encourage them to implement water conservation measures so that conserved water may be available to help meet the growing water requirements of the state. It is also the intent of the Legislature to collect and evaluate data regarding the water conservation capability of alternative water conveyance, application, and tail water return systems. It is the purpose of this article to provide loan guaranties and loan interest payment agreements in order to assist in agricultural water conservation.

34141. (a) The Department of Water Resources is authorized to guarantee against loss of principal or interest up to 90 percent of any loan made by a federal or state chartered bank, federal land bank, production credit association, bank of cooperatives, savings and loan association, building and loan association, or small business investment company, that is subject to credit examination and supervision by either an agency of the United States or by the State of California and has met state licensing, loanmaking, and loan-servicing requirements, for the purpose of aiding a private entity engaged in agricultural production in the construction, installation, or establishment of an agricultural water conservation project. The department may also enter into an agreement to pay the interest due on any such loan for the first two repayment years. No guaranty of a loan or agreement to pay interest under this section may be made for any loan that would cause the liability limit specified in subdivision (b) to be exceeded, or for any loan which

permits full repayment in more than 20 years, or for any loan the principal of which exceeds fifty thousand dollars ($50,000), except that such maximum amount may be adjusted annually to reflect the annual percentage increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(b) Four million dollars ($4,000,000) of the twenty-five million dollars ($25,000,000) available for loan guaranties and loan interest payments shall be immediately set aside in an interest-bearing loan default contingency account and reserved exclusively for the purpose of indemnifying qualified lenders, under the terms of this section, in cases of default on guaranteed loans. This amount constitutes the total and sole recourse for indemnity, by the State of California, of lenders under the loan guaranty provisions of this article.

34142. As used in this article, "water conservation project" means any facility, system, or land modification to improve the application, conveyance, or recycling of water, which may include, but is not limited to, drip irrigation systems, sprinkler irrigation systems, channel lining, leveling of irrigated fields, and tail water recovery.

34143. The priority of projects to be assisted under this article shall be determined by the Department of Water Resources, but highest priority shall be assigned to projects reducing evapotranspiration to the maximum extent possible without undue reduction of wildlife habitat, reducing nonbeneficial wastewater discharges to saline water bodies, and increasing the use of brackish ground and drainage waters for irrigation. Among the projects assigned high priority pursuant to this section, the department shall further assign priority among individual projects on the basis of those projects that will be undertaken in areas where water conservation will bring about reduction of groundwater overdraft or augmentation of supply for instream water use.

34144. An applicant may qualify for financial assistance under this article if his or her principal source of income is from agricultural production.

34145. The applicant shall agree to proceed expeditiously with, and to complete, the project. Any agreement or guaranty made pursuant to this article may include such other provisions as may be agreed upon by the parties.

34146. An amount, not to exceed seventy-five thousand dollars ($75,000), may be appropriated annually, from funds available pursuant to subdivision (b) of Section 34125, in the manner provided in Section 34015, to the Department of Water Resources for expenditure for the administration of this article.

34147. The Department of Water Resources shall report to the Legislature in 1983, and every fifth year thereafter for the life of the program, on the water savings, energy savings, cost effectiveness, other environmental effects, and such other matters relating to the water conservation projects financed pursuant to this article as it deems appropriate. The cost of studies necessary for such reports

shall be paid out of the appropriation made pursuant to Section 34146.

## Article 4. Agricultural Wastewater Collection

34160. The Legislature hereby finds and declares that the disposal of agricultural wastewater is now and will increasingly become a matter of serious statewide concern. Natural drainage in some areas is inadequate to maintain permanent agricultural productivity on irrigated lands. In order to safeguard the agricultural productivity of soils in such areas and in order to protect the quality of water in groundwater basins and in surface streams, the Legislature declares that it is the policy of the state to provide financial assistance for collector systems for the safe and efficient disposal of agricultural wastewater from on-farm drainage systems to central wastewater disposal facilities.

34161. The Department of Water Resources may enter into agreements with local public agencies for loans to aid in the construction of collector systems to transport agricultural wastewater to central wastewater disposal facilities. No loan may exceed four hundred thousand dollars ($400,000), for a collector system, or one million dollars ($1,000,000) for both a collector system and central wastewater disposal facility. All loan funds shall be repayable, with interest, within 20 years. Interest shall be at a rate equal to the average, as determined by the department, of the net interest cost to the state on the sales of general obligation bonds pursuant to this division. Repayment of the loan principal and interest due thereon shall be deferred for the first five repayment years. Repayment of the deferred principal and interest may, at the option of the public entity, be paid in annual installments during the remainder of the loan repayment period.

34162. As used in this article, the following terms have the following meanings:

(a) "Central wastewater disposal facility" means any of the following facilities that receive agricultural wastewater from the immediate vicinity of the lands where collected:

(1) Evaporation ponds or marshlands.

(2) A desalting facility.

(3) Any facility for the beneficial reuse of agricultural wastewater.

(b) "Collector system" means any pipe, conduit, drain, or canal used to transport agricultural wastewater.

34163. (a) Loans shall be made for collector systems and central wastewater disposal facilities in agricultural areas that are adversely affected by excessively high, brackish water tables and in other areas that require the collection and disposal of saline or degraded water. The loans shall be limited to the construction, establishment, or improvement of such systems and facilities which will serve areas that currently have salt deposits to a degree that agricultural production is demonstrably affected or which will serve areas where

the disposal of saline or degraded water is of substantial importance to agricultural operations. No loan may be made for a particular collector system unless the Department of Water Resources finds that the wastewater to be collected can be disposed of without having an adverse effect on any of the waters of this state. Before an agreement may be entered into, the applicant shall have first obtained the approval of the appropriate regional water quality control board for the proposed collector system as to suitability of the central wastewater disposal facility and as to other water quality criteria or requirements, as may be required by law.

(b) Whenever possible, wastewater transported through collector systems shall be put to, or made available for, beneficial reuse, including the creation of marshland wildlife habitat, recreational uses, reuse through desalting operations, or reuse of brackish drain waters as a substitute for freshwater supplies for irrigation of salt-tolerant crops.

34164. The applicant shall agree to proceed expeditiously with, and to complete, the collector system. Any agreement made pursuant to this article may include such other provisions as may be agreed upon by the parties.

34165. A revolving account may be established in the fund for the programs established by this article. Moneys repaid in discharge of a loan shall be deposited in the revolving account and shall be available for reappropriation for additional loans, in the manner provided in Section 34015.

34166. An amount, not to exceed thirty thousand dollars ($30,000), may be appropriated annually, from funds available pursuant to subdivision (c) of Section 34125, in the manner provided in Section 34015, to the Department of Water Resources for expenditure for the administration of this article.

SEC. 1.5. Section 1501.5 is added to the Fish and Game Code, to read:

1501.5. The Legislature hereby finds and declares that the maintenance of genetic diversity and genetic integrity within native stocks of salmon and steelhead is in the public interest and that native steelhead are highly prized sportfish with habitat locations and requirements distinct from salmon.

Accordingly, in its efforts to restore, maintain, or enhance salmon and steelhead stocks, the department may not allow the introduction of nonnative stock into any waters of the state populated by native stock unless it first determines that such introduction will not be detrimental to native stock. In making such determination, the department shall set forth in writing its conclusions, the reasons therefor, and the findings supporting the reasons, and shall submit the foregoing to the commission for review and approval. Any petition for a writ of mandate to review the department's action shall be filed pursuant to Section 1094.5 of the Code of Civil Procedure and shall be filed within one year of such action.

In its efforts to restore, maintain, or enhance salmon and steelhead

habitat, the department shall recognize the distinct habitat areas and habitat needs of these fish and shall apportion its efforts to attain parity of benefits for salmon and steelhead.

As used in this section, "native stock" means salmon or steelhead, or both, that are indigenous to a particular drainage, whether streamborn or hatchery-assisted.

SEC. 2. Section 7150.6 of the Fish and Game Code is repealed.

SEC. 3. Division 24 (commencing with Section 34000) is added to the Public Resources Code, to read:

## DIVISION 24. RENEWABLE RESOURCES INVESTMENT PROGRAM

34000. Money deposited in the Renewable Resources Investment Fund created by former Section 7150.6 of the Fish and Game Code may be encumbered, pursuant to appropriation by the Legislature, only for the following purposes:

(a) Salmon and steelhead hatchery expansion and fish habitat improvement.

(b) Forest resource improvement projects pursuant to the California Forest Improvement Act of 1978.

(c) Urban forestry projects pursuant to the California Urban Forestry Act of 1978.

(d) Agricultural soil drainage programs which will retard desertification and protect agricultural productivity.

(e) Support of technical assistance programs which will prevent soil erosion.

(f) Agricultural, industrial, and urban water conservation programs.

SEC. 4. (a) Sections 1, 1.5, and 2 of this act shall become operative July 1, 1980, if the people at the special election provided in Section 5 of this act adopt the Parklands and Renewable Resources Investment Program, as set forth in Section 1 of this act. Sections 4 to 11, inclusive, of this act provide for the calling of an election and contain provisions relating to, and necessary for, the submission of the Parklands and Renewable Resources Investment Program to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

(b) Sections 2 and 3 of this act shall become operative July 1, 1980, if the people do not adopt the program set forth in Section 1.

SEC. 5. A special election is hereby called to be held throughout the state on the third day of June, 1980. The special election shall be consolidated with the 1980 direct primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act. A ballot pamphlet shall be prepared, compiled, and distributed

relating to the Parklands and Renewable Resources Investment Program, set forth in Section 1 of this act. The Secretary of State shall distribute the ballot pamphlets to the county clerks not later than 45 days before the election, and the county clerks shall commence to mail those pamphlets to the voters not less than 15 days before the election. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3578 of the Elections Code.

SEC. 6. (a) At the special election called by this act, there shall be submitted to the electors Section 1 of this act, which shall appear as Proposition 1 at such election. All provisions of this act shall control the submission of Section 1 of this act to, and the holding of, the special election called by this act.

(b) Notwithstanding Section 3525 of the Elections Code or any other provisions of law, the measure shall be submitted at such special election if the measure is adopted by the Legislature prior to February 1, 1980.

SEC. 7. Upon the effective date of this section, arguments for and against the measure hereby ordered submitted to the electors shall be prepared in the time, form, and manner as provided in Article 4 (commencing with Section 3525) and Article 6 (commencing with Section 3559) of Chapter 1 of Division 5 of the Elections Code.

SEC. 8. The special election provided in this act shall be proclaimed, held, and conducted, the ballots shall be prepared, marked, collected, counted, and canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the California Constitution applicable thereto and the law governing elections insofar as provisions thereof are applicable to the election provided in this act; provided, however, that the Governor need not issue his election proclamation until 30 days before the election.

SEC. 9. Notwithstanding any other provision of law, all ballots of the election shall have printed thereon and in a square thereof, the words: "For the Parklands and Renewable Resources Investment Program," and in the same square under those words, the following in eight-point type: "This act provides for a bond issue of four hundred ninety-five million dollars ($495,000,000) to be used in a coordinated effort to deal with the interrelated problems of meeting the recreational and open-space requirements of the people of California, conserving and extending the state's water supply, expanding sport and commercial fishing opportunities, and restoring and protecting the agricultural productivity of the state's soil resources pursuant to the Parklands and Renewable Resources Investment Program." In the square immediately below the square containing such words, there shall be printed on the ballot the words, "Against the Parklands and Renewable Resources Investment Program," and in the same square immediately below those words, in eight-point type: "This act provides for a bond issue of four hundred ninety-five million dollars ($495,000,000) to be used in a

coordinated effort to deal with the interrelated problems of meeting the recreational and open-space requirements of the people of California, conserving and extending the state's water supply, expanding sport and commercial fishing opportunities, and restoring and protecting the agricultural productivity of the state's soil resources pursuant to the Parklands and Renewable Resources Investment Program." Opposite the words "For the Parklands and Renewable Resources Investment Program," and "Against the Parklands and Renewable Resources Investment Program," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against the act. Where the voting of the election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be eemed to comply with the provisions of this section. The Governor shall include the submission of this act to the people, as aforesaid, in his proclamation calling for the election.

SEC. 10. The votes cast for or against the Parklands and Renewable Resources Investment Program shall be counted, returned, and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that the act shall have received a majority of all the votes cast for and against it at the election, then the same shall have effect as provided in subdivision (a) of Section 4, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged.

SEC. 11. It is desirable that the people of the state have notice, prior to the election called by this act, of the proposed disposition and allocation of the proceeds of the bonds to be issued pursuant to the Parklands and Renewable Resources Investment Program Act.

SEC. 12. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because any additional duties imposed on local government will be (or have been) expressly approved by a majority of the voters of this state through the election process.

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 this act may provide financing for an urgently needed program of investment in parklands and renewable resources, it is necessary that this act take effect immediately.

## CHAPTER 10

An act to add Section 735 to the Insurance Code, and to amend Section 830.3 of the Penal Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 11, 1980. Filed with Secretary of State February 12, 1980 ]

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

SECTION 1. Section 735 is added to the Insurance Code, to read:

735. The hereinafter designated officer of each domestic insurer shall inform the members present at the next meeting of its governing body of the receipt from the office of the commissioner of the report of every examination of such insurer, both in the form first formally prepared by the examiners and in the form as finally settled and officially filed by the commissioner or a deputy designated by him. Such officer shall also inform such members that a copy of such report is available for inspection of any member of such governing body. There shall be entered in the minutes of each such meeting the fact that such officer did so inform the members present.

The officer above referred to, in the case of a stock or mutual insurer, shall be its secretary or comparable officer if there is no secretary. This section shall specifically apply to reciprocals and interinsurance exchanges and in that case the officer above referred to shall be the principal individual, partner or officer of its attorney-in-fact, and "governing body" shall have reference to the body exercising the subscribers' rights provided for in Section 1308.

SEC. 2. 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) 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.

(c) The Chief and investigators of the Division of Investigation of the Department of Consumer Affairs, and investigators of the Board of Medical Quality Assurance and the Board of Dental Examiners, 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.

(d) (1) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to Section 856 of the Fish and Game Code are peace officers. The authority of any such peace officers 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.

(2) Other deputies of the Department of Fish and Game deputized pursuant to Section 851 of the Fish and Game Code, and county fish and game wardens deputized pursuant to Section 875 of such code, are peace officers, provided that the exclusive duty of such deputies or county fish and game wardens shall be the enforcement of the provisions of the Fish and Game Code and the regulations made pursuant thereto.

(e) 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.

(f) 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.

(g) 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..

(h) 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.

(i) 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.

(j) 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 or fire protection agency of the state, or a county, city, or district 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 primary duty, except as provided in Section 8597 of the Government Code, of fire department or fire protection agency 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.

(k) 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.

(*l*) 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.

(m) 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.

(n) 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.

(o) All investigators of the State Departments of Health Services, Social Services, Mental Health, Developmental Services, and Alcohol and Drug Abuse and the Office of Statewide Health Planning and Development, are peace officers; provided that the primary duty of

any such peace officer shall be the enforcement of the law relating to the duties of his department or office. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, the investigators shall not carry firearms.

(p) Persons designated as security officers by a municipal utility district pursuant to Section 12820 of the Public Utilities Code are peace officers while engaged in the performance of their duties as security officers.

(q) The Chief of the Bureau of Fraudulent Claims of the Department of Insurance and such investigators as designated by him are peace officers; provided that the primary duty of such investigators shall be enforcement of the provisions of Section 556 of the Insurance Code.

(r) The authority of any peace officer listed in subdivisions (c) through (q), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6 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.

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 Bureau of Fraudulent Claims was created by Chapter 1070 of the Statutes of 1978 as a part of the Department of Insurance. The investigators of such bureau are charged with the investigation and enforcement of the laws relating to insurance fraud. Without the limited peace officer status which this act would provide to such investigators, their activities and the performance of their duties are severely restricted. It is necessary that these investigators be designated limited peace officers at the earliest possible time in order to perform properly the duties already imposed upon them. Therefore, it is necessary that this act go into effect immediately.

## CHAPTER 11

An act to amend Section 1373 of the Health and Safety Code, relating to health care.

[Approved by Governor February 11, 1980 Filed with Secretary of State February 12, 1980.]

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

SECTION 1. Section 1373 of the Health and Safety Code is amended to read:

1373. (a) A plan contract may not provide an exception for other coverage where such other coverage is entitlement to Medi-Cal benefits under Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions Code.

Each plan contract shall be interpreted not to provide an exception for such Medi-Cal benefits.

A plan contract may not provide that the benefits payable thereunder are subject to reduction if the individual insured has entitlement to such Medi-Cal benefits.

(b) A plan contract which provides coverage, whether by specific benefit or by the effect of general wording, for sterilization operations or procedures shall not impose any disclaimer, restriction on, or limitation of, coverage relative to the covered individual's reason for sterilization.

As used in this section, "sterilization operations or procedures" shall have the same meaning as that specified in Section 10120 of the Insurance Code.

(c) Every plan contract which provides coverage to family members or dependents of the subscriber or enrollee shall grant immediate accident and sickness coverage, from and after the moment of birth, to each newborn infant, and to each minor adopted child from and after the moment the child is placed in the custody of the adoptive parents for adoption, of any subscriber or enrollee covered. No such plan may be entered into or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn infants of a subscriber or enrollee covered from and after the moment of birth or of minor adopted children from and after the moment the child is placed in the custody of the adoptive parents for adoption.

(d) Every plan contract which provides that coverage of a dependent child of a subscriber shall terminate upon attainment of the limiting age for dependent children specified in the plan, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap

and (b) chiefly dependent upon the subscriber for support and maintenance, provided proof of such incapacity and dependency is furnished to the plan by the member within 31 days of the request for such information by the plan or group plan contract holder and subsequently as may be required by the plan or group plan contract holder, but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

(e) A plan contract which provides coverage, whether by specific benefit or by the effect of general wording, for both an employee and one or more covered persons dependent upon such employee and provides for an extension of such coverage for any period following a termination of employment of the employee shall also provide that such extension of coverage shall apply to dependents upon the same terms and conditions precedent as applied to the covered employee, for the same period of time, subject to payment of premiums, if any, as required by the terms of the policy and subject to any applicable collective-bargaining agreement.

(f) A group contract shall not discriminate against handicapped persons or against groups containing handicapped persons. Nothing in this subdivision shall preclude reasonable provisions in a plan contract against liability for services or reimbursement of the handicap condition or conditions relating thereto, as may be allowed by rules of the commissioner.

(g) Every group contract shall set forth the terms and conditions under which subscribers and enrollees may remain in the plan in the event the group ceases to exist, the group contract is terminated or an individual subscriber leaves the group, or the enrollees' eligibility status changes.

(h) A health care service plan or specialized health care service plan may provide for coverage of, or for payment for, professional mental health services, or vision care services, or for the exclusion of such services. No plan shall prohibit the member from selecting any psychologist who is the holder of a certificate issued under Section 2948 of the Business and Professions Code or, upon referral by a physician and surgeon licensed under Section 2135 of the Business and Professions Code, a licensed clinical social worker who is the holder of a license under Section 9040 of the Business and Professions Code, or any optometrist who is the holder of a certificate issued pursuant to Chapter 7 (commencing with Section 3000) of Division 2 of the Business and Professions Code, to perform the particular services covered under the terms of the plan, such certificate holder being expressly authorized by law to perform such services. Nothing in this section shall be construed to allow a member to select and obtain mental health services or vision care services from a certificate or license holder who is not directly affiliated with or under contract to the health care service plan or specialized health care service plan to which the member belongs.

(i) If the plan utilizes arbitration to settle disputes, the plan contracts shall set forth the type of disputes subject to arbitration, the

process to be utilized, and how it is to be initiated.

(j) A plan contract which provides benefits that accrue after a certain time of confinement in a health care facility shall specify what constitutes a day of confinement or the number of consecutive hours of confinement which are requisite to the commencement of benefits.

SEC. 2. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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## CHAPTER 12

An act to repeal Section 22451.5 of the Financial Code, relating to loans, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 19, 1980. Filed with Secretary of State February 19, 1980 ]

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

SECTION 1. Section 22451.5 of the Financial Code is repealed.

SEC. 2. The repeal of Section 22451.5 of the Financial Code made at the 1979–80 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the existing law to the extent specified in Section 3.

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:

A question has arisen whether the amendments to Section 22451 of the Financial Code made during the 1979–80 Regular Session by Chapter 466 of the Statutes of 1979 apply to loan contracts made prior to January 1, 1981, but on or after January 1, 1980.

In order to clarify that these amendments apply to loan contracts made prior to January 1, 1981, but on or after January 1, 1980, it is necessary that the repeal of Section 22451.5 of the Financial Code, the provisions of which might be interpreted as delaying the operative date of Section 1 of Chapter 466 of the Statutes of 1979 until January 1, 1981, take immediate effect.

# CHAPTER 13

An act to add Section 35012.5 to the Government Code, relating to annexations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 19, 1980. Filed with Secretary of State February 19, 1980.]

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

SECTION 1. Section 35012.5 is added to the Government Code, to read:

35012.5. (a) Notwithstanding the provisions of Section 35033, unincorporated territory consisting of property abutting on a street, highway, or road, and such street, highway, or road, to the extent that it abuts such property, together with the road strip may be annexed to a city pursuant to this part under the following conditions:

(1) Such annexation may be made only if the property to be annexed is within the sphere of influence of the annexing city, as adopted by the local agency formation commission, and lies within an unincorporated area wholly surrounded by the annexing city or the annexing city and the county line or the annexing city and the Pacific Ocean or the annexing city and a boundary of another city.

(2) The property to be annexed shall not be annexed if the distance between the boundary of the annexing city and the point closest to the annexing city at which the road strip connects with the abutting property, as measured by the road strip, is more than one-half mile.

(b) Subsequent annexations to the road strip and abutting territory shall not be made unless both of conditions are met:

(1) The distance between the point at which the original road strip abuts the boundary of the annexing city and the point closest to the city at which the road strip connects with the abutting property to be annexed, as measured by the road strip, is one-half mile or less.

(2) The annexation is contiguous to the road strip.

(c) As used in this section:

(1) "Road strip" means the street, highway, or road which connects the territory of the property to be annexed to the annexing city.

(2) "Property to be annexed" means the property abutting on a street, highway, or road and such street, highway, or road to the extent it abuts such property.

(d) The provisions of this section shall apply only to the City of Cupertino.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable because the City of Cupertino has unique problems due to past annexations

and this act will enable the City of Cupertino to implement current policies to eliminate unincorporated islands within that city.

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:

Chapter 1253 of the Statutes of 1977, effective January 1, 1978, revised procedures for the organization, reorganization, and change in organization of cities. Provisions of the old law providing for limited road strip annexations were omitted therefrom. This act reinstates those provisions. In order that such limited road strip annexations may not be unduly interrupted, it is essential that this act go into immediate effect.

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## CHAPTER 14

An act to add Section 5080.5 to the Penal Code, relating to juvenile court law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 19, 1980 Filed with Secretary of State February 19, 1980 ]

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

SECTION 1. Section 5080.5 is added to the Penal Code, to read:

5080.5. With the approval of the Director of the Youth Authority, the Director of Corrections may transfer a female inmate of a state prison who is under the age of 21 to the Youth Authority when the Director of Corrections believes that the inmate will be benefited thereby. Any such inmate so transferred shall be placed in the Ventura School. The Director of the Youth Authority may receive and keep in the Ventura School any inmate so transferred and shall have the same powers with respect to such person as if the person had been placed therein or transferred thereto pursuant to the provisions of the Welfare and Institutions Code.

Such a transfer shall be solely for the purpose of the housing of the inmate and to provide to the inmate the opportunity for training, counseling, education, and rehabilitation which may be available at such institution. In all other respects any inmate so transferred shall be deemed to be committed to the Department of Corrections and shall remain subject to the jurisdiction of the Director of Corrections and the Board of Prison Terms.

The duration of any such transfer shall extend until (a) the Director of the Youth Authority orders the inmate returned to the Department of Corrections; (b) the inmate is ordered paroled by the Board of Prison Terms; (c) the inmate's term of imprisonment is completed as otherwise provided by law; or (d) the inmate

reaches the age of 25, whichever first occurs.

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 provisions of this act shall be given maximum effectiveness, it is necessary that this act take effect at the earliest possible date.

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## CHAPTER 15

An act to amend Section 1260 of the Civil Code, and to amend Section 690.3 of the Code of Civil Procedure, relating to exemptions from execution of judgments.

[Approved by Governor February 19, 1980. Filed with Secretary of State February 19, 1980.]

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

SECTION 1. Section 1260 of the Civil Code is amended to read:

1260. (a) Homesteads may be selected and claimed:

1. By any head of a family, of not exceeding forty-five thousand dollars ($45,000) in actual cash value, over and above all liens and encumbrances on the property at the time of any levy of execution thereon.

2. By any person 65 years of age or older, of not exceeding forty-five thousand dollars ($45,000) in actual cash value, over and above all liens and encumbrances on the property at the time of any levy of execution thereon.

3. By any other person, of not exceeding thirty thousand dollars ($30,000) in actual cash value, over and above all liens and encumbrances.

(b) Any declaration of homestead which has been filed prior to the operative date of any amendment to this section which increases the value of property which may be selected and claimed as a homestead shall be deemed to be amended on such date by increasing the value of any property selected and claimed to the value permitted by this section on such date to the extent that such increase does not impair or defeat the right of any creditor to execute upon the property which existed prior to such date.

SEC. 2. Section 690.3 of the Code of Civil Procedure is amended to read:

690.3. (a) One housetrailer, mobilehome, houseboat, boat, or other waterborne vessel in which the debtor, or the family of such debtor, actually resides, of a value not exceeding the following values:

(1) For any head of a family, of a value not exceeding forty-five

thousand dollars ($45,000) in actual cash value, over and above all liens and encumbrances on that housetrailer, mobilehome, houseboat, boat, or other waterborne vessel;

(2) For any person 65 years of age or older of a value not exceeding forty-five thousand dollars ($45,000) in actual cash value, over and above all liens and encumbrances on that housetrailer, mobilehome, houseboat, boat, or other waterborne vessel; and

(3) For any other person, of a value not exceeding thirty thousand dollars ($30,000) in actual cash value, over and above all liens and encumbrances on that housetrailer, mobilehome, houseboat, boat, or other waterborne vessel.

(b) The exemption provided by this section shall not apply if such debtor or the spouse of such debtor has an existing homestead as provided by Title 5 (commencing with Section 1237) of Part 4 of Division 2 of the Civil Code or has obtained a prior judicial determination that the dwelling house of the debtor or the family of the debtor is exempt from execution under Section 690.31.

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## CHAPTER 16

An act to add Section 1112 to the Penal Code, relating to sexual assault.

[Approved by Governor February 25, 1980 Filed with Secretary of State February 25, 1980.]

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

SECTION 1. Section 1112 is added to the Penal Code, to read:

1112. The trial court shall not order any prosecuting witness, complaining witness, or any other witness, or victim in any sexual assault prosecution to submit to a psychiatric or psychological examination for the purpose of assessing his or her credibility.

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## CHAPTER 17

An act to amend Section 39302 of the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 25, 1980 Filed with Secretary of State February 25, 1980 ]

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

SECTION 1. Section 39302 of the Education Code is amended to read:

39302. Before the governing board of a school district enters into a lease or agreement pursuant to this article, it shall have available a site upon which a building to be used by the district may be constructed and shall have complied with the provisions of law relating to the selection and approval of sites, and it shall have prepared and shall have adopted plans and specifications for such building which have been approved pursuant to Sections 39117 to 39120, and Sections 39140 to 39155, inclusive. A district has a site available for the purposes of this section if it owns a site or if it has an option on a site which allows the school district or the designee of the district to purchase the site. Any school district may acquire and pay for an option containing such a provision. A district also has a site available for the purposes of this section if it is acquiring a site by eminent domain proceedings and pursuant to Chapter 6 (commencing with Section 1255.010) of Title 7 of Part 3 of the Code of Civil Procedure, the district has obtained an order for possession of the site and the entireamount deposited with the court as the probable amount of compensation for the taking has been withdrawn.

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:

A school district proceeding with a school lease financing pursuant to Article 2 (commencing with Section 39300) of Chapter 3 of Part 23 of the Education Code has completed preparation of plans and specifications for urgently needed public school facilities. In order to enable the school district to enter into a lease with a nonprofit corporation so that the nonprofit corporation can proceed with construction of the public school facilities at the earliest possible time to reduce the continuing inflation of construction costs, it is necessary that this act go into effect immediately.

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## CHAPTER 18

An act to amend Section 227 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 29, 1980. Filed with Secretary of State February 29, 1980 ]

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

SECTION 1. Section 227 of the Revenue and Taxation Code, as amended by Section 2 of Chapter 232 of the Statutes of 1978, is amended 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.

The assessment provided for by subdivision (c) of this section shall apply to the 1980–81, 1981–82, and 1982–83 fiscal years and shall have no force or effect after January 1, 1983, unless a later enacted statute is chaptered on or before January 1, 1983, and extends such date.

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 continue in existence the assessment for documented vessels used in transporting seven or more persons for commercial passenger fishing purposes, it is necessary for this act to take immediate effect.

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## CHAPTER 19

An act to amend Sections 53531, 53532, 53541, 61613.1 and 61659 of, and to add Section 61670.1 to, the Government Code, and to amend Sections 33645, 34354, and 34355 of the Health and Safety Code, relating to interest rates, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 29, 1980. Filed with Secretary of State February 29, 1980.]

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

SECTION 1. Section 53531 of the Government Code is amended to read:

53531. Any provision of law specifying the maximum interest rate on bonds to the contrary notwithstanding, bonds may bear interest at a coupon rate or rates as determined by the legislative body in its discretion but not to exceed 10 percent per year payable as permitted by law, unless some higher rate is permitted by law.

SEC. 2. Section 53532 of the Government Code is amended to read:

53532. The provisions of Section 53531 shall apply only to coupon

rates and shall not affect the power of a local agency to sell bonds at a discount below par if permitted by law. Any provision of law permitting bonds to be sold at a discount but specifying a maximum interest yield on bonds sold at a discount to the contrary notwithstanding, the bonds may be sold at a price yielding to the purchaser an effective interest rate of not to exceed 10 percent per year, payable as permitted by law, according to standard tables of bond values.

SEC. 3. Section 53541 of the Government Code is amended to read:

53541. Any provision of law requiring an election to the contrary notwithstanding, the legislative body without a vote of the electors may issue bonds of the local agency, zone or improvement district if:

(a) The principal amount of such bonds does not exceed the then unissued balance of the principal amount of bonds of the same type authorized at an election heretofore held in the local agency, or in such zone or improvement district;

(b) The bonds are issued for the same purpose as that for which said unissued bonds were authorized; and

(c) The bonds are issued in accordance with the laws governing the issuance of bonds of the local agency, except for the requirement of a bond election.

Bonds issued pursuant to this section may bear interest at a rate or rates not to exceed 10 percent per year. When bonds are issued pursuant to this section, unissued bonds as referred to in subdivisions (a) and (b) of this section 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 legislative body and shall not be issued.

SEC. 4. Section 61613.1 of the Government Code is amended to read:

61613.1. Notwithstanding any other provision of this division, a district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of this code and general obligation bonds pursuant to Chapter 4 (commencing with Section 61650), Part 5, Division 2, Title 6 of this code if the payment of the principal thereof and the interest thereon is additionally secured by a pledge of all or any part of the revenues of the enterprise as provided in Article 4 (commencing with Section 53500), Chapter 3, Part 1, Division 2, Title 5 of this code. Notwithstanding any other provision of law, such bonds may bear interest at a rate to be determined by the board in its discretion, but not to exceed 10 percent per year. Such bonds shall be issued to provide funds for the acquisition, construction, improving or financing any one or more revenue producing enterprises for any one or more of the purposes specified in Section 61600 for which such district has been formed or which it shall have adopted pursuant to Section 61601. "Enterprise," as used in this section, means a revenue-producing utility authorized by subdivision

(a), (b), or (c) of Section 61600, system, plant, works, or undertaking used for or useful in carrying out any one or more of the utility services specified in subdivision (a), (b), or (c) of Section 61600. Bonds issued and sold pursuant to this section shall not constitute "funded indebtedness" of the district, as that term is used in Section 61613 and the limitations of Section 61613, shall not apply to bonds issued pursuant to this section. In connection with the authorization, issue and sale of bonds pursuant to this section and so long as any of such bonds shall remain outstanding, a district may exercise, in addition to the powers conferred by this section, any or all of the powers of local agencies provided for in Article 4 (commencing with Section 53500) of Chapter 3 and Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5.

SEC. 5. Section 61659 of the Government Code is amended to read:

61659. After the board has made its determination pursuant to Section 61655, if it deems it necessary to incur the bonded indebtedness, it shall by resolution state:

(a) That it deems it necessary to incur the bonded indebtedness.

(b) The purpose for which the bonded indebtedness will be incurred.

(c) Either of the following in accordance with its previous determination:

(1) That the whole of the district will be benefited by incurring the bonded indebtedness.

(2) That a portion of the district will be benefited by incurring the bonded indebtedness, which portion shall be described as it is described in the resolution of the board made pursuant to Section 61655.

(d) The amount of debt to be incurred.

(e) The maximum term the bonds to be issued shall run before maturity, which term shall not exceed 40 years.

(f) The annual rate of interest to be paid, which rate shall not exceed 10 percent, payable annually or semiannually, or in part annually and in part semiannually.

(g) The proposition to be submitted to the voters.

(h) The date of the special district election (which may be consolidated with a general district election) at which such proposition shall be submitted to the voters; the hours between which the polls shall be open; the boundaries of voting precincts within the district or portion thereof benefited by incurring the bonded indebtedness; the location of polling places; and the names of the officers selected to conduct such election in each precinct, who shall consist of one judge, one inspector, and two clerks.

SEC. 6. Section 61670.1 is added to the Government Code, to read:

61670.1. Notwithstanding any other provision of law, any bonds issued pursuant to this division may bear interest as determined by the board in its discretion, but not to exceed 10 percent per year.

SEC. 7. Section 33645 of the Health and Safety Code is amended to read:

33645. The agency may authorize bonds by resolution. The resolution, trust indenture, or mortgage may provide for:

(a) The issuance of the bonds in one or more series.

(b) The date the bonds shall bear.

(c) The maturity dates of the bonds.

(d) The rate or maximum rate of interest on the indebtedness, which shall not exceed 10 percent, and need not be recited if such rate does not exceed 4½ percent. Such interest shall be payable semiannually, except that interest for the first year after the date of the bonds may be made payable at the end of such year.

(e) The denomination of the bonds.

(f) Their form, either coupon or registered.

(g) The conversion or registration privileges carried by the bonds.

(h) The rank or priority of the bonds.

(i) The manner of their execution.

(j) The medium of payment.

(k) The place of payment.

(*l*) The terms of redemption with or without premium to which the bonds are subject.

(m) The maximum amount of bonded indebtedness in compliance with, and not to exceed, the limit specified in the redevelopment plan as required in Section 33334.1.

The resolution, trust indenture, or mortgage shall provide that tax-increment funds allocated to an agency pursuant to Section 33670 shall not be payable to a trustee on account of any issued bonds when sufficient funds have been placed with the trustee to redeem all outstanding bonds of the issue.

SEC. 8. Section 34354 of the Health and Safety Code is amended to read:

34354. By resolution, an authority may authorize bonds. The resolution, its trust indenture, or mortgage may provide for:

(a) The issuance of bonds in one or more series.

(b) The date the bonds shall bear.

(c) The date of maturity.

(d) The interest rate, not exceeding 10 percent a year.

(e) The denomination of the bonds.

(f) The form of the bonds, either coupon or registered.

(g) The conversion or registration privileges which the bonds shall carry.

(h) The rank or priority of the bonds.

(i) The manner of execution of the bonds.

(j) The medium of payment in which the bonds are payable.

(k) The place of payment.

(*l*) The terms of redemption, with or without premium.

SEC. 9. Section 34355 of the Health and Safety Code is amended to read:

34355. The bonds may be sold at not less than 95 percent of par

at public sale. At least five days prior to the sale, notice shall be published once in a newspaper having a general circulation in the city or the county and in a financial newspaper published in the City and County of San Francisco or in the City of Los Angeles. The bonds may be sold at not less than par to the federal government at private sale without any public advertisement.

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:

Existing law requires, with certain exceptions, that bonds of local governmental agencies bear interest at not to exceed 8 percent per year and that housing authority bonds sold at public sale be sold at not less than par. Municipal bond market conditions make it impossible to sell such bonds within such limits.

In order for local governmental agencies to undertake planned capital projects utilizing traditional long-term financing sources whose present interest rates exceed the bond interest rates and discounts authorized by law, to permit issuance of bonds to finance vitally needed housing for persons of low income, to implement certain housing construction programs, and to undertake other capital projects as soon as possible, it is necessary that the provisions of this act go into effect immediately.

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## CHAPTER 20

An act to amend Sections 9500, 9503, and 9511 of, and to add Sections 9305.1 and 9507.1 to, the Welfare and Institutions Code, and to amend Section 12 of Chapter 1199 of the Statutes of 1977, relating to older persons, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 29, 1980. Filed with Secretary of State February 29, 1980.]

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

SECTION 1. Section 9305.1 is added to the Welfare and Institutions Code, to read:

9305.1. The department, in administering the federal program for grants for state and community programs on aging (under 42 U.S.C.A. 3021 et seq.), shall give due consideration to the request of any eligible general purpose government to be designated an area agency on aging.

SEC. 2. Section 9500 of the Welfare and Institutions Code is amended to read:

9500. The Legislature hereby declares that it is the intent of the state and its citizens to encourage entities in the public and private

sector to establish a program providing senior citizens an opportunity to volunteer their services to educational institutions or community agencies serving children and youths.

SEC. 3. Section 9503 of the Welfare and Institutions Code is amended to read:

9503. The department shall establish pilot projects in Sacramento, San Diego and Humboldt Counties. The department shall establish pilot projects which provide senior citizens with one meal per day and the opportunity to volunteer their services in both the public and private sector to meet a variety of needs in the community. Projects which elect to provide such opportunity shall provide volunteers with one meal per day for their services and transportation to and from the volunteer site.

The department shall establish such pilot projects by contracting with qualified entities.

The department shall, to the extent possible, give preference to school and community college districts in selecting applicants for contracts to establish pilot projects pursuant to this chapter.

SEC. 4. Section 9507.1 is added to the Welfare and Institutions Code, to read:

9507.1. The department, upon determining that an advance payment is necessary in order to promote prompt initiation and advancement of an approved pilot project, may, from time to time, pay to a private nonprofit organization administering an approved pilot project under this chapter, an advance payment for expenses incurred in the pilot project period, provided, that the cumulative total of advance payments made to any one such private nonprofit organization shall not exceed six thousand dollars ($6,000).

SEC. 5. Section 9511 of the Welfare and Institutions Code is amended to read:

9511. The department shall conduct an evaluation of each pilot project and submit a report to the Legislature and the Governor on or before September 30, 1980. The evaluation and report shall include, but not be limited to, an examination of the impact of the volunteer service component, both in terms of the individual and the agency receiving services.

SEC. 6. Section 12 of Chapter 1199 of the Statutes of 1977 is amended to read:

Sec. 12. (a) There is hereby appropriated from the General Fund to the Department of Aging, the sum of nine hundred thousand dollars ($900,000), without regard to fiscal year, for the purposes of carrying out the nutrition component established pursuant to Sections 9505, 9506, and subdivision (a) of 9507 of the Welfare and Institutions Code, as added by this act.

(b) There is hereby appropriated from the Transportation Planning and Research Account in the State Transportation Fund for allocation by the Secretary of Business and Transportation to the Department of Aging, the sum of one hundred fifty thousand dollars ($150,000), without regard to fiscal year, for the purposes of carrying

out the transportation component established pursuant to subdivision (b) of Section 9507 of the Welfare and Institutions Code.

(c) Not more than 10 percent of the funds appropriated may be used for administrative costs incurred by the department.

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:

To change the date that the Department of Aging must submit its next report to the Legislature on the nutrition and volunteer services program and to avoid administrative problems with this program.

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## CHAPTER 21

An act to add and repeal Section 42792.1 of the Food and Agricultural Code, relating to agricultural products, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 29, 1980 Filed with Secretary of State February 29, 1980 ]

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

SECTION 1. Section 42792.1 is added to the Food and Agricultural Code, to read:

42792.1. (a) The board of supervisors of a county with a mandatory inspection ordinance for any commodity may by county ordinance, in lieu of the certificate authorized by Sections 42791 and 42792, certify compliance of a product by means of a county certification stamp or device. Such certification stamp or device shall be affixed to a bill of lading, invoice, or other document which shall bear the information required by Section 42792, and which shall accompany each lot or load during transportation.

(b) The commissioner may issue the county certification stamp or device, or may authorize its use by a grower, shipper, packer, or financially interested person. Any such person shall maintain records of shipments which shall inform when the stamp or device was used and the number of containers in each lot or load represented as being so certified. Such records shall be presented upon demand of the commissioner, the commissioner's representative, or any representative of the director.

(c) It shall be unlawful for any person who has been authorized to use a county certification stamp or device to do any of the following:

(1) Alter such stamp or device.

(2) Use such stamp or device to represent any lot or load of a product which is not in compliance with this division.

(3) Use such stamp or device in a manner other than provided in

this section.

(d) The commissioner shall revoke or suspend the right of any person to use any certification stamp or device when such person violates any provision of this section.

(e) It shall be unlawful for any person whose right to use any certification stamp or device has been revoked or suspended to refuse to surrender to the commissioner, upon demand, any unused stamps or other device issued to such person.

(f) Any county ordinance authorized by this section shall conform with the provisions of this division and regulations adopted pursuant thereto.

(g) This section shall remain in effect only until January 1, 1983, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1983, deletes or extends such date.

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 harvest season for perishable fresh produce commodities will commence in April, and to prevent loss of crops and save unnecessary expense for the state, counties, and agricultural shippers involved, it is necessary that this act take effect immediately.

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## CHAPTER 22

An act to amend Section 5201 of the Vehicle Code, relating to vehicles.

[Approved by Governor February 29, 1980 Filed with Secretary of State February 29, 1980 ]

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

SECTION 1. Section 5201 of the Vehicle Code is amended to read:

5201. License plates shall at all times be securely fastened to the vehicle for which they are issued so as to prevent the plates from swinging and shall be mounted in a position to be clearly visible, and shall be maintained in a condition so as to be clearly legible. No covering shall be used on license plates. The rear license plate shall be mounted not less than 12 inches nor more than 60 inches from the ground, and the front license plate shall be mounted not more than 60 inches from the ground, except as follows:

(a) The rear license plate on a tow car may be mounted on the left-hand side of the mast assembly at the rear of the cab of the vehicle, not less than 12 inches nor more than 90 inches from the ground.

(b) The rear license plate on a tank vehicle hauling hazardous

waste, as defined in Section 25117 of the Health and Safety Code, or asphalt material may be mounted not less than 12 inches nor more than 90 inches from the ground.

(c) The rear license plate on a truck tractor may be mounted at the rear of the cab of the vehicle, not less than 12 inches nor more than 90 inches from the ground.

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## CHAPTER 23

An act to amend Sections 2031 and 2034 of the Code of Civil Procedure, relating to discovery.

[Approved by Governor February 29, 1980. Filed with Secretary of State February 29, 1980.]

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

SECTION 1. Section 2031 of the Code of Civil Procedure is amended to read:

2031. (a) Any party may serve on any other party a request (1) to identify such documents, papers, books, accounts, letters, photographs, objects or tangible things, of a category specified with reasonable particularity in the request, which are relevant to the subject matter of the action, or are reasonably calculated to discover admissible evidence relating to any matters within the scope of the examination permitted by subdivision (b) of Section 2016 of this code and which are in the possession, custody, or control of the party upon whom the request is served, and to produce and permit the inspection and copying or photographing of the same, by or on behalf of the party making the request; or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspecting, measuring, surveying, photographing or sampling the property or any designated object or operation thereon within the scope of the examination permitted by subdivision (b) of Section 2016 of this code. The request shall specify the time, place, and manner of making the inspection and taking the copies and photographs and may prescribe such terms and conditions as are just.

(b) The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons and complaint upon that party, except that if service of such request is made by plaintiff within 10 days after service of summons or appearance, leave of court granted with or without notice must first be obtained. The request shall specify a reasonable time, place and manner of making the inspection and performing the related acts. The party upon whom the request is served shall serve a written response subscribed under oath by such party, within 20 days after the service of the request.

The court may for good cause shown by affidavit allow a shorter or longer time. The response shall identify the documents, papers, books, accounts, letters, photographs, objects, or tangible things falling within the category specified in the request which are in the possession, custody, or control of the responding party, and shall state that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The party submitting the request may move for an order for compliance under subdivision (a) of Section 2034 with respect to any objection to or failure to respond to the request or any part thereof, or to any failure to permit inspection as requested.

(c) Service upon a party of any request, response, notice, motion or order provided for by this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

SEC. 2. Section 2034 of the Code of Civil Procedure is amended to read:

2034. (a) If a party or other deponent refuses or fails to answer any question propounded upon examination during the taking of a deposition, or refuses or fails to produce at a deposition any books, documents or other things under his control pursuant to a subpoena duces tecum, the examination shall be completed on other matters or adjourned, as the proponent of the question may prefer. Such proponent, on notice to all persons affected thereby, may move the court in which the action is pending (if the deponent is a party or otherwise subject to the jurisdiction of such court), or if such court does not have jurisdiction over the deponent, to the superior court of the county in which the deposition is taken for an order compelling an answer or if good cause is shown, the production of such book, document, or other thing. Such motion may also be made, without further notice, if the proponent notifies the refusing party or other deponent at the time of such refusal or failure that the proponent will apply to the court for an order pursuant to this subdivision of this section, at a specified time not less than 10 nor more than 30 days from the date of such refusal or failure, in which event the officer before whom the deposition is taken shall direct the refusing or failing party or other deponent to attend a session of said court at said time. Not less than five days prior to the hearing on any such motion, the proponent must lodge with the court the original transcript of such deposition. Upon the refusal or failure of a party to answer any interrogatory submitted under Section 2030 of this code, the proponent of the question may on like notice make like application for such an order. Upon the filing and service of either written objections to a request under Section 2033, or an answer deemed by the requesting party not to be in compliance with the requirements of Section 2033, the party serving such request may on like notice make like application for an order requiring answers or

further answers to such request. If the motion is granted the court shall order that an answer or further answer be served within an appropriate time. Upon the refusal or failure of a party to identify documents, papers, books, accounts, letters, photographs, objects, or tangible things or to permit inspection or entry after having been served with a request under Section 2031 of this code, the party serving such request may on like notice and upon a showing of good cause make application for an order to compel compliance with the request. If the court finds that the refusal or failure or objection was without substantial justification or that the answer does not comply with the requirements of Section 2033, the court may require the refusing or failing or objecting party or deponent and the party or attorney advising the refusal or failure or objection or any of them to pay to the examining party the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees. If the motion is denied and if the court finds that the motion was made without substantial justification, the court may require the examining party or the attorney advising the motion or both of them to pay to the refusing or failing or objecting party or witness the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees.

If the court orders that an answer or further answer to requests for admissions be made, and such answer or further answer is not filed and served within the period ordered by the court, each of the matters involved in such order shall be deemed admitted, subject only to relief pursuant to Section 473, as restricted by the provisions of Section 2033.

(b) (1) The court may punish as a contempt (i) the refusal of any person to obey a subpoena issued by that court to attend a deposition or to be sworn as a witness, or (ii) the refusal of any person to attend a session of court (either personally or by his attorney) after having been directed to attend in the manner provided in subdivision (a) of this section, or (iii) the refusal of any person to obey any order made by the court under subdivision (a) of this section.

(2) If any party or person for whose immediate benefit the action or proceeding is prosecuted or defended, or an officer, director, superintendent, member, agent, employee or managing agent of any such party or person refuses to obey on order made under subdivision (a) of this section, or if any party or an officer or managing agent of a party refuses to obey an order made under Section 2019, 2031 or 2032 of this code, the court may make such orders in regard to the refusal as are just, and among others the following:

(i) An order that the matters regarding which the questions were asked, or the character or description of the thing or land, or the contents of the paper, or the physical or mental or blood condition of the person sought to be examined, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of the physical or mental or blood condition of the person sought to be examined;

(iii) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

(iv) An order requiring the disobedient party or the attorney advising such disobedience to pay to the party obtaining an order under this section the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees;

(v) In lieu of any of the foregoing orders or in addition thereto, an order directing the arrest of any party or agent of a party for disobeying any of such orders except an order to submit to a physical or mental or blood examination;

(vi) Where a party has failed to comply with an order under subdivision (a) of Section 2032 of this code requiring him to produce another for examination, such orders as are listed in (i), (ii), and (iii) of this subdivision of this section, unless the party failing to comply shows that he is unable to produce such person for examination.

(c) If a party, after being served with a request under Section 2033 of this code to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof and if the party requesting the admissions thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the court in the same action for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, including reasonable attorney's fees. If the court finds that there were no good reasons for the denial and that the admissions sought were of substantial importance, the order shall be made.

(d) If a party or a person for whose immediate benefit the action or proceeding is prosecuted or defended or anyone who at the time the deposition is set is an officer, director, or managing agent of any such party or person willfully fails to appear before the officer who is to take his deposition, after said party or his attorney has been served with a proper notice in accordance with the provisions of subdivision (a) (4) of Section 2019 of this code, or if a party or an officer or managing agent of a party willfully fails to serve answers to interrogatories submitted under Section 2030 of this code, after proper service of such interrogatories, the court on motion and notice may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose such other penalties of a lesser nature as the court may deem just, and may order that party or his attorney to pay to the moving party the reasonable expenses in making such motion, including reasonable attorney's fees.

## CHAPTER 24

An act to amend Sections 23394 and 25171 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor February 29, 1980. Filed with Secretary of State February 29, 1980 ]

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

SECTION 1. Section 23394 of the Business and Professions Code is amended to read:

23394. An off-sale general license includes the privileges specified in Section 23393 and authorizes the sale, to consumers only and not for resale, except to holders of daily on-sale general licenses issued pursuant to Section 24045.1, of distilled spirits for consumption off the premises where sold. Standards of fill for distilled spirits authorized for sale pursuant to this section shall conform in all respects to the standards established pursuant to regulations issued under the Federal Alcohol Administration Act (27 U.S.C. Secs. 201 et seq.) and any amendments thereto.

SEC. 2. Section 25171 of the Business and Professions Code is amended to read:

25171. Any rectifier or wholesaler of distilled spirits who delivers to the premises of any on- or off-sale general licensee or any on- or off-sale general licensee who sells or has in his possession at the licensed premises distilled spirits in packages containing standards of fill for distilled spirits which do not conform in all respects to the federal standards established pursuant to the regulations issued under the Federal Alcohol Administration Act (27 U.S.C. Secs. 201 et seq.) and any amendments thereto is guilty of a misdemeanor.

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## CHAPTER 25

An act to amend Sections 17216.2 and 23501 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor March 5, 1980 Filed with Secretary of State March 5, 1980 ]

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

SECTION 1. 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 paragraph (1) of subdivision (d) of Section 17689.5, subdivision (a) of Section 18211, Section 18212, subdivision (c) of Section 18220, subdivision (a) of Section 18221, or subdivision (a) of Section 18219 applies), property which is property used in the trade or business (as defined in Section 18182), or artistic property described in subdivision (c) 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.

(c) For the purposes of this section, artistic property is property created by the personal efforts of the taxpayer if:

(1) At least 20 percent of the taxpayer's adjusted gross income for the taxable year or at least 50 percent of the taxpayer's adjusted gross income for any of the three prior taxable years is derived from the sale of artistic property created by the personal efforts of such taxpayer;

(2) The fair market value of the artistic property is established by independent appraisal; and

(3) The recipient of the artistic property is an organization exempt from tax pursuant to Section 23701d, or the State of California or a political subdivision or agency thereof, including the Regents of the University of California and any city organized under a freeholder's charter.

For the purposes of this section, the term "artistic property" includes musical, literary, and artistic creations but does not include letters, memoranda, or similar property which was written, prepared, or

produced by, or for, the taxpayer while holding an office under the government of the United States or of any state or political subdivision thereof, if the writing, preparation, or production was related to, or arose out of, the performance of the duties of such office.

(d) The amendments to this section enacted by the Legislature at its 1979–80 Regular Session shall apply in the computation of taxes for taxable years beginning after December 31, 1979, and before January 1, 1985.

SEC. 2. Section 23501 of the Revenue and Taxation Code is amended to read:

23501. (a) There shall be imposed upon every corporation for each taxable year, a tax at the rate of 7.6 percent upon its net income derived from sources within this state on or after January 1, 1937, other than income for any period for which the corporation is subject to taxation under Chapter 2 of this part, according to or measured by its net income.

(b) For calendar or fiscal years ending after June 30, 1973, the rate of tax shall be 9 percent instead of 7.6 percent as provided by subdivision (a).

(c) For calendar or fiscal years ending after December 31, 1979, the rate of tax shall be the rate specified for such years by Section 23151.

SEC. 3. (a) The provisions of this act relating to changes in the rate of tax, as provided in the amendment of Section 23501 of the Revenue and Taxation Code shall be applied pursuant to the method prescribed in Section 24251 of the Revenue and Taxation Code. Tax returns required to be filed (without regard to any extensions) on or after April 15, 1980, shall use the rate prescribed by applying the method set forth in Section 24251 of the Revenue and Taxation Code. Returns required to be filed prior to April 15, 1980, shall use the rate in effect as of December 31, 1979, and any additional tax due as a result of the rate increase provided by this act shall be due and payable within 30 days after the Franchise Tax Board mails a notice and demand of the amount payable.

(b) With respect to taxpayers subject to the corporation income tax imposed by Chapter 3 (commencing with Section 23501) of Part 11 of Division 2 of the Revenue and Taxation Code, estimated taxes due and payable on and after March 15, 1980, shall reflect the rate changes provided by this act in accord with instructions provided by the Franchise Tax Board.

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

## CHAPTER 26

An act to amend Section 25305 of the Elections Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 5, 1980. Filed with Secretary of State March 5, 1980 ]

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

SECTION 1. Section 25305 of the Elections Code is amended to read:

25305. If an incumbent of a judicial office dies on or before the last day prescribed for the filing of nomination papers, or for any reason fails to file his or her nomination papers by the last day prescribed for the filing of such papers, an additional five days shall be allowed for the filing of nomination papers for the office. Any person, if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he or she has not filed a written and signed declaration of intention to become a candidate for the office as provided in Sections 25301 and 25302.

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:

Confusion has arisen as to the application of the law when an incumbent judge fails to file his or her declaration of intention. In order to avoid this confusion at the earliest possible time prior to the June 3, 1980, primary election, it is necessary that this act take effect immediately.

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## CHAPTER 27

An act to amend Sections 7071.6, 7071.5, 7071.9, and 7071.11 of the Business and Professions Code, relating to contractors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 5, 1980 Filed with Secretary of State March 5, 1980 ]

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

SECTION 1. The Legislature hereby declares that, in enacting Chapters 1013, 747, and 1138 of the Statutes of 1979, it intended and does now intend that the protections therein contained for the benefit of workers, labor unions, consumers, and the public become operative on the effective date of such legislation, unless specifically

otherwise therein stated. The Legislature further declares that it was and is its specific intent that Sections 11.5 and 12 of Chapter 1013, and Section 1 of Chapter 747, of the Statutes of 1979, which generally increase the face amount of various contractors' license bonds, become operative as to all licensed contractors on January 1, 1980, so that such contractors shall be required as a condition to the continued maintenance of their licenses, to file or have on file, on and after January 1, 1980, bonds in the increased face amounts required by these statutes.

SEC. 1.5. Section 7071.5 of the Business and Professions Code, as amended by Section 1.5 of Chapter 1138 of the Statutes of 1979, is amended to read:

7071.5. The contractor's bond or cash deposit required by this article shall be a bond issued by an admitted surety in favor of the State of California, in a form acceptable to the registrar and filed with the registrar by the licensee or applicant, or in lieu thereof a cash deposit posted with the registrar. Such contractor's bond or cash deposit shall be for the benefit of the following:

(a) Any homeowner contracting for home improvement upon his personal family residence damaged as a result of a violation of this chapter by the licensee.

(b) Any person damaged as a result of a willful and deliberate violation of this chapter by the licensee, or by the fraud of the licensee in the execution or performance of a construction contract.

(c) Any employee of the licensee damaged by the licensee's failure to pay wages.

(d) Any express trust fund, or the trustees of any express trust fund, established pursuant to a collective-bargaining agreement and to which the licensee is obligated to make payments on account of fringe benefits, damaged as the result of the licensee's failure to pay fringe benefits for eligible employees represented by the union which is signatory to the collective-bargaining agreement. Damage to an express trust fund, as defined herein, is limited to actual loss sustained by the trust fund due to a licensee's failure to pay the subject fringe benefits, however, the amount of the loss shall be limited to the difference between the actual loss to the trust fund in the amount realized by the trust fund from the proceeds of any bond required by a collective-bargaining agreement to secure the payment of fringe benefits and, further, the trust fund shall diligently proceed against any such other bond. If such employee is not represented by a union, the damaged employee may bring an action at law on his own behalf to recover fringe benefits.

"Eligible employees" are defined as the employees of the signatory licensee performing work covered by the applicable collective-bargaining agreement for whom payment of fringe benefits should have been made and who would be entitled to credit towards fringe benefits pursuant to the terms and provisions of the express trust funds if payment had in fact been made by the signatory licensee.

SEC. 2. Section 7071.6 of the Business and Professions Code, as amended by Chapter 1013 of the Statutes of 1979, is amended to read:

7071.6. (a) Except as provided in Section 7071.8 and subdivision (b), the board shall require, as a condition precedent to the issuance, reinstatement, reactivation, or renewal of a license, that the applicant file or have on file a contractor's bond in the sum of five thousand dollars ($5,000), or in lieu thereof, a cash deposit in the sum of five thousand dollars ($5,000). No bond or cash deposit shall be required of a holder of an inactive license during the period his license is inactive.

(b) Notwithstanding subdivision (a), the board shall require, as a condition precedent to the issuance, reinstatement, reactivation, or renewal of a license for the license classification of swimming pool contractor, that the applicant file or have on file a contractor's bond in the sum of ten thousand dollars ($10,000), or in lieu thereof, a cash deposit in the sum of ten thousand dollars ($10,000). No bond or cash deposit shall be required of a holder of an inactive license during the period the license is inactive.

(c) Notwithstanding any other provision of the law to the contrary, the board shall require, as a condition to the continued maintenance of any active license, that the holder of a license file, or have on file, on and after January 1, 1980, a contractor's bond in the sum of five thousand dollars ($5,000) or, in lieu thereof, a cash deposit in the sum of five thousand dollars ($5,000); provided, that the holder of a license for the classification of swimming pool contractor file, or have on file, a contractor's bond in the sum of ten thousand dollars ($10,000) or, in lieu thereof, a cash deposit in the sum of ten thousand dollars ($10,000).

SEC. 3. Section 7071.9 of the Business and Professions Code, as amended by Chapter 1013 of the Statutes of 1979, is amended to read:

7071.9. (a) In addition to the contractor's bond or cash deposit required pursuant to Sections 7071.5 to 7071.8, inclusive, the board shall require, as a condition precedent to the issuance, reinstatement, reactivation or reissuance of a license and, as a condition precedent to the renewal of a license, that the qualifying individual as referred to in Sections 7068 and 7068.1, when he is not himself either the proprietor, a general partner, or joint licensee, shall file or have on file a qualifying individual's bond as provided in Section 7071.10 in the sum of five thousand dollars ($5,000), or in lieu thereof, a cash deposit in the sum of five thousand dollars ($5,000). In the event the responsible managing officer of a corporation owns 10 percent or more of the voting stock of the corporation of which he or she is the responsible managing officer, such officer shall not be required to file or have on file either a contractor's bond or cash deposit as provided for in Section 7071.10. The registrar shall determine the nature and form of the proof required of the responsible managing officer applying for this exemption. No bond or cash deposit shall be required of the holder of an inactive license during the period his license is inactive.

(b) Notwithstanding any other provision of the law to the contrary, the board shall require, as a condition to the continued maintenance of any active license, that the qualifying individual, as referred to in Sections 7068 and 7068.1, when such individual is not personally either the proprietor, a general partner, or joint licensee, file, or have on file, on and after January 1, 1980, a contractor's bond in the sum of five thousand dollars ($5,000) or, in lieu thereof, a cash deposit in the sum of five thousand dollars ($5,000).

SEC. 3.5. Section 7071.11 of the Business and Professions Code, as amended by Section 3.5 of Chapter 1138 of the Statutes of 1979, is amended to read:

7071.11. Any person claiming against any bond or cash deposit required by this article may maintain an action at law against the licensee and the surety or the cash depository. A copy of the complaint shall be served by registered or certified mail upon the registrar by the clerk of the court at the time the action is commenced and the registrar shall maintain a record, available for public inspection, of all actions so commenced. The claim of any employee of the contractor for wages and fringe benefits shall be a preferred claim against any bond or cash deposit. The aggregate liability of a surety on a claim for wages and fringe benefits brought against any bond required by this article, other than a bond required by Section 7071.8, shall not exceed the sum of three thousand dollars ($3,000). If any bond or cash deposit which may be required is insufficient to pay all claims in full, the sum of the bond or cash deposit shall be distributed to all claimants in proportion to the amount of their respective claims with priority to claims for wages and fringe benefits. Any action, other than an action to recover fringe benefits, against a bond or cash deposit filed by an active licensee shall be brought within two years after the expiration of the license period or periods for which a bond or cash deposit has been provided, or within two years of the date the license of such active licensee was inactivated by the board, whichever first occurs. A claim to recover fringe benefits shall be brought within six months from the date that the fringe benefit delinquencies were discovered, but in no event shall a civil action thereon be brought later than two years from the date the fringe benefit contributions were due.

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

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

Upon the cancellation by a licensee of any bond required by this article, the surety thereon shall notify the registrar immediately of such cancellation.

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

When the surety makes payment on any claim against a bond required by this article, whether or not payment is made through a court action or otherwise, the surety shall, within 30 days of the payment, notify the registrar. The notice shall contain, on a form prescribed by the registrar, the name and license number of the contractor, the surety bond number, the amount of payment, the statutory basis upon which the claim is made, and the names of the person or persons to whom payments are made.

Any judgment or admitted claim against any bond or cash deposit required by this article shall constitute grounds for disciplinary action against such licensee. Such license may not be reissued or reinstated while any judgment or admitted claim in excess of the amount of the bond or cash deposit remains unsatisfied. Further, such license may not be reissued or reinstated while any surety remains unreimbursed for loss and expense sustained on any bond issued for such licensee or for any entity of which any officer, director, member, partner, or qualifying person was an officer, director, member, partner, or qualifying person of such licensee while such licensee was subject to disciplinary action under this section. The board shall require the licensee to file a new bond in an amount as required pursuant to Section 7071.8 or to increase his cash deposit to such an amount.

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

In any case in which a claim is filed against a cash deposit held by the registrar by any employee or by an employee organization on behalf of an employee, concerning wages or fringe benefits based upon the employee's employment, claims for the nonpayment thereof shall be filed with the Labor Commissioner. The Labor Commissioner shall, pursuant to the authority vested in him by Section 96.5 of the Labor Code, conduct hearings to determine whether or not such wages or fringe benefits should be made to the complainant. Upon a finding by the commissioner that such wages or fringe benefits should be paid to the complainant, he shall notify the registrar of such findings. The registrar shall not make payment from the cash deposit on the basis of findings by the commissioner for a period of 10 days following determination of the findings. If, within such period, the complainant or the contractor files written notice with the registrar and the commissioner of an intention to seek judicial review of the findings pursuant to Section 11523 of the Government Code, the registrar shall not make payment, if an action is actually filed, except as determined by the court. If, thereafter, no

action is filed within 60 days following determination of findings by the commissioner, the registrar shall make payment from the cash deposit to the complainant.

SEC. 4. A license which is otherwise valid and effective shall not be suspended or in any manner impaired for failure of the licensee thereunder to have on file a bond or cash deposit in an amount required by Sections 7071.6 or 7071.9 as amended by this act; provided, the bond or cash deposit so required by Sections 7071.6 or 7071.9 is filed by May 1, 1980. The effective date of all such bonds or cash deposits required by Sections 7071.6 and 7071.9 and filed by the licensee pursuant to this act shall be January 1, 1980, notwithstanding the date on which such bond or cash deposit is filed.

(a) Within 30 days of the effective date of this act, the Registrar of Contractors shall promulgate notice to all licensees setting forth a summary of this act and Chapter 1013 of the Statutes of 1979 as such enactments pertain to increases in the Contractors' License Bond penal sums and the effective date for such increases together with the date by which such bonds need be filed with the Contractors' State License Board.

(b) Any surety having a bond on file with the registrar's office as of January 1, 1980, may elect, and in such event the registrar shall accept, a single or blanket endorsement increasing the bond amount to five thousand dollars ($5,000) as of January 1, 1980, or in the case of bonds of swimming pool contractors, ten thousand dollars ($10,000) as of that date, with respect to all such bonds of said surety on file as of that date.

SEC. 5. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 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:

There have been conflicting assertions as to the operative date of provisions of Chapter 1013 and Chapter 747 of the Statutes of 1979 which provide for increases in the face amounts of contractors' license bonds and the coverage requirements of such bonds. These conflicting assertions will result in extreme confusion and hardship to licensed contractors, members of the public, and those involved in the regulatory implementation of these amendments to the Contractors License Law. In order to effectuate the legislative intent and to remedy the confusion and hardship, it is necessary that this act take effect immediately.

## CHAPTER 28

An act to amend Section 64691.5 of the Food and Agricultural Code, relating to beef cattle, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 5, 1980 Filed with Secretary of State March 5, 1980 ]

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

SECTION 1. Section 64691.5 of the Food and Agricultural Code is amended to read:

64691.5. A fee greater than twenty-five cents ($0.25) per head on cattle and calves prescribed by Section 64691 shall not be charged pursuant to such section under a mandatory fee payment program unless and until such greater fee is approved by the producers in this state, by a referendum to be submitted to the producers by the director. The director shall find that the producers have approved any such fee, if he finds both of the following:

(a) That at least 40 percent of all producers, as determined from a list to be established by the director, have voted in the referendum.

(b) That at least 65 percent of total producers that produced not less than 51 percent of the volume of the commodity in the state or at least 51 percent of the total producers that produced not less than 65 percent of the volume of the commodity in the state voting in such referendum favor charging of such a greater fee.

In the event that a national promotion program for beef is approved by the producers, the fees charged under Section 64691 shall revert to ten cents ($0.10) per head on cattle and calves after July 1, 1981.

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 allow time for the receipt of moneys in California as a result of the implementation of a still-to-be-approved national promotion program for beef, and to maintain essential interim funding for carrying out the California Beef Council Law, it is necessary that this act take effect immediately.

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## CHAPTER 29

An act to amend Section 18491 of the Revenue and Taxation Code, and to amend Section 1110 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor March 6, 1980. Filed with Secretary of State March 7, 1980.]

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

SECTION 1. Section 18491 of the Revenue and Taxation Code is amended to read:

18491. (a) Every employer required to withhold any tax under Section 18806 shall, for the calendar quarter beginning January 1, 1972, and for each calendar quarter thereafter (whether or not wages are paid therein), file a withholding return in a form prescribed by the Franchise Tax Board, and pay over the taxes so required to be withheld.

Except as provided in subdivision (b) of this section, the employer shall file a withholding return and remit the total amount of income taxes withheld during the calendar quarter on or before the last day of the month following the close of the calendar quarter.

(b) Notwithstanding subdivision (a), the employer shall remit the total amount of income tax, withheld during each first or second month of any calendar quarter, on or before the 15th day of the following calendar month if the income tax withheld for that month is more than two hundred fifty dollars ($250), or if the Franchise Tax Board delegates its powers and duties as provided in Section 15702.1 of the Government Code and either of the following conditions exists:

(1) The income tax withheld for that month is more than two hundred fifty dollars ($250).

(2) The worker contributions required by Section 984 of the Unemployment Insurance Code for that month are more than one hundred dollars ($100).

(c) The Franchise Tax Board may, if it believes such action necessary, require any employer to make the return required by this section and pay to it the tax deducted and withheld at any time, or from time to time.

(d) The Franchise Tax Board may in its discretion, under regulations prescribed by it, when satisfied that amounts withheld will be adequately safeguarded, permit an employer to file a withholding return and pay over taxes deducted and withheld for other than monthly or quarterly periods and without regard to the monetary amounts specified in subdivisions (a) and (b).

SEC. 2. Section 1110 of the Unemployment Insurance Code is amended to read:

1110. (a) Employer contributions required under Sections 976 and 976.5 and, except as provided by subdivision (b) of this section, worker contributions required under Section 984 are due and payable on the first day of the calendar month following the close of each calendar quarter and shall become delinquent if not paid on or before the last day of such month.

(b) Worker contributions required under Section 984 are due and

payable on the first day of the calendar month following the close of each first and second calendar month of each calendar quarter and shall become delinquent if not paid on or before the 15th day of such month. This subdivision shall not apply to an employer for any calendar month with respect to which the total amount of worker contributions required to be withheld by that employer for that month does not exceed one hundred dollars ($100), or if the Franchise Tax Board delegates its powers and duties as provided in Section 15702.1 of the Government Code and both of the following conditions exist:

(1) The total amount of worker contributions required to be withheld by that employer for that month does not exceed one hundred dollars ($100).

(2) The income tax required to be withheld by Section 18806 of the Revenue and Taxation Code for that month does not exceed two hundred fifty dollars ($250).

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## CHAPTER 30

An act to amend Section 1260 of the Business and Professions Code, relating to clinical laboratories.

[Approved by Governor March 6, 1980 Filed with Secretary of State March 7, 1980 ]

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

SECTION 1. Section 1260 of the Business and Professions Code is amended to read:

1260. The department shall issue a clinical laboratory bioanalyst's license to each person who is a lawful holder of a degree of master of arts, master of science, or an equivalent or higher degree as determined by the department with a major in one of the biological sciences. Such education shall have been obtained in one or more established and reputable institutions maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western Association of Schools and Colleges or an essentially equivalent accrediting agency, as determined by the department. The applicant also shall have a minimum of four years' experience as a licensed clinical laboratory technologist, performing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the department. The quality and variety of this experience shall be satisfactory to the department and shall have been obtained within the six-year period immediately antecedent to admission to the examination. The applicant shall successfully pass a written, oral, and practical examination conducted by the department or a committee designated by the department to conduct such examinations,

indicating that the applicant is properly qualified. The department shall establish by regulation the required courses to be included in the college or university training.

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## CHAPTER 31

An act to add and repeal Chapter 8 (commencing with Section 465) of, Division 1 of the Business and Professions Code, relating to senior citizen discount program.

[Approved by Governor March 6, 1980 Filed with Secretary of State March 7, 1980 ]

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

SECTION 1. Chapter 8 (commencing with Section 465) is added to Division 1 of the Business and Professions Code, to read:

### CHAPTER 8. SENIOR CITIZENS DISCOUNT PROGRAM

465. The Legislature recognizes that senior citizens, who are retired or living on fixed incomes are significantly affected by rising inflation. They must spend their limited incomes on those items that are visibly spiraling upward such as, groceries, health care, shelter, and energy costs. It is also recognized that one way to strengthen the purchasing power of this group is to reduce the prices of services and goods by offering immediate relief through discounts.

Therefore, the intent of the Legislature in enacting this chapter is to encourage the development of community discount programs for senior citizens in California, which will accomplish the following:

(a) Increase the purchasing power of senior citizens in California.

(b) Encourage commitments from the private and public sector to assist senior citizens.

(c) Assist and instruct local entities, including the private sector, in the implementation of discount programs.

465.1. The Department of Consumer Affairs shall establish a program of technical assistance to communities to facilitate the development of local discount programs to benefit senior citizens, to be effective on January 1, 1981. The department may adopt guidelines to provide for the development of uniform distribution of a standardized discount card to any community wishing to participate. The department shall also instruct appropriate local groups on the various roles and responsibilities associated with the implementation of community discount programs.

Participation in any program shall be on a voluntary basis.

Merchants wishing to participate in this program shall specify dates, times, or other conditions or percent of discount. In the event that the merchant wishes to withdraw from the program, or fails to

honor the discount pledge, the discount listing shall be removed from the discount directory maintained by the community program.

The program set forth by this chapter shall be known as the "Golden State Senior Citizen Discount Program."

465.2. "Senior citizen" for purposes of this chapter means any person 60 years of age or older.

465.3. There is hereby created the Advisory Committee for the Golden State Senior Citizen Discount Program consisting of three members to advise the department on any and all matters relating to the administration and carrying out the provisions of this chapter.

One member of the advisory committee shall be appointed by the Governor. The Speaker of the Assembly and the Senate Rules Committee shall each appoint one member. Each member shall serve at the pleasure of the appointing power and shall receive actual and necessary expenses.

465.4. The department shall conduct an evaluation of the program and submit a report to the Legislature and the Governor on or before July 1, 1982. The evaluation and report shall include, but not be limited to, the following areas of inquiry:

(a) An examination of the impact of the discount program on the puchasing power of senior's income.

(b) An assessment of the participation of the business community, especially the major manufacturing and service chains, in the program.

(c) An evaluation of the effect of regional workshops in stimulating the implementation of discount programs in communities.

(d) A discussion of any problems encountered in the development and implementation of discount programs in communities.

(e) A copy of any technical assistance manuals developed for such workshops.

SEC. 2. The provisions of this act shall remain in effect until December 31, 1982, and on such date are repealed.

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## CHAPTER 32

An act to amend Section 10809.5 of the Welfare and Institutions Code, relating to public social services.

[Approved by Governor March 6, 1980 Filed with Secretary of State March 7, 1980 ]

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

SECTION 1. Section 10809.5 of the Welfare and Institutions Code is amended to read:

10809.5. Each county welfare department shall submit to the

Department of Finance each month a copy of the monthly report of caseloads and expenditures submitted by the counties to the State Department of Social Services on the 237 report series entitled "Caseload Movement and Expenditure Report," relating to the following categories of assistance:

(1) Aid to the aged

(2) Aid to the blind and potentially self-supporting blind

(3) Aid to the disabled

(4) Aid to families with dependent children—unemployed persons

(5) Aid to families with dependent children—family groups

(6) Aid to families with dependent children—boarding homes and institutions

(7) General home relief

The report shall be submitted to the Department of Finance at the same time that the report is submitted to the State Department of Social Services. Upon the request of the Joint Legislative Budget Committee, the Department of Finance shall make the data contained in the respective county reports immediately available to the Joint Legislative Budget Committee. In addition, this data shall be incorporated into and made an integral part of the budget data system.

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## CHAPTER 33

An act to amend Section 1247 of the Health and Safety Code, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 6, 1980 Filed with Secretary of State March 7, 1980.]

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

SECTION 1. Section 1247 of the Health and Safety Code is amended to read:

1247. The state department shall conduct a program of grants-in-aid for the following purposes:

(a) To assist in stabilizing the health care operations of community clinics and free clinics which provide a wide range of primary health care services.

(b) To fund innovative and creative programs of such clinics designed to provide a high quality of health services at minimum cost.

Eligibility for such grants shall be limited to community clinics, free clinics, clinics exempt from licensure under subdivision (c) of Section 1206, and any nonprofit corporation which is comprised of not less than three such clinics having a combined service area

covering an entire county or more. Grants authorized pursuant to this article shall be limited in purpose to defraying operating expenses of the recipient clinic, including personnel costs, and for technical assistance provided to the recipient. Such grants shall not be made or used for purchase of equipment, facility renovations, or purchase of land or buildings. As a condition to making a grant pursuant to this article, the director shall require the applicant to match not less than 20 nor more than 40 percent of the amount granted. The required match shall be determined by the director, based upon the ability of the applicant to match the grant. The required match may be in cash or in-kind contributions, or a combination of both, and in-kind contributions may include, but shall not be limited to, staff and volunteer services. The director may waive all or a portion of the grantee match in individual cases of demonstrated hardship if the director determines that making the grant would effectively serve the purposes of this article. The director shall adopt criteria to be applied in determining whether to grant requests for such waivers.

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:

Operational grants for community and free clinics will soon be distributed. The 1979 legislation authorizing such grants inadvertently failed to include as eligible for such grants tribal-based clinics, which are a necessary health resource to a critically underserved population group. In order to avoid possible interruption or curtailment of the services of tribal-based clinics, it is necessary that this act take effect immediately.

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## CHAPTER 34

An act to amend Section 723.101 of the Code of Civil Procedure, relating to the Employees' Earnings Protection Law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 6, 1980 Filed with Secretary of State March 7, 1980.]

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

SECTION 1. Section 723.101 of the Code of Civil Procedure is amended to read:

723.101. (a) An earnings withholding order shall be served by the levying officer upon the employer by delivery of the order to any of the following:

(1) The managing agent or person in charge, at the time of service, of the branch or office where the employee works or the

office from which the employee is paid.

(2) Any person to whom a copy of the summons and of the complaint may be delivered to make service on the employer under Article 4 (commencing with Section 416.10) of Chapter 4 of Title 5.

(b) Service of an earnings withholding order shall be made by personal delivery as provided in Section 415.10 or 415.20 or by delivery by registered or certified mail, postage prepaid, with return receipt requested. When service is made by mail, service is completed at the time the return receipt is executed by or on behalf of the recipient. If the levying officer attempts service by mail under this subdivision and does not receive a return receipt within 15 days from the date of deposit in the mail of the earnings withholding order, the levying officer shall make service as provided in Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5.

(c) Except as provided in subdivision (b), service of any notice or document under this chapter may be made by first-class mail, postage prepaid. If service is made on the employer after the employer's return has been received by the levying officer, the service shall be made by first-class mail, postage prepaid, on the person designated in the employer's return to receive notices and at the address indicated in the employer's return, whether or not such address is within the county. Nothing in this subdivision precludes service by personal delivery on the employer before the employer's return has been received by the levying officer, or on the person designated in the employer's return after its receipt. Service by personal delivery under this subdivision may be made by either the levying officer or, if the notice or document runs in the debtor's favor, by the debtor or the debtor's agent who obtains the levying officer's permission to do so.

(d) Notwithstanding subdivision (b), if the judgment creditor so requests, the levying officer shall make service of the earnings withholding order by personal delivery as provided in Section 415.10 or 415.20. If the judgment creditor requests that service be made under this subdivision, the fee provided in Section 26750 of the Government Code shall be increased by one dollar and fifty cents ($1.50).

(e) An earnings withholding order also may be served by any person registered as a process server pursuant to Chapter 16 (commencing with Section 22350) of Division 8 of the Business and Professions Code. When an earnings withholding order is served by a process server pursuant to this subdivision, the levying officer shall perform all other duties required by the provisions of this chapter, except for the actual service of the order, as if the levying officer had served the order.

When an earnings withholding order is served by a process server, the court, in allowing costs for service pursuant to Section 1032b, shall not allow a sum in excess of one dollar and fifty cents ($1.50).

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

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

Persons registered as process servers pursuant to Chapter 16 (commencing with Section 22350) of Division 8 of the Business and Professions Code are not among the category of persons who may serve earnings withholding orders under the Employees' Earnings Protection Law which became operative on January 1, 1980, pursuant to Chapter 1133 of the Statutes of 1978 and Chapter 66 of the Statutes of 1979.

In order that persons registered as process servers, as well as levying officers, may serve earnings withholding orders, it is necessary that this act go into immediate effect.

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## CHAPTER 35

An act to add Section 25251.2 to the Vehicle Code, relating to motorcycles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 6, 1980 Filed with Secretary of State March 7, 1980 ]

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

SECTION 1. Section 25251.2 is added to the Vehicle Code, to read:

25251.2. Any motorcycle may be equipped with a means of modulating the upper beam of the headlamp between a high and a lower brightness at a rate of 200 to 280 flashes per minute. Such headlamps shall not be so modulated during darkness.

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 increase safety on the highways by increasing the visibility of motorcycles by authorizing the use of a means of modulating the upper beam of the headlamp of motorcycles, it is necessary that this act take effect immediately.

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## CHAPTER 36

An act to amend Section 13403 of the Corporations Code, relating to corporations.

[Approved by Governor March 11, 1980 Filed with Secretary of State March 11, 1980 ]

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

SECTION 1. Section 13403 of the Corporations Code is amended to read:

13403. The provisions of the General Corporation Law shall apply to professional corporations, except where such provisions are in conflict with or inconsistent with the provisions of this part. A professional corporation which has only one shareholder need have only one director who shall be such shareholder and who shall also serve as the president and treasurer of the corporation. The other officers of the corporation in such situation need not be licensed persons. A professional corporation which has only two shareholders need have only two directors who shall be such shareholders. The two shareholders between them shall fill the offices of president, vice president, secretary and treasurer.

A professional medical corporation may establish in its articles or bylaws the manner in which its directors are selected and removed, their powers, duties, and compensation. Each term of office may not exceed three years. Notwithstanding the foregoing, the articles or bylaws of a professional medical corporation with more than 200 shareholders may provide that directors who are officers of the corporation or who are responsible for the management of all medical services at one or more medical centers may have terms of office, as directors, of up to six years; however, no more than 50 percent of the members of the board, plus one additional member of the board, may have six-year terms of office.

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## CHAPTER 37

An act to amend Sections 7265.3 and 8193 of the Government Code and to amend Section 5 of Chapter 953 of the Statutes of 1979, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 11, 1980 Filed with Secretary of State March 11, 1980 ]

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

SECTION 1. Section 7265.3 of the Government Code is amended to read:

7265.3. (a) A public entity may make payments in the amounts it deems appropriate, and may provide advisory assistance under this chapter, to a person who moves from a dwelling, or who moves or discontinues his business, as a result of impending rehabilitation or demolition of a residential or commercial structure, or enforcement

of building, housing, or health codes by a public entity, or because of systematic enforcement pursuant to Section 37924.5 of the Health and Safety Code, or who moves from a dwelling or who moves or discontinues a business as a result of a rehabilitation or demolition program or enforcement of building codes by the public entity, or because of increased rents to result from such rehabilitation or code enforcement. Payments prescribed by subdivision (b) of Section 7264 may also be made to persons who remain in a dwelling during rehabilitation. Payments authorized by this section and made pursuant to subdivision (b) of Section 7264 may, at the option of the public entity, be computed and reviewed annually based on actual rental increases, and may be paid monthly or annually. A public entity may also give priority to a person who moves from a dwelling, or who remains in a dwelling during rehabilitation, in utilization of local, state, or federal rental assistance programs, either to enable the person to pay increased rents or to move to other suitable housing.

A public entity assisting in the financing of rehabilitation may provide some or all of the payments authorized by this section as part of the loan for rehabilitation costs, provided that the public entity makes payments directly to the person who moves or who remains in the dwelling during rehabilitation.

(b) A public entity shall make payments in the amounts prescribed by this chapter, and shall provide advisory assistance under this chapter, to persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, whose rent, within one year after the rehabilitation of their dwelling is completed, is increased to an amount exceeding 25 percent of their gross income, or who move from their dwelling, as the result of a rehabilitation program in which the rehabilitation work is wholly or partially financed or assisted with public funds provided by or through the public entity.

(c) A public entity shall provide temporary housing for up to 90 days to persons displaced by rehabilitation work which is wholly or partially financed or assisted with public funds provided by or through the public entity.

(d) A person displaced by rehabilitation work which is wholly or partially financed or assisted with public funds provided by or through the public entity shall, as a condition of the financing or assistance, be given the option of relocating, after rehabilitation, in the dwelling from which the person was displaced.

(e) A public entity may limit the amounts of payments made pursuant to subdivision (b), otherwise calculated pursuant to subdivision (b) of Section 7264, to the lesser of: (i) the difference between the increased rent and 25 percent of gross income; or (ii) the difference between the increased rent and the rent immediately before the rehabilitation which was greater than 25 percent of gross income.

(f) The payments and advisory assistance as required in this section shall be mandatory only if federal or state funds are available.

However, nothing shall preclude the public entity from using local funds.

SEC. 2. Section 8193 of the Government Code is amended to read:

8193. (a) During the period commencing on July 1, 1982, and ending when 600 newly constructed dwelling units have been completed and initially occupied, the authority shall have currently occupied or make available at affordable rents to low-income households at least 25 percent of the existing dwelling units.

(b) Beginning when 600 newly constructed dwelling units have been completed and initially occupied, the authority shall have currently occupied or make available at affordable rents to low-income households at least 25 percent of the total number of dwelling units located on property leased by the authority from the department.

(c) The number of dwelling units which are required to be made available in the manner specified in subdivisions (a) and (b) shall be increased or decreased to reflect increases or decreases in the number of such units which are leased by the authority from the department.

(d) The term "existing dwelling units," as used in this section, means residential units located on property which was leased by the authority from the department on July 1, 1979.

(e) The term "newly constructed dwelling units," as used in this section, means residential units located on property which is first leased by the authority from the department after July 1, 1979.

(f) The term "affordable rents," as used in this section, means rents (including utility allowances established by the authority) not exceeding 25 percent of the gross income of the occupant, person, or family.

(g) The term "low-income households," as used in this section, means persons and families whose income does not exceed 80 percent of the median income of the Sacramento County Standard Metropolitan Statistical Area as adjusted by the United States Department of Housing and Urban Development.

(h) During the period commencing on January 1, 1980, and ending when 800 newly constructed dwelling units have been completed and occupied, the authority shall establish a schedule of rents designed to make available to low-income households not less than 400 units at as close to affordable rents as the authority deems practicable in light of its budgetary needs regarding its duties and obligations. The schedule shall be designed to impose market rate rents for remaining units leased by the authority from the department.

(i) During period set forth in subdivision (h), rents for the 400 units referred to in subdivision (h) shall only be increased by an amount the authority determines is equal to the increase in the cost of operation and maintenance (including overhead) of the units. The foregoing determination shall be based on evidence presented at a

regular or special meeting of the authority's governing body.

(j) During the period commencing on January 1, 1980, and ending when 600 newly constructed dwelling units have been completed and occupied, the provisions of subdivision (b) shall be a goal of the authority, which the authority shall pursue, giving due consideration to the provisions of the redevelopment plans and other duties and obligations of the authority. To this end, the authority shall utilize to the extent it deems appropriate:

(1) Tax exempt financing for the construction of residential dwelling units, and

(2) Federal and state programs for the subsidization of low-income households.

(k) On or before November 1, 1980, and annually thereafter, the authority shall make public a status report regarding the authority's progress in achieving the housing production goals set forth in subdivisions (a) and (b). The status report shall (1) set forth the degree to which the authority has achieved this goal, and (2) specify programs the authority intends to pursue to achieve this goal.

(l) At the time the authority leases property for newly constructed dwelling units, it shall enter into a written lease with the developer of the units, designating the number of the units, if any, to be made available on a priority basis within that development to low-income households. If the number of units occupied by low-income households in the development ever falls below the designated number, then units which become available for occupancy shall, subject to available subsidies, be made available on a priority basis to low-income households until the number of units so occupied equals at least the number specified in the agreement. The authority may from time to time review agreements designating such units and, subject to agreement with the developer or his or her successors, may increase the number of units to be made available to low-income households. For the purpose of determining whether the authority is satisfying the provisions of subdivision (b), units designated pursuant to this agreement shall be conclusively presumed to be available to low-income households at affordable rent. Such presumption shall not apply in an action to enforce any provision of any lease or other agreement between the authority and the developer of newly constructed units. The authority shall monitor and enforce the provisions of this subdivision.

SEC. 3. Section 5 of Chapter 953 of the Statutes of 1979 is amended to read:

Sec. 5. The provisions of Section 2 of this act are intended to make specific and fulfill the duties and carry out the policy contained in the provision of Section 8169 of the Government Code which is deleted by the amendment to Section 8169 of the Government Code made by Section 1 of this act.

SEC. 4. The Legislature finds and declares that the amendments made to Section 7265.3 of the Government Code by Section 1 of this act are declaratory of existing law.

The Legislature further finds and declares that the amendments made to Section 7265.3 of the Government Code by Section 1 of this act are intended to permit a public entity, when making payments pursuant to subdivision (b) of Section 7265.3 of the Government Code, to pay amounts, if any, up to a maximum of four thousand dollars ($4,000), but it is not the intent of the Legislature to encourage public entities to pay less than four thousand dollars ($4,000) in cases when, but for the amendments, the public entities would have otherwise paid four thousand dollars ($4,000).

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:

Existing law concerning the Capitol Area Development Authority and existing law relative to relocation assistance for persons displaced from a dwelling or business as a result of governmental activity contains inadvertent ambiguities with respect to the obligations of the Capitol Area Development Authority to make prescribed housing units available at affordable rents to low-income households, and with respect to the obligations of public entities to provide a certain amount of relocation assistance to specified persons displaced as a result of governmental activity. In order that the Capitol Area Development Authority and public entities can continue their activities within a statutory framework clearly delineating their obligations, as soon as possible, it is necessary that this act take effect immediately.

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## CHAPTER 38

An act to add Section 31485 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor March 11, 1980. Filed with Secretary of State March 11, 1980.]

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

SECTION 1. Section 31485 is added to the Government Code, to read:

31485. Notwithstanding any other provision of law, whenever the governing body of a county or district following meet and confer has made a particular provision or provisions of this chapter providing for increased benefits applicable to such county or district through the adoption of an ordinance or resolution, such governing body may at any time thereafter adopt another ordinance or resolution terminating the applicability of such provision or provisions as to current employees of the county or district who elect by written notice filed with the board to have the applicability of such provision

or provisions terminated as to them. This section is intended only to authorize the termination of those benefits which the governing body of a county or district elected to increase over the basic benefits or to make applicable in addition to the basic benefits pursuant to the provisions of this chapter. Nothing herein shall be construed as authorizing the governing body of a county or district to terminate the basic benefits required under the provisions of this chapter.

The governing board of a county or district prior to adopting an ordinance or resolution allowing the termination of the applicability of any increased benefit provisions shall provide oral and written explanation of the effect and impact of such termination for each member requesting termination of the applicability of any such provisions.

The governing board shall require members requesting termination of the applicability of any provisions to sign an affidavit stating that such member has been fully informed regarding the effect of such termination and understands that such termination of a provision or provisions is irrevocable. Such affidavit shall also state that the employee has chosen termination of the provision or provisions of the employee's own free will and was not coerced into termination of any provision by the employer or any other person.

The governing body shall, in the ordinance or resolution granting current employees the option of electing to have the applicability of such provision or provisions terminated, specify the provision or provisions which shall be applicable to current employees making the election. Employees who elect to have suchprovision or provisions terminated, shall have their retirement allowance for service rendered after the effective date of election calculated on the basis of the provision made applicable by the governing body.

Except as otherwise provided herein, the retirement allowance for service rendered prior to the effective date of the election shall be calculated on the basis of the provision or provisions applicable during that period of service. Any employee who has made such an election shall not be eligible for retirement unless the employee meets the minimum requirements of the provision or provisions applicable at the date of retirement. Any employee who has made an election whereby the definition of "final compensation" in Section 31462.1 no longer applies, shall have the definition of "final compensation" in Section 31462 applied at the date of retirement regardless of previous service under the provisions of Section 31462.1. Any employee who has made an election whereby a cost-of-living adjustment provision of Article 16.5 (commencing with Section 31870) no longer applies shall have the cost-of-living adjustment provision, if any, specified by the governing body applied to all previous service at the date of retirement regardless of previous service under such other provision of Article 16.5. Any employee making such election shall be refunded all moneys contributed by that employee for those benefits, and such employee waives and relinquishes all rights to such automatic cost-of-living benefits.

A current employee who has elected to have the applicability of such provision or provisions terminated may not rescind such an election unless the governing body of the county or district again makes the particular provision or provisions applicable to the county or district through the adoption of a subsequent ordinance or resolution. Any such election made by a current employee shall be binding upon the employee's spouse and all others claiming benefits under such employee's entitlement.

This section shall not be applicable to safety members.

This section shall only be applicable to a county of the thirteenth class as described by Section 28034.

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## CHAPTER 39

An act to add Section 5105 to the Streets and Highways Code, relating to the Improvement Act of 1911, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 11, 1980. Filed with Secretary of State March 11, 1980 ]

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

SECTION 1. Section 5105 is added to the Streets and Highways Code, to read:

5105. (a) Whenever, in the opinion of the legislative body, the public interest or convenience may require, the legislative body may undertake any work necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard or to repair damages resulting therefrom.

(b) For purposes of this division, "geologic hazard" means an actual or threatened landslide, land subsidence, soil erosion, or any natural or unnatural movement of land or earth.

(c) Such work may be performed on private property with the prior written consent of the owner thereof, if the legislative body, in the resolution of intention, determines that it is in the public interest to do so.

SEC. 2. The Division of Mines and Geology of the Department of Conservation shall carry out a study of slope stability problems associated with excessive rainfall in 1978 in the City of Los Angeles and the County of Los Angeles, in the Baldwin Hills area, including portions of the communities of Culver City, View Park, and Windsor Hills.

The study shall identify the principal types of slope stability damage and the principal geologic factors that caused that damage. The study shall provide recommendations to enable local officials to determine appropriate site-specific engineering and stabilization

measures and costs to mitigate future landslide hazards in the area.

The division shall report the findings of the study to the Governor, the Legislature, the Board of Supervisors of the County of Los Angeles, and the City Council of the City of Los Angeles within six months after the effective date of this act.

SEC. 3. The sum of eighty-five thousand dollars ($85,000) is hereby appropriated from the General Fund to the Division of Mines and Geology of the Department of Conservation for carrying out the study under Section 2.

SEC. 4. If an assessment district is created under the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code) to perform work specified in Section 5105 of that code in the City of Los Angeles and the County of Los Angeles, in the Baldwin Hills area, the assessment district, within five years after its creation, shall reimburse the General Fund in the amount expended by the Division of Mines and Geology of the Department of Conservation to carry out the study under Section 2, together with interest equal to the amount of interest that would have been earned if the amount expended had been deposited in the Pooled Money Investment Account.

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 order that landslide damage in the City of Los Angeles and the County of Los Angeles, in the Baldwin Hills area, including portions of the communities of Culver City, View Park, and Windsor Hills, can be repaired as soon as possible, it is necessary that this act take effect immediately.

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## CHAPTER 40

An act to amend Sections 17730.6, 39618, 39619, and 39620 of, to add Section 39619.5 to, and to add and repeal Section 41977 of, the Education Code, relating to school finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1980. Filed with Secretary of State March 14, 1980 ]

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

SECTION 1. Section 17730.6 of the Education Code is amended to read:

17730.6. From any moneys in the State School Building Lease-Purchase Fund, the board shall make available to the Director of General Services such amounts as it determines necessary to

provide the assistance, pursuant to this chapter, required by Section 15504 of the Government Code.

SEC. 2. Section 39618 of the Education Code is amended to read:

39618. (a) The governing board of each school district may establish a restricted fund to be known as the "district deferred maintenance fund" for the purpose of major repair or replacement of plumbing, heating, air conditioning, electrical, roofing, and floor systems and the exterior and interior painting of school buildings or such other items of maintenance as may be approved by the State Allocation Board. Funds deposited in the district deferred maintenance fund may be received from any source whatsoever, and shall be accounted for separately from all other funds and accounts and retained in the district deferred maintenance fund for purposes of this section.

(b) Funds deposited in the district deferred maintenance fund shall only be expended for maintenance purposes as provided pursuant to subdivision (a).

(c) The governing board of each school district shall have complete control over the funds and earnings of funds once deposited in the district deferred maintenance fund, provided that no funds deposited in the district deferred maintenance fund pursuant to subdivision (a) or (b) of Section 39619 may be expended by the governing board for any purpose except those specified in subdivision (a) of this section.

SEC. 3. Section 39619 of the Education Code is amended to read:

39619. (a) Whenever a school district has deposited in its deferred maintenance fund established pursuant to Section 39618 an amount equal to or greater than that prescribed by this section, and such district's total expenditures and accounts payable for maintenance, repair, or modernization of existing school buildings, as specified in Section 39618, are at least as great as in the previous fiscal year, adjusted in conformance with the percentage change in the Consumer Price Index—All Items, of the Bureau of Labor Statistics of the United States Department of Labor, for that fiscal year, the Superintendent of Public Instruction shall so certify to the State Allocation Board.

(b) The State Allocation Board shall apportion, from the State School Deferred Maintenance Fund, to school districts an amount equal to one dollar ($1) for each one dollar ($1) of local funds up to a maximum of ½ percent of the total general funds budgeted by the district for the fiscal year, exclusive of any amounts budgeted for capital outlay or debt service, to the extent of funds available pursuant to Chapter 24 (commencing with Section 17780).

SEC. 4. Section 39619.5 is added to the Education Code, to read:

39619.5. Notwithstanding the limitations of Section 39619, the State Allocation Board may each year reserve an amount not to exceed 5 percent of the funds transferred from any source to the State School Deferred Maintenance Fund for apportionments to school districts, in addition to the apportionments made pursuant to

Section 39619, in instances of extreme hardship. An extreme hardship shall exist in a school district when the State Allocation Board determines the existence of all of the following:

(1) That the district has deposited in its deferred maintenance fund an amount equal to at least 0.5 percent of the total general funds budgeted by the district for the fiscal year, exclusive of any amounts budgeted for capital outlay or debt service.

(2) That the district has a critical project on its five-year plan which if not completed in one year could result in serious weather damage to the remainder of the facility.

(3) That the total funds deposited by the district and the state pursuant to Section 39619 are insufficient to complete the project.

As a result of the determination made in the preceding paragraph, the State Allocation Board may increase the apportionment to a school district by such amount as it determines necessarv to complete the critical project, provided the district agrees that state apportionments pursuant to Section 39619 in future years will be reduced to offset the increased apportionment.

SEC. 5. Section 39620 of the Education Code is amended to read:

39620. Each district desiring an apportionment pursuant to Section 39619 shall file with the State Allocation Board and receive approval of a five year plan of the maintenance needs of the district over such period. This plan may be amended from time to time. Any expenditure of funds from the district deferred maintenance fund shall conform to the plan approved by the State Allocation Board.

SEC. 6. Section 41977 is added to the Education Code, to read:

41977. (a) If during the 1980–81 fiscal year a school district, which provided programs pursuant to subdivision (b) or (c) of Section 42901 for pupils specified in subdivision (a) of Section 42901, fails to expend an amount in the 1980–81 fiscal year at least equal to the amount it expended for such programs in the 1979–80 fiscal year, the Superintendent of Public Instruction shall reduce such district's entitlement from Section A of the State School Fund in the 1980–81 fiscal year by an amount equal to four times the amount which such district expended for such programs in the 1979–80 fiscal year.

(b) This section shall remain in effect only until June 30, 1981, and as of such date is repealed, unless a later enacted statute deletes or extends such date.

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 for the provisions of this act to apply to the 1979–80 fiscal year, it is necessary that this act take effect immediately.

# CHAPTER 41

An act to amend Sections 35204 and 72420 of the Education Code, relating to education.

[Became law without Governor's signature March 17, 1980 Filed with Secretary of State March 17, 1980 ]

[Filed with Secretary of State March 17, 1980.]

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

SECTION 1. Section 35204 of the Education Code is amended to read:

35204. The governing board of any school district, may contract for the services of an attorney in private practice, as an employee or independent contractor, or utilize an administrative adviser for whatever purpose the governing board deems appropriate, and compensation of such attorney pursuant to contract shall be a proper use of school district funds, but the school district shall first obtain the written views of the district attorney or county counsel as to the merits of any litigation and the form of the proposed contract of employment with the private attorney. The district attorney or the county counsel shall furnish his or her written views within seven days from the time he or she is requested by the governing board of the school district. Such written views shall not be binding upon the governing board, but shall be advisory only. For purposes of this section, "an attorney in private practice" shall include a sole practitioner, partnership, or professional corporation.

SEC. 2. Section 72420 of the Education Code is amended to read:

72420. The governing board of any community college district, may contract for the services of an attorney in private practice, as an employee or independent contractor, or utilize an administrative adviser for whatever purpose the governing board deems appropriate, and compensation of such attorney pursuant to contract shall be a proper use of district funds but the district shall first obtain the written views of the district attorney or county counsel as to the merits of any litigation and the form of the proposed contract of employment with the private attorney. The district attorney or the county counsel shall furnish his or her written views within seven days from the time he or she is requested by the governing board of the district. Such written views shall not be binding upon the governing board, but shall be advisory only. For purposes of this section, "an attorney in private practice" shall include a sole practitioner, partnership, or professional corporation.

## CHAPTER 42

An act to add and repeal Section 462 to the Penal Code, relating to burglary.

[Approved by Governor March 18, 1980. Filed with Secretary of State March 18, 1980 ]

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

SECTION 1. Section 462 is added to the Penal Code, to read:

462. (a) Except in unusual cases where the interests of justice would best be served if the person is granted probation, probation shall not be granted to any person who is convicted of a burglary in the nighttime, or a felony burglary in the daytime, of an inhabited dwelling house or trailer coach, as defined in Section 635 of the Vehicle Code, or the inhabited portion of any other building.

(b) In any case in which a person is convicted of misdemeanor burglary in the daytime of an inhabited dwelling house or trailer coach, as defined in Section 635 of the Vehicle Code, or the inhabited portion of any other building, such person shall be confined in the county jail for not less than 90 days nor more than one year except in unusual cases where the interests of justice would best be served by the granting of probation.

(c) If the court grants probation under subdivision (a) or (b), it shall specify the reason or reasons for such order on the court record.

SEC. 2. By July 1, 1982, the Legislative Analyst shall report to the Legislature as to the effects of this enactment on the sentencing of residential burglars and its impact on the commission of such burglaries.

SEC. 3. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

SEC. 4. This act shall remain in effect only until January 1, 1983, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1983, deletes or extends such date.

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## CHAPTER 43

An act relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 20, 1980. Filed with Secretary of State March 20, 1980 ]

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

SECTION 1. (a) The Joint Legislative Audit Committee shall investigate contracts in force for fiscal intermediary services awarded by the Department of Health Services, to ascertain and identify problems concerning the claims processing procedures developed pursuant thereto. A report summarizing the findings of the committee shall be submitted to the Legislature by May 15, 1980.

(b) The Joint Legislative Budget Committee shall monitor the procedures developed by the department for claims processing under the contract awarded on August 14, 1978, and shall report monthly to the Legislature. The committee shall release these reports to the public.

(c) In carrying out the intent and objectives of this section, and for the limited purposes contained herein, the Joint Legislative Audit Committee and the Joint Legislative Budget Committee shall have access to records of the disbursement of funds of payments, including documents identifying names of applicants and recipients of benefits under Title XIX of the Social Security Act, and such records shall be released when requested by the committees. The committees shall use information from such records only for the purpose of investigating the procedures developed by the department for claims processing under the fiscal intermediary contracts. In any case, where disclosure is authorized pursuant to this section, the committees shall not disclose the identity of any applicant or recipient.

Except for the aforementioned release of information to the committees, this section shall not otherwise be construed to supersede any other provision of state law, including Section 10850 of the Welfare and Institutions Code.

SEC. 2. Notwithstanding any other provisions of Item 262 of Chapter 259 of the Statutes of 1979, change orders or amendments to the fiscal intermediary contracts, to permit the delay until June 1, 1980, of the implementation by the new contractor of medical provider claims processing scheduled for implementation under the new fiscal intermediary contract on March 1, 1980, shall require approval of the chairman of the committee of each house which considers appropriations or the chairman of the Joint Legislative Budget Committee.

SEC. 3. Upon order of the Department of Finance, the State Controller shall transfer funds between Items 261 and 262 of Chapter 259 of the Statutes of 1979.

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 effectuate essential changes in the Medi-Cal program, it is necessary that this act take effect immediately.

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## CHAPTER 44

An act to amend Sections 1006 and 2931a of the Civil Code, and to amend the heading of Chapter 3 (commencing with Section 738) of, to amend and renumber Chapter 4A (commencing with Section 801.1) of, to add Chapter 4 (commencing with Section 760.010) to, and Chapter 4.5 (commencing with Section 770.010) to, Title 10 of Part 2 of, and to repeal Sections 738, 738.5, 739, 748.5, 749, 749.1, 750, 751, 751a, 751.1, and 751.3 of, the Code of Civil Procedure, relating to property.

[Approved by Governor March 20, 1980. Filed with Secretary of State March 20, 1980 ]

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

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

1006. Occupancy for any period confers a title sufficient against all except the state and those who have title by prescription, accession, transfer, will, or succession; but the title conferred by occupancy is not a sufficient interest in real property to enable the occupant or the occupant's privies to commence or maintain an action to quiet title, unless the occupancy has ripened into title by prescription.

SEC. 2. Section 2931a of the Civil Code is amended to read:

2931a. In all actions brought to determine conflicting claims to real property, or for partition of real property, or to foreclose a deed of trust, mortgage, or other lien upon real property upon which exists a lien to secure the payment of taxes or other obligations, to the State of California, other than taxes upon such real property, the State of California may be made a party, and in such action the court shall have jurisdiction to determine the priority and effect of the liens described in the complaint in or upon the property, but the jurisdiction of the court in such action shall not include a determination of the validity of the tax giving rise to the lien or claim of lien. The complaint in such action shall contain a description of the lien sufficient to enable the tax or other obligation, payment of which it secures, to be identified with certainty. Services of process in such actions shall be made upon the Secretary of State or assistant, or any deputy, and upon the Attorney General or any deputy, and a copy of the complaint shall be delivered to the officer, board, commission, department or division or other body charged with the collection of the tax or obligation. It shall be the duty of the Attorney General to represent the state in all such actions.

SEC. 3. The heading of Chapter 3 (commencing with Section

738) of Title 10 of Part 2 of the Code of Civil Procedure is amended to read:

CHAPTER 3. ACTIONS FOR THE RECOVERY OF REAL PROPERTY, AND OTHER PROVISIONS RELATING TO ACTIONS CONCERNING REAL PROPERTY

SEC. 4. Section 738 of the Code of Civil Procedure is repealed.
SEC. 5. Section 738.5 of the Code of Civil Procedure is repealed.
SEC. 6. Section 739 of the Code of Civil Procedure is repealed.
SEC. 7. Section 748.5 of the Code of Civil Procedure is repealed.
SEC. 8. Section 749 of the Code of Civil Procedure is repealed.
SEC. 9. Section 749.1 of the Code of Civil Procedure is repealed.
SEC. 10. Section 750 of the Code of Civil Procedure is repealed.
SEC. 11. Section 751 of the Code of Civil Procedure is repealed.
SEC. 12. Section 751a of the Code of Civil Procedure is repealed.
SEC. 13. Section 751.1 of the Code of Civil Procedure is repealed.
SEC. 14. Section 751.3 of the Code of Civil Procedure is repealed.
SEC. 15. Chapter 4 (commencing with Section 760.010) is added to Title 10 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 4. QUIET TITLE

Article 1. General Provisions

760.010. As used in this chapter:

(a) "Claim" includes a legal or equitable right, title, estate, lien, or interest in property or cloud upon title.

(b) "Property" includes real property, and to the extent applicable, personal property.

760.020. An action may be brought under this chapter to establish title against adverse claims to real or personal property or any interest therein.

760.030. (a) The remedy provided in this chapter is cumulative and not exclusive of any other remedy, form or right of action, or proceeding provided by law for establishing or quieting title to property.

(b) In an action or proceeding in which establishing or quieting title to property is in issue the court in its discretion may, upon motion of any party, require that the issue be resolved pursuant to the provisions of this chapter to the extent practicable.

760.040. (a) The superior court has jurisdiction of actions under this chapter.

(b) The court has complete jurisdiction over the parties to the action and the property described in the complaint and is deemed to have obtained possession and control of the property for the purposes of the action with complete jurisdiction to render the judgment provided for in this chapter.

(c) Nothing in this chapter limits any authority the court may

have to grant such equitable relief as may be proper under the circumstances of the case.

760.050. Subject to the power of the court to transfer actions, the proper county for the trial of an action under this chapter is:

(a) Where the subject of the action is real property or real and personal property, the county in which the real property, or some part thereof, is located.

(b) Where the subject of the action is personal property, the county in which the personal property is principally located at the commencement of the action or in which the defendants, or any of them, reside at the commencement of the action.

760.060. The statutes and rules governing practice in civil actions generally apply to actions under this chapter except where they are inconsistent with the provisions of this chapter.

## Article 2. Commencement of Action

761.010. (a) An action under this chapter is commenced by filing a complaint with the court.

(b) Immediately upon commencement of the action, the plaintiff shall file a notice of the pendency of the action in the office of the county recorder of each county in which any real property described in the complaint is located.

761.020. The complaint shall be verified and shall include all of the following:

(a) A description of the property that is the subject of the action. In the case of tangible personal property, the description shall include its usual location. In the case of real property, the description shall include both its legal description and its street address or common designation, if any.

(b) The title of the plaintiff as to which a determination under this chapter is sought and the basis of the title. If the title is based upon adverse possession, the complaint shall allege the specific facts constituting the adverse possession.

(c) The adverse claims to the title of the plaintiff against which a determination is sought.

(d) The date as of which the determination is sought. If the determination is sought as of a date other than the date the complaint is filed, the complaint shall include a statement of the reasons why a determination as of that date is sought.

(e) A prayer for the determination of the title of the plaintiff against the adverse claims.

761.030. (a) The answer shall be verified and shall set forth:

(1) Any claim the defendant has.

(2) Any facts tending to controvert such material allegations of the complaint as the defendant does not wish to be taken as true.

(3) A statement of any new matter constituting a defense.

(b) If the defendant disclaims in the answer any claim, or suffers judgment to be taken without answer, the plaintiff shall not recover

costs.

761.040. (a) The defendant may by cross-complaint seek affirmative relief in the action.

(b) If the defendant seeks a determination of title as of a date other than the date specified in the complaint, the cross-complaint shall include the date and a statement of the reasons why a determination as of that date is sought.

## Article 3. Defendants

762.010. The plaintiff shall name as defendants in the action the persons having adverse claims to the title of the plaintiff against which a determination is sought.

762.020. (a) If the name of a person required to be named as a defendant is not known to the plaintiff, the plaintiff shall so state in the complaint and shall name as parties all persons unknown in the manner provided in Section 762.060.

(b) If the claim or the share or quantity of the claim of a person required to be named as a defendant is unknown, uncertain, or contingent, the plaintiff shall so state in the complaint. If the lack of knowledge, uncertainty, or contingency is caused by a transfer to an unborn or unascertained person or class member, or by a transfer in the form of a contingent remainder, vested remainder subject to defeasance, executory interest, or similar disposition, the plaintiff shall also state in the complaint, so far as is known to the plaintiff, the name, age, and legal disability (if any) of the person in being who would be entitled to the claim had the contingency upon which the claim depends occurred prior to the commencement of the action.

762.030. (a) If a person required to be named as a defendant is dead and the plaintiff knows of a personal representative, the plaintiff shall join the personal representative as a defendant.

(b) If a person required to be named as a defendant is dead, or is believed by the plaintiff to be dead, and the plaintiff knows of no personal representative:

(1) The plaintiff shall state these facts in an affidavit filed with the complaint.

(2) Where it is stated in the affidvit that such person is dead, the plaintiff may join as defendants "the testate and intestate successors of _____ (naming the deceased person), deceased, and all persons claiming by, through, or under such decedent," naming them in that manner.

(3) Where it is stated in the affidavit that such person is believed to be dead, the plaintiff may join the person as a defendant, and may also join "the testate and intestate successors of _____ (naming the person) believed to be deceased, and all persons claiming by, through, or under such person," naming them in that manner.

762.040. The court upon its own motion may, and upon motion of any party shall, make such orders as appear appropriate:

(a) For joinder of such additional parties as are necessary or

proper.

(b) Requiring the plaintiff to procure a title report and designate a place where it shall be kept for inspection, use, and copying by the parties.

762.050. Any person who has a claim to the property described in the complaint may appear in the proceeding. Whether or not the person is named as a defendant in the complaint, the person shall appear as a defendant.

762.060. (a) In addition to the persons required to be named as defendants in the action, the plaintiff may name as defendants "all persons unknown, claiming any legal or equitable right, title, estate, lien, or interest in the property described in the complaint adverse to plaintiff's title, or any cloud upon plaintiff's title thereto," naming them in that manner.

(b) In an action under this section, the plaintiff shall name as defendants the persons having adverse claims that are of record or known to the plaintiff or reasonably apparent from an inspection of the property.

(c) If the plaintiff admits the validity of any adverse claim, the complaint shall so state.

762.070. A person named and served as an unknown defendant has the same rights as are provided by law in cases of all other defendants named and served, and the action shall proceed against unknown defendants in the same manner as against other defendants named and served, and with the same effect.

762.080. The court upon its own motion may, and upon motion of any party shall, make such orders for appointment of guardians ad litem as appear necessary to protect the interest of any party.

762.090. (a) The state may be joined as a party to an action under this chapter.

(b) This section does not constitute a change in, but is declaratory of, existing law.

## Article 4. Service of Process

763.010. (a) The form, content, and manner of the service of summons shall be the same as in civil actions generally.

(b) If upon affidavit it appears to the satisfaction of the court that the plaintiff has used reasonable diligence to ascertain the identity and residence of and to serve summons on the persons named as unknown defendants and persons joined as testate or intestate successors of a person known or believed to be dead, the court shall order service by publication pursuant to Section 415.50 and the provisions of this article. The court may, in its discretion, appoint a referee to investigate whether the plaintiff has used reasonable diligence to ascertain the identity and residence of persons sought to be served by publication, and the court may rely on the report of the referee instead of the affidavit of the plaintiff in making the order for service by publication.

(c) Nothing in this section authorizes service by publication upon any person named as an unknown defendant who is in open and actual possession of the property.

763.020. Whenever the court orders service by publication, the order is subject to the following conditions:

(a) The plaintiff shall post, not later than 10 days after the date the order is made, a copy of the summons and complaint in a conspicuous place on the real property that is the subject of the action.

(b) The plaintiff shall record, if not already recorded, a notice of the pendency of the action.

(c) The publication shall describe the property that is the subject of the action. In addition to particularly describing the property, the publication shall describe the property by giving its street address, if any, or other common designation, if any; but, if a legal description of the property is given, the validity of the publication shall not be affected by the fact that the street address or other common designation recited is erroneous or that the street address or other common designation is omitted.

763.030. (a) Whenever the court orders service by publication, the publication may:

(1) Name only the defendants to be served thereby.

(2) Describe only the property in which the defendants to be served thereby claim interests.

(b) Judgment against a defendant who fails to appear and answer following service under this section shall be conclusive against the defendant named in respect only to property described in the publication.

763.040. Whenever the court orders service by publication, the court before hearing the case shall require proof that the summons has been served, posted, published as required, and that the notice of pendency of action has been filed.

## Article 5. Judgment

764.010. The court shall examine into and determine the plaintiff's title against the claims of all the defendants. The court shall not enter judgment by default but shall in all cases require evidence of plaintiff's title and hear such evidence as may be offered respecting the claims of any of the defendants, other than claims the validity of which is admitted by the plaintiff in the complaint. The court shall render judgment in accordance with the evidence and the law.

764.020. (a) If in an action under this chapter the validity or interpretation of a gift, devise, bequest, or trust, under a will or instrument purporting to be a will, whether admitted to probate or not, is involved:

(1) The will or instrument purporting to be a will is admissible in evidence.

(2) All questions concerning the validity of the gift, devise,

bequest, or trust shall be finally determined in the action.

(3) If the will has been admitted to probate and the gift, devise, bequest, or trust has been interpreted by a final decree of the probate court, the interpretation is conclusive as to the proper construction thereof.

(b) Nothing in this section deprives a party of the right to a jury trial in any case where, by law, the right is now given.

764.030. The judgment in the action is binding and conclusive on all of the following persons, regardless of any legal disability:

(a) All persons known and unknown who were parties to the action and who have any claim to the property, whether present or future, vested or contingent, legal or equitable, several or undivided.

(b) Except as provided in Section 764.050, all persons who were not parties to the action and who have any claim to the property which was not of record at the time the lis pendens was filed or, if none was filed, at the time the judgment was recorded.

(c) All persons claiming under any of the foregoing persons.

764.040. The judgment does not affect the claim of any person who was not a party to the action and who had a claim of record in the property or part thereof at the time the lis pendens was filed or, if none was filed, at the time the judgment was recorded.

764.050. If a person having an unrecorded claim in the property or part thereof was not a party to the action but the claim was actually known to the plaintiff at any time before entry of judgment or would have been reasonably apparent from an inspection of the property, the judgment does not affect the claim of the person. Nothing in this section shall be construed to impair the rights of a bona fide purchaser or encumbrancer for value of the property.

764.060. The relief granted in an action or proceeding directly or collaterally attacking the judgment in the action, whether based on lack of actual notice to a party or otherwise, shall not impair the rights of a purchaser or encumbrancer for value of the property acting in reliance on the judgment without knowledge of any defects or irregularities in the judgment or the proceedings.

764.070. Notwithstanding any other provision of this chapter, the judgment in the action is not binding or conclusive on the following:

(a) The state, unless individually joined as a party to the action.

(b) The United States.

SEC. 16. Chapter 4.5 (commencing with Section 770.010 is added to Title 10 of Part 2 of the Code of Civil Procedure, to read:

## CHAPTER 4.5. SPECIAL ACTIONS AND PROCEEDINGS TO CLEAR TITLE

### Article 1. Identity of Person in Chain of Title

770.010. As used in this article:

(a) "Acquired" means received or taken by conveyance, judgment, decree, or otherwise.

(b) "Property" means any right, title, or interest in or lien upon real property or part thereof.

(c) "Subsequent owner" means the person to whom property is transferred whether as owner, part owner, or otherwise, or the successors in interest of the person, and includes a distributee of the estate of a decedent.

(d) "Transfer" means voluntary or involuntary transfer and includes a conveyance, reconveyance, satisfaction of a lien, or divestment by judgment, decree, or otherwise. The probate of the estate of a decedent and entry of the decree of distribution is a transfer within the meaning of this subdivision.

770.020. If property is acquired or stands of record in the name of a person who heretofore or hereafter transfers the property under a name other than or different from the name in which the property is acquired or stands of record, a proceeding is authorized to adjudicate and determine the identity of the person in whose name the property is acquired or stands of record and the person who transfers the property.

770.030. The proceeding shall be brought in the superior court of the county in which the property or any part thereof is situated.

770.040. (a) The proceeding may be brought by a subsequent owner of the property by filing a petition with the court.

(b) At any time before the date fixed for the hearing of the petition, any person interested in the property may answer the petition and deny any of the matters contained therein.

770.050. (a) The petition shall be verified in the manner provided for verification of a complaint.

(b) The petition may be substantially entitled, "In the matter of the determination of the identity of _____" (naming all the persons sought to be identified), and may set forth:

(1) A statement of petitioner's interest in the property as subsequent owner.

(2) A particular description of the property.

(3) The name or names of the person or persons sought to be identified, setting out the name and a reference to the record of the transaction under which the property was acquired or stands of record and the name and a reference to the record of the transaction under which the property was transferred or stands of record, that the names are the names of the same person, and that the transfers affect the petitioner's title to the real property.

(4) A prayer that the identity of such persons be established.

(c) As many persons sought to be identified as appear of record in the chain of title to the property may be joined in one petition or proceeding.

770.060. (a) Upon the filing of the petition, the clerk shall set the petition for hearing by the court.

(b) The petitioner shall give notice of the hearing by causing notices of the time and place of hearing to be posted at the courthouse of the county where the proceeding is pending and in a

conspicuous place on the real property described in the petition, at least 10 days before the hearing.

(c) The special notice shall be substantially in the following form:

(Title of court and cause)

Notice is hereby given that _____ has filed a petition herein claiming to be the owner (or distributee) of the following described lands _____ (description) and praying that the identity of the following-named persons, in former conveyances (or judgments or decrees) to said lands or in decrees of distribution of said lands in probate be determined, to wit: _____ (names as J. Doe and John Doe); and that the time and place of hearing said petition has been set for _____ the _____ day of _____, 19__, at the hour of _____, __m. of said day at the courtroom of said court in the City of _____, County of _____, State of California.

_____

Clerk

770.070. (a) At the time fixed for the hearing or such time thereafter as may be fixed by the court, the court shall hear the proofs offered by the petitioner and by any persons answering the petition, and shall make and enter a decree determining the identity of the person or persons set out in the petition in accordance with the proofs.

(b) An appeal may be taken by any party aggrieved.

770.080. (a) After the decree has become final it constitutes prima facie evidence of the matters thereby determined and it is presumed that the identity of the person or persons described in the decree is such as is stated in the decree.

(b) A certified copy of the decree shall be recorded in the office of the county recorder of every county in which any part of the property is situated.

## Article 2. Land Dedicated for Public Improvement

771.010. If a proposal is heretofore or hereafter made to dedicate real property for public improvement, there is a conclusive presumption that the proposed dedication was not accepted if all of the following conditions are satisfied:

(a) The proposal was made by filing a map only.

(b) No acceptance of the dedication was made and recorded within 25 years after the map was filed.

(c) The real property was not used for the purpose for which the dedication was proposed within 25 years after the map was filed.

(d) The real property was sold to a third person after the map was filed and used as if free of the dedication.

771.020. (a) An action is authorized to clear title to real property of a proposal to dedicate the property for public improvement if

there is a conclusive presumption pursuant to Section 771.010 that the proposed dedication was not accepted.

(b) The action shall be pursuant to Chapter 4 (commencing with Section 760.010) and shall have the following features:

(1) The public entity to which the dedication was proposed shall be named as defendant.

(2) The judgment in the action shall clear the title of the proposed dedication and remove the cloud created by the proposed dedication.

## Article 3. Right of Entry or Occupation of Surface Lands Under Oil or Gas Lease

772.010. This article applies only to lands within a city in any county with a population exceeding 4,000,000, or with a population of more than 700,000 and less than 710,000 as determined by the 1960 Federal Decennial Census.

772.020. As used in this article:

(a) "Surface zone" means the zone which lies above a plane which is 500 feet below the surface of the land.

(b) "Subject land" means that area occupied by the particular described surface and surface zone for which plaintiff seeks to terminate the leasehold right of entry and occupation.

(c) "Lease facilities" means storage tanks, wash tanks, separators, heaters, and other facilities reasonably necessary for the production of oil or gas, including secondary recovery operations.

772.030. (a) If a mining rights lease, including a community lease, exists for the production of oil, gas, or other hydrocarbons, and a right of entry or occupation provided by the lease encumbers all or part of the surface or surface zone of the leasehold lands, any person who owns a fee interest in the surface of the leasehold lands may bring an action in the superior court to terminate the right of entry or occupation as to all or some described portion of the surface and surface zone of the leasehold lands in which the person owns an interest.

(b) No judgment rendered pursuant to this article shall change or affect the terms or operation of any valid unit agreement or valid operating agreement which comes within the provisions of Section 3301 or 3321 of the Public Resources Code.

772.040. The court may render a judgment terminating the lessee's right of entry or occupation of the surface and surface zone, subject to such conditions as the court deems fair and equitable, if the evidence shows each of the following:

(a) The document that created the leasehold interest was originally executed more than 20 years prior to filing the action under this article regardless of any amendments to the document. However, if any amendment was entered into expressly for the purpose of waiving, limiting, or rearranging surface rights of entry and occupation by the lessee, the 20-year period shall be computed

as if the document were originally executed on the date of execution of the amendment.

(b) The subject land is not presently occupied by any of the following:

(1) A producing oil or gas well or well bore.

(2) A well or well bore being utilized for injection of water, gas, or other substance into geologic substrata as an aid to oil or gas production or to ameliorating subsidence.

(3) A well or well bore being utilized for the disposal injection of waste oil well brine and byproducts.

(4) A well or well bore being utilized for the production of water for use in oil field injection, waterflood, and pressure maintenance programs.

(c) Termination of the right of entry or occupation within the subject land in the manner requested by the plaintiff, or subject to such conditions as the court may impose pursuant to this section, will not significantly interfere with the right of the lessee, under the lease, to continue to conduct operations for the continued production of oil from leasehold strata beneath the surface zone in a practical and economic manner, utilizing such production techniques as will be appropriate to the leasehold area, consistent with good oilfield practice, and to gather, transport, and market the oil.

772.050. (a) The court may qualify the judgment terminating the surface and surface zone right of entry or occupation so as to provide for limited surface and surface zone easements that the lessee may continue to enjoy within the subject land.

(b) A judgment may be conditioned upon the relocation of pipelines, roadways, equipment, or lease facilities in such manner as will most effectively free the subject land for surface use while safeguarding continued oil and gas operations in a practical and economic manner. Any such condition of the judgment shall require the plaintiff to pay the costs of the relocation. However, the plaintiff shall be entitled to a setoff against the costs to the extent of any benefit to the lessee resulting from the installation of new equipment or material. The plaintiff has the burden of proving any benefit accruing to the lessee.

772.060. It is against public policy for any oil or gas lease, at its inception, to provide for the waiver of any rights created by this article, or for such rights to be waived by amendment to any oil or gas lease within 20 years of the date of its execution by a plaintiff or the plaintiff's predecessor in interest.

SEC. 17. The heading of Chapter 4A (commencing with Section 801.1) of Title 10 of Part 2 of the Code of Civil Procedure is amended and renumbered to read:

CHAPTER 4.6. ACTIONS CONCERNING REAL PROPERTY TITLES AFFECTED BY PUBLIC IMPROVEMENT ASSESSMENTS

SEC. 18. (a) Actions commenced on or after the effective date of this act are governed by this act.

(b) Actions commenced before the effective date of this act are governed by the applicable law in effect immediately prior to the effective date of this act and for this purpose the applicable law is continued notwithstanding its repeal by this act. Whenever it can be done without prejudice to the parties, the court in its discretion may, by amendment of pleadings or otherwise, permit an action commenced before the effective date of this act to proceed under this act and may grant the relief provided in this act.

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## CHAPTER 45

An act to amend Sections 17030 and 17052 of, and to add Section 17030.5 to, the Health and Safety Code, relating to employee housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 20, 1980 Filed with Secretary of State March 20, 1980 ]

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

SECTION 1. Section 17030 of the Health and Safety Code is amended to read:

17030. Every person operating a labor camp shall obtain a permit to operate such labor camp from the enforcement agency, unless otherwise exempted by the provisions of this part. It shall be unlawful for any person to operate a labor camp without a valid permit to operate issued by the enforcement agency, as required by this part. Permits to operate shall be issued annually by the enforcement agency, except as provided in this section and Section 17030.5. A labor camp on a farm, which meets the requirements of Section 32505 of the Food and Agricultural Code, consisting only of permanent housing may be exempted from the requirement of obtaining a permit to operate a labor camp, as provided in Section 17031. Such housing shall meet the requirements of the State Housing Law before an exemption is granted. A permit to operate shall be valid from the date of issuance through December 31 of the year of issuance, or December 31 of the year designated by the enforcement agency for permanent housing labor camps. Permits to operate a labor camp 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.

SEC. 2. Section 17030.5 is added to the Health and Safety Code,

to read:

17030.5. (a) A permit to operate a labor camp consisting only of permanent housing may, when approved by the enforcement agency, be issued for a longer period of time not to exceed five years.

(b) No permit to operate a labor camp shall be issued for a period of time longer than one year during the first year of operation of the camp, or if within the previous two years the camp has been found to be in violation of this part or the regulations adopted pursuant thereto. Whenever the enforcement agency issues a permit for a period of time longer than one year, it shall make written findings indicating the reasons for issuing such a permit.

The findings of the enforcement agency shall include, but not be limited to, the following information:

(1) The year the dwellings on the labor camp were constructed.

(2) The number of years the labor camp has been operated with a valid permit to operate.

(3) The number and character of any complaints received during the time the labor camp has been operating either with or without a permit.

(4) Any violations cited in the last inspection of the labor camp.

SEC. 3. Section 17052 of the Health and Safety Code is amended to read:

17052. The enforcement agency shall annually enter and inspect all registered labor camps; except labor camps consisting only of permanent housing which have been granted an exemption as provided in Section 17031 or have been issued multiyear permits to operate pursuant to Section 17030.5, and all accommodations, equipment, or paraphernalia connected therewith and shall make such reinspection as deemed necessary to assure compliance with the current provisions of this part, the building standards published in the State Building Standards Code relating to labor camps, and the other regulations adopted pursuant to the provisions of this part. The enforcement agency shall make every effort to complete such inspection prior to the occupancy of such labor camps.

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:

Amendments made by Chapter 385 of the Statutes of 1979 inadvertently deleted provisions in the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code) which permitted the enforcement agency to issue multiyear permits for a labor camp consisting only of permanent housing. In order to correct this inadvertent revision in the law as soon as possible and to reduce administrative costs and the costs of persons operating these labor camps in a manner commensurate with the promotion of housing code standards and the protection of human lives, it is necessary that this act take effect immediately.

## CHAPTER 46

An act to amend Sections 20016, 20017.77, and 21252.6 of, and to add Section 21253 to, the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 27, 1980. Filed with Secretary of State March 27, 1980 ]

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

SECTION 1. Section 20016 of the Government Code is amended to read:

20016. "State industrial member" includes all state employees appointed by the Governor or by the Director of Corrections or the Board of Prison Terms or the Department of the Youth Authority or the Youthful Offender Parole Board and employed in the state prisons or facilities of the Department of Corrections or the Department of the 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 Board of Prison Terms 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 Board of Prison Terms, 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 the Youth Authority or a parolee therefrom subject to the same conditions prescribed by Section 20038.6.

SEC. 2. Section 20017.77 of the Government Code is amended to read:

20017.77. "State safety member" shall also include officers and employees in (a) the Department of Corrections employed to perform the duties now performed in positions with the following class titles: Director of Corrections; Deputy Director, Department of Corrections; Deputy Director, Institutions, Camps and Program Services Division; Deputy Director, Parole and Community Services; warden; Warden—San Quentin; superintendent II and III, Department of Corrections; deputy superintendent; correctional administrator; program administrator, correctional institution; all

classes of correctional program supervisor; correctional captain; correctional lieutenant; correctional sergeant; correctional officer; all classes of women's correctional supervisor; Assistant Deputy Director, Parole and Community Services; all classes of parole administrator, adult parole; all classes of parole agent, adult parole; Assistant Director, Investigations and Law Enforcement Liaison; senior special agent; special agent; all classes of women's parole agent; medical facility superintendent; Superintendent, California Institution for Women; all classes of correctional counselor; Chief and Assistant Chief Transportation Officer, (b) the Department of the Youth Authority employed to perform the duties now performed in positions with the following class titles: Director, Department of the Youth Authority; Chief, Division of Parole and Community Services; Deputy Chief, Division of Parole and Community Services; program administrator, correctional school; assistant superintendent, correctional school; all classes of superintendent, correctional school; Youth Authority camp superintendent; assistant superintendent, Youth Authority camp; Chief, Division of Institutions; treatment team supervisor; all classes of transportation officers, Youth Authority; security officer; all classes of group supervisors; all classes of parole agent, Youth Authority; all classes of youth counselor; supervisor community treatment programs; correctional casework training supervisor; correctional casework trainee; all classes of correctional counselor, (c) the Board of Prison Terms employed to perform duties now performed in positions with the following class titles: all classes of parole officer; all classes of correctional counselor and (d) the Youthful Offender Parole Board employed to perform duties now performed in positions with the following class titles: all classes of parole agent.

SEC. 3. Section 21252.6 of the Government Code is amended to read:

21252.6. The combined prior and current service pension for a state safety member, and a local safety member with respect to service to a contracting agency subject to this section, upon retirement after attaining age 55, is a pension derived from contributions of an employer sufficient, when added to that portion of the service retirement annuity which is derived from the accumulated normal contributions of the member at the date of his retirement, to equal one-fiftieth of his final compensation multiplied by the number of years of state safety, police, fire, or county peace officer service which is credited to him as a state safety member or a local safety member subject to this section at retirement. Notwithstanding the preceding sentence, this section shall apply to the current and prior service pension for any other state safety member based on service to which it would have applied had the member, on July 1, 1971, been in employment described in Section 20017.77 or 20017.78 of this code.

Upon retirement for service prior to attaining age 55, the percentage of final compensation payable for each year of credited

service which is subject to this section shall be the product of 2 percent multiplied by the factor set forth in the following table for his actual age at retirement:

| If retirement occurs at age: | The percent for each year of credited service is: |
|---|---|
| 50 | 0.713 |
| 50¼ | 0.725 |
| 50½ | 0.737 |
| 50¾ | 0.749 |
| 51 | 0.761 |
| 51¼ | 0.775 |
| 51½ | 0.788 |
| 51¾ | 0.801 |
| 52 | 0.814 |
| 52¼ | 0.828 |
| 52½ | 0.843 |
| 52¾ | 0.857 |
| 53 | 0.871 |
| 53¼ | 0.886 |
| 53½ | 0.902 |
| 53¾ | 0.917 |
| 54 | 0.933 |
| 54¼ | 0.950 |
| 54½ | 0.966 |
| 54¾ | 0.983 |

In no event shall the total pension for all service under this section exceed an amount which, when added to the service retirement annuity related to such service, equals 75 percent of final compensation. If the pension relates to service to more than one employer and would otherwise exceed such maximum, the pension payable with respect to each employer shall be reduced in the same proportion as the allowance based on service to such employer bears to the total allowance computed as though there were no limit, so that the total of such pensions shall equal the maximum.

This section shall not apply to a person whose effective date of retirement is prior to the operative date of this section.

The Legislature reserves, with respect to any member subject to this section, the right to provide for such adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier age of service retirement made possible by the benefits under this section.

The percentage of final compensation provided in this section shall be reduced by one-third as applied to that part of the member's final compensation which does not exceed four hundred dollars ($400) per month for service after the effective date of coverage of a

member under the federal system. This paragraph shall not apply to a member who retires after the date upon which coverage under the federal system of persons in his employment terminates. It shall not apply to a local safety member employed by a contracting agency electing to be subject to this section after the effective date of the amendments to this section at the 1972 Regular Session unless such agency elects to be subject to this paragraph by amendment to its contract or by appropriate provision of a contract entered into after this provision is effective and as to any such member, the reduction in the percentage of final compensation shall apply to all local safety service to such agency, if any of such local safety service has been included in the federal system.

This section shall not apply to a contracting agency nor its employees unless and until the agency elects to be subject to it by amendment to its contract made in the manner prescribed for approval of contracts or in the case of a new contract, by express provision of the contract. The operative date of this section with respect to a local safety member shall be the effective date of the amendment to his employer's contract electing to be subject to this section.

The amendments to this section at the 1977–78 Regular Session of the Legislature shall be operative from January 1, 1977.

SEC. 4. Section 21253 is added to the Government Code, to read:

21253. Notwithstanding any other provision of law, and with respect only to an election by a contracting agency to amend its contract to become subject to Section 21252.6 instead of Section 21252.1, the following shall apply:

(a) Members who are on the amending agency's active payroll on the effective date of such contract amendment shall elect in writing within 90 days after such effective date to be subject to Section 21252.1 or 21252.6 with respect to all safety service performed for such contracting agency.

(b) Members on such effective date, who are former employees of such amending agency, and whose service for such amending agency was subject to Section 21252.1, shall retain their rights under Section 21252.1.

(c) Former members who upon reentry into state service elect to redeposit contributions, shall be subject to Section 21252.6 with respect to all safety service performed for such amending agency prior to the effective date of such contract amendment.

(d) Notwithstanding Section 21251.15, a former member who reinstates to such amending agency as a local safety member must elect within 90 days of such reinstatement whether to be subject to Section 21252.6 or 21252.1 with respect to all such service with that contracting agency prior to the effective date of the contract amendment. Such election shall be effective only if the reinstated member remains in such employment for at least one year subsequent to reinstatement.

SEC. 5. The Legislature hereby declares that the amendments

made by this act to Sections 20016 and 20017.77 of the Government Code are operative retroactively to January 1, 1980, and reflect prior legislative intent that state employees who, effective January 1, 1980, became employees of the Board of Prison Terms and of the Youthful Offender Parole Board should retain the category of membership in the Public Employees' Retirement System to which they were entitled as employees of the Community Release Board and of the Department of the Youth Authority.

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 that any doubt as to the continued eligibility of certain members of the Public Employees' Retirement System to earned benefits shall be clarified as soon as possible, it is necessary that this act take effect immediately.

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## CHAPTER 47

An act to amend Section 4005 of the Penal Code, relating to prisoners.

[Approved by Governor March 27, 1980. Filed with Secretary of State March 27, 1980.]

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

SECTION 1. Section 4005 of the Penal Code is amended to read:

4005. (a) Except as provided in subdivision (b), the sheriff shall receive, and keep in the county jail, any prisoner committed thereto by process or order issued under the authority of the United States, until he is discharged according to law, as if he had been committed under process issued under the authority of this state; provision being made by the United States for the support of such prisoner.

(b) The sheriff shall receive, and keep in the county jail, any prisoner committed thereto by process or order issued under the authority of the United States, until he is discharged according to law, as if he had been committed under process issued under the authority of this State, but only if the sheriff determines that adequate space in appropriate detention areas currently exists for this purpose. Provision shall be made by the United States for the support of such prisoner. This subdivision shall apply only in counties where a facility operated by the United States Bureau of Prisons exists within 50 miles of the county seat.

## CHAPTER 48

An act to add Section 4607 to the Civil Code, and to amend Section 1731 of, and to repeal and add Article 2 (commencing with Section 1740) and Article 3 (commencing with Section 1760) of Title 11a of Part 3 of, the Code of Civil Procedure, and to amend Section 26840.3 of, and to add Section 26862 to, the Government Code, relating to marriage, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 27, 1980 Filed with Secretary of State March 27, 1980.]

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

SECTION 1. Section 1731 of the Code of Civil Procedure is amended to read:

1731. This chapter may be cited as the Family Conciliation Court Law.

SEC. 1.5. Article 2 (commencing with Section 1740) of Title 11a of Part 3 of the Code of Civil Procedure is repealed.

SEC. 2. Article 2 (commencing with Section 1740) is added to Title 11a of Part 3 of the Code of Civil Procedure, to read:

### Article 2. Family Conciliation Courts

1740. Each superior court shall exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of such jurisdiction shall be known and referred to as the "family conciliation court."

1741. In counties having more than one judge of the superior court, the presiding judge of such court shall annually, in the month of January, designate at least one judge to hear all cases under this chapter. The judge or judges so designated shall hold as many sessions of the family conciliation court in each week as are necessary for the prompt disposition of the business before the court.

1742. The judge of the family conciliation court may transfer any case before the family conciliation court pursuant to this chapter to the department of the presiding judge of the superior court for assignment for trial or other proceedings by another judge of the court, whenever in the opinion of the judge of the family conciliation court such transfer is necessary to expedite the business of the family conciliation court or to insure the prompt consideration of the case. When any case is so transferred, the judge to whom it is transferred shall act as the judge of the family conciliation court in the matter.

1743. The presiding judge of the superior court may appoint a judge of the superior court other than the judge of the family conciliation court to act as judge of the family conciliation court during any period when the judge of the family conciliation court is on vacation, absent, or for any reason unable to perform his duties.

Any judge so appointed shall have all of the powers and authority of a judge of the family conciliation court in cases under this chapter.

1744. In each county in which a family conciliation court is established, or in which counties have by contract established joint family conciliation court services, the superior court, or the superior courts in contracting counties jointly may appoint one supervising counselor of conciliation and one secretary to assist the family conciliation court in disposing of its business and carrying out its functions.

The supervising counselor of conciliation so appointed shall have the power to:

(a) Hold conciliation conferences with parties to, and hearings in proceedings under this chapter, and make recommendations concerning such proceedings to the judge of the family conciliation court.

(b) Provide such supervision in connection with the exercise of his jurisdiction as the judge of the family conciliation court may direct.

(c) Cause such reports to be made, such statistics to be compiled and such records to be kept as the judge of the family conciliation court may direct.

(d) Hold such hearings in all family conciliation court cases as may be required by the judge of the family conciliation court, and make such investigations as may be required by the court to carry out the intent of this chapter.

(e) Make recommendations relating to preage marriages.

(f) Make investigations, reports and recommendations as provided in Section 281 of the Welfare and Institutions Code under the authority provided the probation officer in such code.

(g) Act as domestic relations cases investigator.

(h) Conduct mediation of child custody and visitation disputes.

The superior court, or contracting superior courts, may also appoint, with the the consent of the board of supervisors, such associate counselors of conciliation and other office assistants as may be necessary to assist the family conciliation court in disposing of its business. Such associate counselors shall carry out their duties under the supervision of the supervising counselor of conciliation and shall have the powers of the supervising counselor of conciliation. Office assistants shall work under the supervision and direction of the supervising counselor of conciliation.

The classification and salaries of persons appointed under this section shall be determined by the board of supervisors of the county which by contract has the responsibility to administer funds of the joint family conciliation court service, or by the board of supervisors of the county in which a noncontracting family conciliation court operates.

1745. (a) Any person employed as a supervising counselor of conciliation or as an associate counselor of conciliation shall have the following minimum qualifications:

(1) A masters degree in psychology, social work, marriage, family and child counseling, or other behavioral science substantially related to marriage and family interpersonal relationships.

(2) At least two years' experience in counseling or psychotherapy, or both, preferably in a setting related to the areas of responsibility of the family conciliation court and with the ethnic population to be served.

(3) Knowledge of the court system of California and the procedures used in family law cases.

(4) Knowledge of other resources in the community to which clients can be referred for assistance.

(5) Knowledge of adult psychopathology and the psychology of families.

(6) Knowledge of child development, clinical issues relating to children, theeffects of divorce on children, and child custody research sufficient to enable a counselor to assess the mental health needs of children.

(b) The family conciliation court may substitute additional experience for a portion of the education, or additional education for a portion of the experience, required under subdivision (a).

(c) The provisions of this section shall be met by all counselors of conciliation not later than January 1, 1984, provided that this section shall not apply to any supervising counselor of conciliation who is in office on the effective date of this section.

1746. The probation officer in every county shall give such assistance to the family conciliation court as the court may request to carry out the purposes of this chapter, and to that end the probation officer shall, upon request, make investigations and reports as requested, and in cases pursuant to this chapter, shall exercise all the powers and perform all the duties granted or imposed by the laws of this state relating to probation or to probation officers.

1747. Notwithstanding the provisions of Section 124, all superior court hearings or conferences in proceedings under this chapter shall be held in private and the court shall exclude all persons except the officers of the court, the parties, their counsel and witnesses. Conferences may be held with each party and his counsel separately and in the discretion of the judge, commissioner or counselor conducting the conference or hearing, counsel for one party may be excluded when the adverse party is present. All communications, verbal or written, from parties to the judge, commissioner or counselor in a proceeding under this chapter shall be deemed to be official information within the meaning of Section 1040 of the Evidence Code.

The files of the family conciliation court shall be closed. The petition, supporting affidavit, conciliation agreement and any court order made in the matter may be opened to inspection by any party or his counsel upon the written authority of the judge of the family conciliation court.

1748. Upon order of the judge of the family conciliation court, the

supervising counselor of conciliation may destroy any record, paper, or document filed or kept in the office of the supervising counselor of conciliation which is more than two years old, except records of child custody or visitation mediation, which may be destroyed when the minor or minors involved are 18 years of age. In his discretion the judge of the family conciliation court may order the microfilming of any such record, paper, or document.

1749. (a) Any county may contract with any other county or counties to provide joint family conciliation court services.

(b) Any agreement between two or more counties for the operation of a joint family conciliation court service may provide that the treasurer of one participating county shall be the custodian of moneys made available for the purposes of such joint services, and that the treasurer may make payments from such moneys upon audit of the appropriate auditing officer or body of the county for which he is treasurer.

(c) Any agreement between two or more counties for the operation of a joint family conciliation court service may also provide:

(1) For the joint provision or operation of services and facilities or for the provision or operation of services and facilities by one participating county under contract for the other participating counties.

(2) For appointments of members of the staff of the family conciliation court including the supervising counselor.

(3) That, for specified purposes, the members of the staff of the family conciliation court including the supervising counselor, but excluding the judges of the family conciliation court and other court personnel, shall be considered to be employees of one participating county.

(4) For such other matters as are necessary or proper to effectuate the purposes of the Family Conciliation Court Law.

(d) The provisions of this chapter relating to family conciliation court services provided by a single county shall be equally applicable to counties which contract, pursuant to this section, to provide joint family conciliation court services.

SEC. 3. Article 3 (commencing with Section 1760) of Title 11a of Part 3 of the Code of Civil Procedure is repealed.

SEC. 4. Article 3 (commencing with Section 1760) is added to Title 11a of Part 3 of the Code of Civil Procedure, to read:

## Article 3. Proceedings for Conciliation

1760. Whenever any controversy exists between spouses, or between parents regardless of their marital status when such controversy relates to child custody or visitation, which may, unless a reconciliation is achieved, result in the dissolution or annulment of the marriage or in the disruption of the household, and there is any minor child of the spouses or parents or of either of them whose

welfare might be affected thereby, the family conciliation court shall have jurisdiction over the controversy, and over the parties thereto and all persons having any relation to the controversy as further provided in this chapter.

The family conciliation court shall also have jurisdiction over the controversy, whether or not there is any minor child of the parties or either of them, where such controversy involves domestic violence.

1761. Prior to the filing of any proceeding for determination of custody or visitation rights, dissolution of marriage, legal separation, or judgment of nullity of a voidable marriage, either spouse or parent, or both, may file in the family conciliation court a petition invoking the jurisdiction of the court for the purpose of preserving the marriage by effecting a reconciliation between the parties, or for amicable settlement of the controversy between the spouses or parents, so as to avoid further litigation over the issue involved.

1762. The petition shall be captioned substantially as follows:

In the Superior Court of the State of California
in and for the County of .....

| | |
|---|---|
| Upon the petition of<br>.....<br>(Petitioner)<br>And concerning<br>.....and<br>.....<br>....., Respondents | Petition for<br>Conciliation<br>(Under the Family<br>Conciliation<br>Court Law) |

To the Family Conciliation Court:

1763. The petition shall:

(a) Allege that a controversy exists between the spouses or parents and request the aid of the court to effect a reconciliation or an amicable settlement of the controversy.

(b) State the name and age of each minor child whose welfare may be affected by the controversy.

(c) State the name and address of the petitioner, or the names and addresses of the petitioners.

(d) If the petition is presented by one spouse or parent only, the name of the other spouse or parent as a respondent, and state the address of that spouse or parent.

(e) Name as a respondent any other person who has any relation to the controversy, and state the address of the person, if known to the petitioner.

(f) If the petition arises out of an instance of domestic violence, so state generally and without specific allegations as to the incident.

(g) State such other information as the court may by rule require.

1764. The clerk of the court shall provide, at the expense of the

county, blank forms for petitions for filing pursuant to this chapter. The probation officers of the county and the attachés and employees of the family conciliation court shall assist any person in the preparation and presentation of any such petition, when any person requests such assistance. All public officers in each ounty shall refer to the family conciliation court all petitions and complaints made to them in respect to controversies within the jurisdiction of the family conciliation court. The jurisdiction of the family conciliation court in respect to controversies arising out of an instance of domestic violence shall not be exclusive, but shall be coextensive with any other remedies either civil or criminal in nature that may be available.

1765. No fee shall be charged by any officer for filing the petition.

1766. The court shall fix a reasonable time and place for hearing on the petition, and shall cause such notice of the filing of the petition and of the time and place of the hearing as it deems necessary to be given to the respondents. The court may, when it deems it necessary, issue a citation to any respondent requiring him to appear at the time and place stated in the citation, and may require the attendance of witnesses as in other civil cases.

1767. For the purpose of conducting hearings pursuant to this chapter, the family conciliation court may be convened at any time and place within the county, and the hearing may be had in chambers or otherwise, except that the time and place for hearing shall not be different from the time and place provided by law for the trial of civil actions if any party, prior to the hearing, objects to any different time or place.

1768. The hearing shall be conducted informally as a conference or a series of conferences to effect a reconciliation of the spouses or an amicable adjustment or settlement of the issues in controversy. To facilitate and promote the purposes of this act the court may, with the consent of both parties to the proceeding, recommend or invoke the aid of medical or other specialists or scientific experts, or of the pastor or director of any religious denomination to which the parties may belong. Such aid, however, shall not be at the expense of the court or of the county unless the board of supervisors of the county specifically provides and authorizes such aid.

1769. (a) At or after the hearing, the court may make such orders in respect to the conduct of the spouses or parents and the subject matter of the controversy as the court deems necessary to preserve the marriage or to implement the reconciliation of the spouses, but in no event shall such orders be effective for more than 30 days from the hearing of the petition, unless the parties mutually consent to a continuation of such time.

(b) Any reconciliaton agreement between the parties may be reduced to writing and, with the consent of the parties, a court order may be made requiring the parties to comply fully therewith.

(c) During the pendency of any proceeding under this chapter, the superior court may order the husband or wife, or father or

mother, as the case may be, to pay any amount that is necessary for the support and maintenance of the wife or husband and for the support, maintenance and education of the minor children, as the case may be. In determining the amount, the superior court may take into consideration the recommendations of a financial referee when such referee is available to the court. An order made pursuant to this subdivision shall not prejudice the rights of the parties or children with respect to any subsequent order which may be made. Any such order may be modified or revoked at any time except as to any amount that may have accrued prior to the date of filing of the notice of motion or order to show cause to modify or revoke.

1770. During a period beginning upon the filing of the petition for conciliation and continuing until 30 days after the hearing of the petition for conciliation, neither spouse shall file any petition for dissolution of marriage, legal separation, or judgment of nullity of a voidable marriage.

If, however, after the expiration of such period, the controversy between the spouses, or the parents, has not been terminated, either spouse may institute proceedings for dissolution of marriage, legal separation, or a judgment of nullity of a voidable marriage, or a proceeding to determine custody or visitation of the minor child or children. The pendency of a proceeding for dissolution of marriage, legal separation, or declaration of nullity, or a proceeding to determine custody or visitation of the minor child or children, shall not operate as a bar to the instituting of proceedings for conciliation under this chapter.

1771. Whenever any petition for dissolution of marriage, legal separation, or declaration of nullity of a voidable marriage is filed in the superior court, and it appears to the court at any time during the pendency of the proceedings that there is any minor child of the spouses, or of either of them, whose welfare may be adversely affected by the dissolution of the marriage or the disruption of the household or a controversy involving child custody, and that there appears to be some reasonable possibility of a reconciliation being effected, the case may be transferred to the family conciliation court for proceedings for reconciliation of the spouses or amicable settlement of issues in controversy in accordance with the provisions of this chapter.

1772. Whenever application is made to the family conciliation court for conciliation proceedings in respect to a controversy between spouses, or a contested proceeding for dissolution of marriage, legal separation, or judgment of nullity of a voidable marriage, but there is no minor child whose welfare may be affected by the results of the controversy, and it appears to the court that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that the work of the court in cases involving children will not be seriously impeded by acceptance of the case, the court may accept and dispose of the case in the same manner as similar cases involving the welfare of children

are disposed of. In the event of such application and acceptance, the court shall have the same jurisdiction over the controversy and the parties thereto or having any relation thereto that it has under this chapter in similar cases involving the welfare of children.

SEC. 5. Section 4607 is added to the Civil Code, to read:

4607. (a) Where it appears on the face of the petition or other application for an order or modification of an order for the custody or visitation of a child or children that either or both such issues are contested, as provided in Section 4600, 4600.1 or 4601, the matter shall be set for mediation of the contested issues prior to or concurrent with the setting of the matter for hearing. The purpose of such mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child or children's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the custody or visitation dispute.

(b) Each superior court shall make available a mediator. Such mediator may be a member of the professional staff of a family conciliation court, probation department, or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court shall not be required to institute a family conciliation court. The mediator shall meet the minimum qualifications required of a counselor of conciliation as provided in Section 1745 of the Code of Civil Procedure.

(c) Mediation proceedings shall be held in private and shall be confidential, and all communications, verbal or written, from the parties to the mediator made in a proceeding pursuant to this section shall be deemed to be official information within the meaning of Section 1040 of the Evidence Code.

(d) The mediator shall have the authority to exclude counsel from participation in the mediation proceedings where, in the discretion of the mediator, exclusion of counsel is deemed by the mediator to be appropriate or necessary. The mediator shall have the duty to assess the needs and interests of the child or children involved in the controversy and shall be entitled to interview the child or children when the mediator deems such interview appropriate or necessary.

(e) The mediator may, consistent with local court rules, render a recommendation to the court as to the custody or visitation of the child or children. The mediator may, in cases where the parties have not reached agreement as a result of the mediation proceeding, recommend to the court that an investigation be conducted pursuant to Section 4602, or that other action be taken to assist the parties to effect a resolution of the controversy prior to any hearing on the issues. The mediator may, in appropriate cases, recommend that mutual restraining orders be issued, pending determination of the controversy, to protect the well-being of the children involved in the controversy. Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties

by the mediator on the day set for mediation or any time thereafter designated by the court.

(f) The provisions of this section shall become operative on January 1, 1981.

SEC. 6. Section 26840.3 of the Government Code is amended to read:

26840.3. (a) The superior court in any county may, for the support of the family conciliation court or for conciliation and mediation services provided pursuant to Section 4607 of the Civil Code, upon action of the board of supervisors to provide all space costs and indirect overhead costs from other sources, increase:

(1) The fee for filing a petition, except a joint petition filed pursuant to Section 4551 of the Civil Code, for dissolution of a marriage, legal separation, or nullity of a marriage, and the fee for a response to such a petition, by an amount not to exceed fifteen dollars ($15).

(2) The fee for issuing a marriage license, by an amount not to exceed five dollars ($5).

(3) The fee for issuing a marriage certificate pursuant to Section 4213 of the Civil Code, by an amount not to exceed five dollars ($5).

(b) The funds shall be paid to the county treasury and an amount equal thereto shall be used exclusively to pay the costs of maintaining the family conciliation court or conciliation and mediation services provided pursuant to Section 4607 of the Civil Code.

SEC. 7. Section 26862 is added to the Government Code, to read:

26862. In any county in which there is a family conciliation court, or in which counties have by contract established joint family conciliation court services, a fee of fifteen dollars ($15) shall be paid to the county clerk at the time of filing a motion, order to show cause, or other proceeding seeking to modify or enforce that portion of any judgment or order entered in this state or any other state which orders or awards the custody of a minor child or children or which specifies the rights of any party to the proceeding to visitation of a minor child or children. The funds shall be paid to the county treasury and shall be used exclusively to pay the costs of maintaining the family conciliation court.

SEC. 8. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections because self-financing authority is provided in this act to cover 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. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation 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 such necessity are:

In order to prevent the discontinuation of family conciliation courts, it is necessary that this act take effect immediately.

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## CHAPTER 49

An act to add Sections 15254 and 15262 to the Education Code, relating to the financing of school capital outlay for education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 27, 1980 Filed with Secretary of State March 27, 1980 ]

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

SECTION 1. Section 15254 is added to the Education Code, to read:

15254. This article shall apply only to bonds of a school district which were approved by the electors prior to July 1, 1978.

SEC. 2. Section 15262 is added to the Education Code, to read:

15262. This article shall apply only to bonds of a school district which were approved by the electors prior to July 1, 1978.

SEC. 2.5. Unless otherwise indicated, all section references in this act are to the Education Code.

SEC. 3. The unprecedented population growth in the Jurupa Unified School District has caused overcrowding in existing school facilities. In order to alleviate the overcrowding, moneys are needed to finance new school construction.

The authority of the boards of supervisors of the counties in which this school district is located to levy a property tax for interest and redemption on school bonds has been limited by Article XIII A of the California Constitution and statutory provisions which limit the rate of property tax which actually may be levied. No existing law authorizes these boards of supervisors to levy special taxes, as prescribed by Section 4 of Article XIII A of the California Constitution, to provide moneys for interest and redemption on school bonds. These boards of supervisors need such authority to enable new school construction to commence in the Jurupa Unified School District.

SEC. 4. (a) Within a reasonable amount of time after receipt of a written request from the governing board of any school district, the board of supervisors of the county in which the district is located, or the boards of supervisors of each county if the school district is located in more than one county, may call an election and submit to the qualified school district electors residing in the county, the question whether the board of supervisors shall levy annually special taxes, other than ad valorem property taxes, on all parcels of land and condominiums within the portions of the district situated in the county, in amounts not to exceed the following:

(1) Ten dollars ($10) per unimproved parcel, plus ten dollars ($10) per acre thereof in excess of one acre.

(2) One hundred twenty dollars ($120) per improved parcel, plus ten dollars ($10) per acre thereof in excess of one acre.

(3) One hundred twenty dollars ($120) per condominium.

(4) Eighty dollars ($80) per apartment for parcels improved with apartment houses, plus ten dollars ($10) per unimproved acre thereof.

(b) The proceeds of the special taxes shall be used for only the following purposes and for only the bonds of the district which are authorized for issuance and sale by the same election which authorized the levy of the special taxes:

(1) To pay the interest on the bonds of the district as it becomes due.

(2) To provide a sinking fund for the payment of the principal on the bonds on or before maturity.

(3) To provide an annual reserve established for the purpose of avoiding fluctuating revenues from such special taxes.

(c) Such proposition shall be submitted to the electors at the same election as is the question of whether the bonds of the district shall be issued and soldfor one or more of the purposes enumerated in Section 15100. Such school bond election shall be governed by and conducted as provided in Article 2 (commencing with Section 15120).

SEC. 5. (a) The election for special taxes shall be governed by and conducted as provided in Chapter 3 (commencing with Section 5300) of Part 4, except that the provisions of Sections 5302, 5322, 5324, 5325, and 5340 to 5345, inclusive, shall not apply. The county superintendent of schools shall have no responsibility with respect to such election.

(b) The proposition on special taxes shall be deemed a "school measure" as defined in Section 5320 of the Elections Code, and the provisions of Chapter 6 (commencing with Section 5320) of Division 5 of the Elections Code shall apply.

SEC. 6. The election on special taxes shall be called by resolution of the board of supervisors. Such resolution shall set forth the date of the election and the statement of the ballot proposition. At least 74 days prior to the date of the election, the board of supervisors shall deliver to the county clerk or registrar of voters, if such office has been established in the county, copies of:

(a) The resolution calling the election.

(b) The formal notice of election.

SEC. 7. (a) The statement of the ballot proposition shall be in substantially the following form:

"Shall the Board of Supervisors of _____ County be authorized to levy annually special taxes on all parcels of land and condominiums in the _____ School District (or in the case that the district is located in more than one county) in the portion of the _____ School District (setting forth the name of the school

district) situated in the county, except land exempt from taxation, for the payment of interest as it becomes due and principal on or before maturity on the bonds of the district and for providing an annual reserve established for the purpose of avoiding fluctuating revenues from such special taxes, for a period not to exceed 25 years from the date of issuance of the last series of such bonds, in amounts not to exceed the following:

(1) Ten dollars ($10) per unimproved parcel, plus ten dollars ($10) per acre thereof in excess of one acre.

(2) One hundred twenty dollars ($120) per improved parcel, plus ten dollars ($10) per acre thereof in excess of one acre.

(3) One hundred twenty dollars ($120) per condominium.

(4) Eighty dollars ($80) per apartment for parcels improved with apartment houses, plus ten dollars ($10) per unimproved acre thereof."

(b) Opposite the statement of the ballot proposition on the ballot, and to its right, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If a voter stamps a cross (+) in the voting square after the printed word "Yes," his or her vote shall be counted in favor of the measure. If a voter stamps a cross (+) in the voting square after the printed word "No," his or her vote shall be counted against the measure.

SEC. 8. Upon the request of the board of supervisors of the county, the statement of the ballot proposition on the levy of special taxes may be combined on the ballot with the statement of the ballot proposition on the school bond election in such a manner that both such propositions are clearly expressed. The voter may cast one "Yes" or one "No" vote upon such combined propositions. The combined propositions shall, as nearly as practicable, be worded in accordance with the statutory requirements for the wording of each such proposition.

SEC. 9. The formal notice of election shall contain, in addition to the items specified in Section 5361:

(a) The maximum special tax proposed for each class of parcel of land and for a condominium.

(b) The maximum number of years, not to exceed 25 years from the date of issuance of the last series of bonds, for which the special taxes are proposed to be levied.

SEC. 10. A special tax election called pursuant to this act may be consolidated with any other election pursuant to the provisions of Part 2.5 (commencing with Section 23300) of Division 14 of the Elections Code.

SEC. 11. (a) If it appears from the certificate of election results that two-thirds of the votes cast by the qualified school district electors residing in the county and voting on the proposition of levying the special taxes are in favor thereof, the board of supervisors of the county shall be authorized to levy the special taxes. If not, the board of supervisors shall not be authorized to levy such taxes.

(b) (1) If a school district is located in more than one county and

if it appears from the certificate of election results that in any such county two-thirds of the votes cast by the qualified school district electors residing in each county and voting on the proposition were not in favor of authorizing the levy of special taxes, only the board or boards of supervisors of those counties in which two-thirds of the votes cast favored the levy of special taxes shall be authorized to levy such tax. The board of supervisors of a county where less than two-thirds of the votes cast were not in favor of levying special taxes shall not be authorized to levy such tax.

(2) In the event that special taxes are authorized to be levied in less than all the counties in which a school district is located, the proceeds of such taxes shall be used only for capital outlay purposes in that portion of the school district located in the county or counties that provided such authorization.

SEC. 12. The special taxes shall be levied only so long as such bonds or any series thereof are outstanding, but in no event shall the authorization to levy such taxes exceed 25 years from the date of issuance of the last series of such bonds.

SEC. 13. (a) The board of supervisors of a county that is authorized to levy the special tax, shall annually, at the time of making the levy of the ad valorem property tax, levy special taxes on all parcels of land and condominiums within the district or the portion of the district situated in its county in amounts which shall be sufficient to pay the interest on the bonds as it becomes due and to provide a sinking fund for the payment of the principal of such bonds on or before maturity.

(b) Land that belongs to any federal or state governmental agency or another local agency or other land which is exempt from taxation under Article XIII of the California Constitution shall be exempt from the special tax levied pursuant to subdivision (a).

(c) The special tax may include an allowance for an annual reserve, established for the purpose of avoiding fluctuating revenues from the special tax levies.

(d) The amount of the special taxes to be levied for any year for any class of parcels or condominium shall not exceed the maximum special tax authorized.

SEC. 14. (a) Prior to August 1 of each year, the governing board of the district shall do the following:

(1) Determine the amount of money required to pay the interest on the bonds as it becomes due and to pay such part of the principal and interest as is to become due before the proceeds of special taxes levied at the time of making the next ad valorem property tax levy can be made available for the payment of the principal and interest.

(2) Determine the amount of money required to meet the payment of principal and interest on the bonds of the district authorized by the electors of the district which have not been sold and which the governing board believes will be sold before the next levy of special taxes.

(3) Determine the amounts of special taxes to be levied for each

class of parcel and for a condominium to provide the amounts prescribed by paragraphs (1) and (2).

(b) Prior to August 1 of each year, the governing board of the district shall cause to be prepared and filed with the board of supervisors of the county and the auditor of the county a written report containing the description of each parcel of land and condominium. Such description may be by reference to the number assigned thereto by the county assessor for assessment purposes, and in the case of parcels improved with apartment houses, the description shall include the number of apartments thereon. The report shall include the amount of the special tax for each parcel and condominium to be levied for the year.

(c) The board of supervisors shall, at the time of making the ad valorem property tax, levy the special taxes set forth in the report.

SEC. 15. If the governing board of the school district determines that it is not necessary to levy the maximum special tax to provide funds sufficient for the payment of interest and principal on the bonds for any year, the maximum special tax to be levied for each class of parcel and condominium shall be reduced by the same percentage for each class of parcel and condominium. Such percentage shall be based, as nearly as possible, on the percentage which the total of the amounts needed for the payment of interest and principal on the bonds for such year is of the total amount that would be raised if the maximum special tax authorized for all classes of parcels and condominiums were to be levied.

SEC. 16. (a) The special taxes shall be entered upon the assessment roll and collected in the same manner and be subject to the same penalty as, or with, the ad valorem property tax.

(b) The special tax shall constitute a lien upon the parcels and condominiums upon which they are levied as of noon on the first Monday in March immediately preceding the date of levy.

SEC. 17. (a) The special taxes, when collected, shall be paid into the county treasury of the county in which collected. The special taxes collected shall be credited by the county treasurer to the interest and sinking fund of the district and shall be used for the payment of the principal and interest on the bonds and for no other purpose.

(b) If the district is located in more than one county, the boards of supervisors of such counties may agree that the county treasurer of one county shall, upon order of the county auditor of such county, pay the sum collected by levy of the special tax in such county into the county treasury of the other county, to the credit of the interest and sinking fund of the district.

SEC. 18. For purposes of this act, the meanings of the following terms are governed by this section.

(a) A parcel of land shall be deemed to be "improved" if there is affixed thereto a building used or useful for residential, commercial, industrial, or agricultural purposes.

(b) "Agricultural purposes" means the cultivation or production

of food or fiber and the grazing or pasturing of livestock.

(c) "Condominium" means the estate in real property described in Section 783 of the Civil Code.

(d) "Parcel" means a separate unit of land, and includes, but is not limited to, parcels on subdivision and parcel maps recorded in the official records of the county recorder.

(e) "District" means a school district.

SEC. 19. The provisions of this act shall apply retroactively and prospectively to any election, called or held after January 1, 1980, and conducted in substantial compliance with the provisions of this act, to authorize the levy of special taxes for the payment of the interest and principal on the bonds of a school district, and to the levy and collection of any special taxes which may have been authorized in an election conducted in substantial compliance with the provisions of this act.

SEC. 20. If an action is brought pursuant to Section 15110 to determine the validity of the bonds of the district, the validity of the special taxes may also be put in issue in such action.

SEC. 21. Sections 2.5 to 20, inclusive, of this act shall apply only to the Jurupa Unified School District and the counties in which it is located.

SEC. 22. Due to the unique circumstances concerning the Jurupa Unified School District, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 23. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Section 8 of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the Jurupa Unified School District have moneys available for the payment of interest and principal on school bonds at the earliest possible time and in order that the Jurupa Unified School District have moneys from the sale of school bonds available at the earliest possible time so as to facilitate and accelerate necessary capital outlay expenditures, it is necessary that this act take effect immediately as an urgency statute.

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## CHAPTER 50

An act to amend Sections 14000, 14001, 14300, 14302, 14306, 14307, 14310, 14311, and 14312 of, to add Sections 14102, 14303, and 14305 to, and to repeal Section 14309 of, the Public Resources Code, relating to the California Conservation Corps.

[Approved by Governor March 27, 1980. Filed with Secretary of State March 27, 1980 ]

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

SECTION 1. Section 14000 of the Public Resources Code is amended to read:

14000. The Legislature finds and declares that conserving or developing natural resources, and enhancing and maintaining environmentally important lands and waters through the use of California's young women and men, is beneficial not only to the youth of the state by providing them with educational and work opportunities, but also is beneficial for the state's economy and its environment. Through this work experience opportunity, California's youth will further their understanding and appreciation of the natural resources in addition to learning basic and fundamental work ethics which include discipline, cooperation, understanding to live and work with others and, most importantly, learning the value of a day's work for a day's wages.

SEC. 2. Section 14001 of the Public Resources Code is amended to read:

14001. There is in the Resources Agency the California Conservation Corps, which shall be responsible for carrying out the purposes of, and implementing the findings and policies set forth in, this division.

SEC. 3. Section 14102 is added to the Public Resources Code, to read:

14102. "Director" means the Director of the California Conservation Corps.

SEC. 4. Section 14300 of the Public Resources Code is amended to read:

14300. Young women and men participating in the corps program shall generally be engaged in projects which do the following:

(a) Preserve, maintain, and enhance environmentally important lands and waters;

(b) Accomplish useful and needed public works projects in both urban and rural areas;

(c) Conserve, maintain, improve, and develop natural resources in both urban and rural areas;

(d) Provide opportunities for public use of the areas, projects, and resources described in subdivisions (a), (b), and (c);

(e) Assist in emergency operations, such as natural disaster relief and the rescue of lost and injured persons;

(f) Assist in fire prevention and suppression;

(g) Directly contribute to the conservation of energy;

(h) Contribute toward making public facilities accessible to persons with disabilities;

(i) Assist other departments within the Resources Agency in developing, rehabilitating, and restoring parklands, recreational facilities, and historical resources; restoring salmon and steelhead spawning, nursery, and rearing habitat; restoring and preserving

wildlife habitat; and enhancing reforestation in both urban and rural areas.

SEC. 5. Section 14302 of the Public Resources Code is amended to read:

14302. Young women and men shall be selected for participation in the corps program on the basis of motivation for hard work, personal development, and public service, and without regard to their prior employment or educational background. Participation shall be for a period of one year, which may be extended.

The corps, in conjunction with the Employment Development Department, shall place an emphasis on developing and executing plans to assist corpsmembers in obtaining employment following their participation in the corps program.

SEC. 6. Section 14303 is added to the Public Resources Code, to read:

14303. The director may employ special corpsmembers without regard to their age so that the corps may draw upon their special skills which may contribute to the attainment of the objectives of the program. Special corpsmembers may be assigned to headquarters, as well as field positions.

SEC. 7. Section 14305 is added to the Public Resources Code, to read:

14305. In order to protect the rights of corpsmembers individually and the corps as a community, the director shall adopt a corpsmember bill of rights, corpsmember grievance procedures, and search and seizure guidelines.

These adopted rights, procedures, and guidelines shall serve to assist the director and corps staff in identifying problems and conflicts and resolving them with a minimum disruption of work and training, and shall be used by corps supervisors to interpret and consistently enforce policies and procedures of the corps.

SEC. 8. Section 14306 of the Public Resources Code is amended to read:

14306. To implement the provisions of this division, the director may do all of the following:

(a) Recruit and employ corpsmembers and special corpsmembers.

(b) Adopt criteria for selecting applicants for employment in the corps program.

(c) Execute contracts containing such terms and conditions as are deemed necessary and desirable for the employment of corpsmembers.

(d) Authorize utilization of the corps for emergency projects occasioned by natural disasters, fire prevention and suppression, rescue of lost or injured persons, and any other activity or project necessary or desirable to carry out the purposes of this division.

(e) Apply for and accept grants or contributions of funds from any public or private source.

(f) Purchase, rent, or otherwise acquire or obtain necessary

property, supplies, instruments, tools, equipment, and conveniences.

(g) Execute contracts for furnishing the services of the corps to any federal, state, or local public agency; any local or statewide private organization concerned with the objectives of the corps' program, as specified in Sections 14000 and 14300; and any person, firm, partnership, or corporation concerned with such objectives.

(h) Procure insurance.

(i) Be reimbursed by the federal government, any state or local public agency, or any private organization for actual expenses incurred by the corps for any project undertaken for any such entity pursuant to subdivision (d) or (g) of this section or pursuant to Section 14307.

(j) To the extent permitted by Article XXIV of the State Constitution, execute contracts with any person, natural or corporate, for the purpose of implementing the objectives of the corps, as specified in Sections 14000 and 14300.

(k) Utilize any services, material, or property of any agency of the state, and may make such agreements with any agency of the state or take such other actions as are reasonable and necessary.

SEC. 9. Section 14307 of the Public Resources Code is amended to read:

14307. Fire prevention, fire suppression, and disaster relief shall be a major emphasis of the program. Certain corps centers designated by the secretary as fire centers in locations specifically needed to assure emergency capability and readiness for firefighting and natural disaster relief shall be administered and directed jointly by the director of the corps and the Director of Forestry. The director of the corps shall be responsible for setting the policies under which these centers shall be operated and shall be responsible for the recruitment, orientation, job training, project planning, and educational and other services generally provided in the corps at its base centers. The Director of Forestry, or his designee, shall be responsible for the supervision of corpsmembers engaged in public service conservation work and for the training, supervision, and direction of corpsmembers engaged in fire prevention, fire suppression, and other emergency activities.

SEC. 10. Section 14309 of the Public Resources Code is repealed.

SEC. 11. Section 14310 of the Public Resources Code is amended to read:

14310. Notwithstanding any other provision of law, corpsmembers and special corpsmembers, other than staff officers and employees, shall not receive state retirement benefits.

SEC. 12. Section 14311 of the Public Resources Code is amended to read:

14311. On or before August 1, 1984, the director shall report to the Legislature on the corps' significant activities in accomplishing the objectives of the program, including the cost-effectiveness of projects completed.

SEC. 13. Section 14312 of the Public Resources Code is amended

to read:

14312. This division shall remain in effect only until January 1, 1986, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1986, deletes or extends such date.

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## CHAPTER 51

An act to amend Sections 68543.5 and 68549 of the Government Code, relating to judges.

[Approved by Governor March 27, 1980. Filed with Secretary of State March 27, 1980.]

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

SECTION 1. Section 68543.5 of the Government Code is amended to read:

68543.5. Whenever a judge retired as such under the Judges' Retirement Law is assigned to sit in a court, he shall be compensated while so sitting at a rate equal to 92 percent of the full compensation of a judge of the court to which he is assigned. A retired judge of a justice court assigned to sit in a court shall be compensated while so sitting at the full compensation of a judge of the court to which he is assigned, or the compensation specified in Section 68541, whichever is greater. Such compensation shall be chargeable for the period specified in Section 68547 the same as provided by law with respect to the compensation of a judge of the court to which he is assigned except that when chargeable to the state, such compensation is payable out of any appropriation for extra compensation of judges assigned by the Chairman of the Judicial Council.

If such compensation is greater than his retirement allowance, his retirement allowance shall be suspended so long as he receives such compensation. If such compensation is less than his retirement allowance, his retirement allowance shall continue to be paid while he receives such compensation but only in an amount equal to the difference between such compensation and the retirement allowance to which he would otherwise be entitled.

If a judge retired under the Judges' Retirement Law is assigned to sit in a court, the 8-percent difference between the compensation of the retired judge while so assigned and the compensation of a judge of the court to which assigned shall be paid to the Judges' Retirement Fund.

When assigned to sit in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of the assignment. Such expenses, if any, shall be chargeable as follows:

(a) When the assignment is to the Supreme Court or a court of appeal, to the state.

(b) When the assignment is to a superior, municipal, or justice court, to the county.

SEC. 2. Section 68549 of the Government Code is amended to read:

68549. (a) A judge who has been defeated in an election for his office and who, before his term of office expires, elects to leave his accumulated contributions in the fund pursuant to Section 75033, or to receive benefits pursuant to Section 75033.5, shall not be deemed a retired judge within the meaning of Section 6 of Article VI of the California Constitution.

(b) Except as provided in subdivision (a), any judge who retires at the end of the term to which he has been elected, and who is receiving benefits under a public employees' retirement system shall be deemed a retired judge within the meaning of Section 6 of Article VI of the California Constitution.

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## CHAPTER 52

An act to amend Sections 14002, 14406, 14408, 14453, 14456, 14651, 14653, 14851, and 14861 of, and to add Sections 14958 and 14959 to, the Financial Code, relating to credit unions.

[Approved by Governor March 27, 1980 Filed with Secretary of State March 27, 1980 ]

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

SECTION 1. Section 14002 of the Financial Code is amended to read:

14002. A credit union is a cooperative corporation, organized for the purposes of promoting thrift among its members, creating a source of credit for them at legal rates of interest for provident purposes, and providing an opportunity for them to use and control their own money on a democratic basis in order to improve their economic and social conditions.

SEC. 2. Section 14406 of the Financial Code is amended to read:

14406. The capital funds, undivided profits and guaranty fund of any credit union may be deposited in any of the following:

(a) Commercial banks or trust companies, incorporated under the laws of this state.

(b) National banks located in this state.

(c) Shares or certificates for funds received or any form of evidence of interest or indebtedness issued by any credit union organized under the provisions of this division or any credit union whose member accounts are insured as provided for by Title II of the Federal Credit Union Act, or alternatively, comparable insurance

acceptable to the commissioner.

(d) Accounts with, investment certificates or withdrawable shares of, any savings and loan association doing business in this state and which is an insured institution as defined by Title IV of the National Housing Act.

SEC. 3. Section 14408 of the Financial Code is amended to read:

14408. No credit union shall make any gift or donation having a value in excess of one hundred dollars ($100) unless such gift or donation is in the best interest of the credit union, is approved by a resolution of the board of directors and is in conformance with provisions of the rules and regulations of the commissioner.

SEC. 4. Section 14453 of the Financial Code is amended to read:

14453. The board of directors of every credit union shall have the general management of the affairs, funds and records of the credit union. The board, with the written approval of the commissioner, may appoint an executive committee of no fewer than three directors, to serve at its pleasure, to act for it in the purchase and sale of securities, the investment and withdrawal of funds, in borrowing funds, and in making loans to other credit unions in accordance with the law and regulations.

SEC. 5. Section 14456 of the Financial Code is amended to read:

14456. Unless the bylaws expressly reserve any or all of the following duties to the members it shall be a special duty of the directors:

(a) To act upon all applications for membership. The directors may delegate the power to approve applications for new membership to the chairman of a membership committee or to an executive committee.

(b) To expel members for any of the following causes:

(1) Conviction of a criminal offense involving moral turpitude.

(2) Failure to carry out contracts, agreements or obligations with the credit union.

(3) Refusal to comply with the provisions of this division or of the bylaws.

Any members who shall have been expelled by the board of directors shall have the right to appeal therefrom to the members, in which event, after hearing, the order of suspension may be revoked by a two-thirds vote of the members present at a special meeting to consider the matter.

(c) To determine from time to time the interest rate on loans and to authorize the payment of interest refunds to borrowing members.

(d) To fix the maximum number of shares which may be held by, and the maximum amount which may be loaned to, any one member.

(e) To declare dividends on shares in the manner and form provided in the bylaws and to determine the interest rate or rates which will be paid on certificates for funds.

(f) To recommend amendments to the bylaws.

(g) To fill vacancies in the board of directors or credit committee,

and to temporarily fill vacancies caused by the suspension of any member of the board of directors, or any or all members of the credit committee, pending a meeting of the members to determine whether to affirm such suspension and vacate the office, or to reinstate such member or members.

(h) To direct the deposit or investment of funds, except loans to members.

(i) To designate alternate members of the credit committee who shall serve in the absence or inability of the regular members to perform their duties.

(j) To perform or authorize any action not inconsistent with law or regulation and not specifically reserved by the bylaws for the members, and to perform such other duties as the bylaws may prescribe.

SEC. 6. Section 14651 of the Financial Code is amended to read:

14651. Every credit union may invest in the shares of stock of a corporation organized solely for the purpose of providing services to credit unions, providing such corporation is formed by an organization composed of credit unions. Every credit union may invest in the securities of any corporation which provides services to credit unions provided such investment is approved by the commissioner. Such investment shall not exceed in aggregate, 5 percent of its paid-in and unimpaired capital and surplus.

SEC. 7. Section 14653 of the Financial Code is amended to read:

14653. With the written approval of the commissioner, credit unions may invest in trusts organized solely for the purpose of investing in United States government securities and United States government agency securities; provided such trust is formed by an organization composed of credit unions or an organization of credit union associations.

SEC. 8. Section 14851 of the Financial Code is amended to read:

14851. Every credit union may issue shares to any qualified member. Shares may be issued in coownership to a member and any person designated by such member. No membership privilege, including voting and obtaining a loan, may be made available to any nonmember as a result of ownership of shares solely as coowner of shares with a member, and any certificate or other evidence of shares which may be issued, shall contain the words "No transfer of voting rights or other membership privilege is permitted." Shares may be transferred to a public agency lawfully entitled to receive same when designated by a member as assignee of an account pledged as a surety deposit to such public agency by such member.

SEC. 9. Section 14861 of the Financial Code is amended to read:

14861. No credit union shall issue shares to anyone not qualified for membership under its bylaws, except shares issued in coownership as provided in Section 14851.

SEC. 10. Section 14958 is added to the Financial Code, to read:

14958. A credit union may participate in guaranteed loan programs of the federal or state governments, subject to the

limitations on loans set forth in this division.

SEC. 11. Section 14959 is added to the Financial Code, to read:

14959. A credit union may participate in loans to credit union members jointly with other credit unions, corporations or financial organizations.

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## CHAPTER 53

An act to amend Sections 2 and 5 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951), relating to the Solano County Flood Control and Water Conservation District.

[Approved by Governor March 27, 1980 Filed with Secretary of State March 27, 1980]

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

SECTION 1. Section 2 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951) is amended to read:

Sec. 2. As used in this act, the following words shall have the following respective meanings except by the context otherwise indicated:

(a) "The district" shall mean the Solano County Flood Control and Water Conservation District;

(b) "The county" shall mean the County of Solano, State of California;

(c) "United States" shall include the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America;

(d) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California;

(e) "Work" or "works" shall include dams and dam sites, all reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of surface waters, and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing;

(f) "Member unit" shall mean any county water district, reclamation district, irrigation district, water conservation district, municipality, flood control district and other district or political subdivision of the state empowered by law to appropriate water and to deliver to water users, the territory of which lies entirely within the exterior boundaries of the County of Solano and any city located outside the County of Solano, which is contiguous to the County of Solano, which member unit may enter into a contract with the

district for (I) the repayment in whole or part to the district or any other person, corporation, public district, State of California, or the United States, of any or all of the construction costs of any works constructed by or on behalf of the district, or for (II) the underwriting in whole or part of any or all of such construction costs, or for (III) the repayment in whole or in part to the district or any other person, corporation, public district, State of California or the United States of any or all of the cost of furnishing water or a water supply to the district or the underwriting in whole or in part of such cost, or for (IV) the payment in whole or in part for water to be furnished or sold to such district by the district or the United States. "Member unit" shall also include an electric utility which serves at least 2,000,000 customers.

(g) "Elector" or "qualified elector" or "voter" or "qualified voter" shall mean any elector of the district qualified under the laws of the State of California to vote at general elections;

(h) "May" is permissive and "shall" is mandatory.

SEC. 2. Section 5 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951) is amended to read:

Sec. 5. The district shall have the power, but only as to member units or for the benefit of any agency of the State of California or of the United States of America, to sell, lease, or otherwise dispose of water or any rights to the use of the works of the district for the conservation, control or transportation of water, and shall have the power to fix rates and charges for such purposes. All water sold to an electric utility shall be for use in an electric power generating plant in the territory of the district, and none of such water shall be furnished direct from the Solano Project of the United States Bureau of Reclamation.

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## CHAPTER 54

An act to add Section 10012.1 to the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 3, 1980 Filed with Secretary of State April 3, 1980.]

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

SECTION 1. Section 10012.1 is added to the Elections Code, to read:

10012.1. In addition to the restrictions set forth in Section 10012, any candidate's statement submitted pursuant to Section 10012 by a candidate for judicial office shall be limited to a recitation of the candidate's own personal background and qualifications and shall not

in any way make reference to other candidates for judicial office or to another candidate's qualifications, character, or activities. The clerk shall not cause to be printed or circulated any statement which the clerk determines is not so limited or which includes any such references.

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 provisions of this act may apply to elections occurring in 1980, it is necessary that this act take effect immediately.

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## CHAPTER 55

An act to add Section 14773.5 to the Revenue and Taxation Code, relating to taxation.

[Approved by Governor April 3, 1980. Filed with Secretary of State April 3, 1980.]

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

SECTION 1. Section 14773.5 is added to the Revenue and Taxation Code, to read:

14773.5. The authority of any person to act in any capacity as an inheritance tax referee ceases immediately upon the expiration of that person's term of office, resignation, or other termination pursuant to law.

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## CHAPTER 56

An act to add and repeal Section 25261.1 of the Government Code, relating to counties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 3, 1980. Filed with Secretary of State April 3, 1980.]

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

SECTION 1. Section 25261.1 is added to the Government Code, to read:

25261.1. (a) Notwithstanding those provisions of Section 25261 which limit the activities which may be accounted for in enterprise funds to those designated in regulations adopted by the State Controller, the board may create an enterprise fund for a county health delivery system. All other provisions of Section 25261 shall be

applicable to the establishment of such a fund.

(b) The provisions of this section shall apply only to the Counties of Riverside and San Bernardino.

(c) This section shall remain in effect only until June 30, 1983, and on such date is repealed, unless a later enacted statute, which is chaptered before such date, deletes or extends such date.

SEC. 2. The Legislature finds and declares that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution and that the enactment of this act as a special law is necessary to enable the Counties of Riverside and San Bernardino to undertake accounting procedures not needed by other counties.

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 adoption of Article XIII A of the California Constitution at the June 6, 1978, Primary Election limits the ability of local government to fund programs and services which are vital to the state's public health, safety, and welfare by property tax revenue. In order to provide an alternative source of revenue for such programs and services which are capable of being supported in whole or in part from charges for such services, it is necessary that this act take effect immediately.

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## CHAPTER 57

An act to amend Section 437c of the Code of Civil Procedure, relating to summary judgments.

[Approved by Governor April 3, 1980 Filed with Secretary of State April 3, 1980 ]

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

SECTION 1. Section 437c of the Code of Civil Procedure is amended to read:

437c. Any party may move for summary judgment in any action or proceeding if it is contended that the action has no merit or that there is no defense thereto. The motion may be made at any time after 60 days have elapsed since the general appearance in the action or proceeding of each party against whom the motion is directed or at such earlier time after such general appearance as the court, with or without notice and upon good cause shown, may direct. Notice of the motion and supporting papers shall be served on the other party to the action at least 10 days before the time fixed for the hearing. The motion shall be heard no later than 45 days before the date of trial, unless the court for good cause orders otherwise. The filing of

such motion shall not extend the time within which a party must otherwise file a responsive pleading.

The motion shall be supported or opposed by affidavits, declarations, admissions, answers to interrogatories, depositions and matters of which judicial notice shall or may be taken. Evidentiary objections, not raised here in writing or orally at the hearing, shall be deemed waived.

Such motion shall be granted if all the papers submitted show that there is no triable issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. In determining whether the papers show that there is no triable issue as to any material fact the court shall consider all of the evidence set forth in the papers, except that to which objections have been made and sustained by the court, and all inferences reasonably deducible from such evidence, except summary judgment shall not be granted by the court based on inferences reasonably deducible from such evidence, if contradicted by other inferences or evidence, which raise a triable issue as to any material fact.

Supporting and opposing affidavits or declarations shall be made by any person on personal knowledge, shall set forth admissible evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

If a party is otherwise entitled to a summary judgment pursuant to the provisions of this section, summary judgment shall not be denied on grounds of credibility or for want of cross-examination of witnesses furnishing affidavits or declarations in support of the summary judgment, except that summary judgment may be denied in the discretion of the court, where the only proof of a material fact offered in support of the summary judgment is an affidavit or declaration made by an individual who was the sole witness to such fact; or where a material fact is an individual's state of mind, or lack thereof, and such fact is sought to be established solely by the individual's affirmation thereof.

If it appears that the proof supports the granting of such motion as to some but not all the issues involved in the action, or that one or more of the issues raised by a claim is admitted, or that one or more of the issues raised by a defense is conceded, the court shall, by order, specify that such issues are without substantial controversy. At the trial of the action the issue so specified shall be deemed established and the action shall proceed as to the issues remaining.

If it appears from the affidavits submitted in opposition to the motion that facts essential to justify opposition may exist but cannot, for reasons stated, then be presented, the court shall deny the motion, or order a continuance to permit affidavits to be obtained or discovery to be had or may make such other order as may be just.

If the court determines at any time that any of the affidavits are presented in bad faith or solely for purposes of delay, the court shall order the party presenting such affidavits to pay the other party the amount of the reasonable expenses which the filing of the affidavits

caused such other party to incur.

Except where a separate judgment may properly be awarded in the action, no final judgment shall be entered on a motion for summary judgment prior to the termination of such action, but the final judgment in such action shall, in addition to any matters determined in such action, award judgment as established by the summary proceeding herein provided for.

A summary judgment entered under this section is an appealable judgment as in other cases.

SEC. 2. The amendments to Section 437c of the Code of Civil Procedure made by this act shall not apply to any appeal if the notice of appeal is filed prior to January 1, 1981.

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## CHAPTER 58

An act to amend Sections 31630, 31671.6, 31703, 31780, and 31781.2 of, and to add Sections 31621.7, 31680.3, 31720.1, 31727.01, 31728.1, 31751, 31752, 31760.11, 31765.11, 31781.01, 31781.31, 31789.01, 31817, 31837.1, 31840.01, 31870.3, and 31873.1 to, the Government Code, relating to the County Employees Retirement Law of 1937, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 3, 1980 Filed with Secretary of State April 4, 1980 ]

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

SECTION 1. Section 31621.7 is added to the Government Code, to read:

31621.7. The normal rates of contribution for members covered by Section 31751 shall be such as will provide an average annuity at age 55 equal to one-three hundredth of the member's final compensation, according to the tables adopted by the board of supervisors, for each year of service rendered after entering the system.

Until revised pursuant to Sections 31453 and 31454, the normal rate of contribution of each member is that percentage of the member's earnable compensation, shown in the following table according to the member's age at the time of entry into the retirement system:

| Age of entry into system | Percentage of contribution |
|---|---|
| 16 | 2.93 |
| 17 | 2.93 |
| 18 | 2.93 |
| 19 | 2.93 |
| 20 | 2.93 |

| | |
|---|---|
| 21 | 2.93 |
| 22 | 2.93 |
| 23 | 2.94 |
| 24 | 2.94 |
| 25 | 2.95 |
| 26 | 2.96 |
| 27 | 2.97 |
| 28 | 2.98 |
| 29 | 3.00 |
| 30 | 3.02 |
| 31 | 3.04 |
| 32 | 3.06 |
| 33 | 3.08 |
| 34 | 3.10 |
| 35 | 3.12 |
| 36 | 3.15 |
| 37 | 3.17 |
| 38 | 3.20 |
| 39 | 3.22 |
| 40 | 3.25 |
| 41 | 3.28 |
| 42 | 3.31 |
| 43 | 3.34 |
| 44 | 3.37 |
| 45 | 3.40 |
| 46 | 3.43 |
| 47 | 3.46 |
| 48 | 3.50 |
| 49 | 3.54 |
| 50 | 3.57 |
| 51 | 3.61 |
| 52 | 3.65 |
| 53 | 3.69 |
| 54 and over | 3.72 |

SEC. 2. Section 31630 of the Government Code is amended to read:

31630. Notwithstanding any other provisions in this chapter, the South Coast Air Quality Management District and in any county which has adopted Section 31676.1, 31676.11, 31676.12, 31676.13, 31676.14, 31676.15, or 31751, the board of supervisors or district board, as the case may be, may, on recommendation of the board of retirement, agree to pay any portion of the members' normal contributions to the system. All such contributions paid by the county or district, as the case may be, shall remain its contributions, and no right therein shall accrue to any employee prior to such employee's election to take a regular, deferred, or disability retirement.

Any such contributions paid by the board of supervisors or the district board on behalf of such members shall be as determined by

upon actuarial advice, and approved by the board of retirement.

SEC. 3. Section 31671.6 of the Government Code is amended to read:

31671.6. In any county subject to the provisions of Section 31676.1, 31676.11, 31676.12, 31676.13, 31676.14, 31676.15, or 31751, every officer holding an elective office shall be retired at the end of the first term to which he is elected which commences on a date following his 70th birthday.

SEC. 4. Section 31680.3 is added to the Government Code, to read:

31680.3. Notwithstanding Section 31680.2, any member who has been covered under the provisions of Section 31751 and has retired may be reemployed in a position requiring special skills or knowledge, as determined by the county or district employing the member, for not to exceed 30 working days in any one fiscal year and may be paid for such employment. Such employment shall not operate to reinstate the person as a member of this system or to terminate or suspend the person's retirement allowance, and no deductions shall be made from the person's salary as contributions to this system.

SEC. 5. Section 31703 of the Government Code is amended to read:

31703. Any member upon the effective date of the member's deferred retirement allowance shall be entitled to receive a retirement allowance as provided in Sections 31662 to 31664.65, inclusive, Sections 31673 to 31677, inclusive, or Section 31751, or Section 31808.5, or Section 31808.6, whichever is applicable.

Any member who elected deferred retirement while subject to Section 31751 shall have a retirement allowance computed in accordance with Sections 31676.11 and 31808 for service which occurred prior to the date Section 31751 was applicable to the member.

SEC. 6. Section 31720.1 is added to the Government Code, to read:

31720.1. Notwithstanding Section 31720, any member covered under Section 31751 who is permanently incapacitated shall be retired for disability regardless of age if, and only if:

(a) The member's incapacity is substantially caused by injury or disease arising out of and in the course of the member's employment, or

(b) The member has completed a total of 10 years of service.

"Permanently incapacitated," for the purpose of this section, means that the member is unable permanently to engage in any substantial gainful employment.

SEC. 7. Section 31727.01 is added to the Government Code, to read:

31727.01. Notwithstanding Sections 31727 and 31727.4, if the member is eligible to retire without relying upon service in another retirement system, the disability retirement pension of a member

covered under Section 31751 shall be such an amount as with that portion of the member's annuity provided by the member's accumulated normal contributions will make the member's disability retirement allowance, exclusive of the annuity provided by the member's accumulated additional contributions, equal 40 percent of the member's final compensation as defined in Section 31462.

In addition to the above disability allowance, 10 percent of the member's final compensation shall be paid on behalf of each of the member's children up to a maximum of three children.

As used in this section, "child" means a member's child who is dependent upon such member at the time of the member's disability and while such child is unmarried and:

(a) Under 18 years of age, or

(b) Whether under or over 18 years of age, totally disabled and such disability occurred prior to such child attaining the age of 18 years, or

(c) Eighteen years of age or over, but has not attained the age of 22 years, and is enrolled as a full-time student in an accredited school, as determined by the board.

If the member is required to rely upon service in another retirement system to be eligible to retire, the above disability retirement pension and children's allowance shall be multiplied by one-tenth times the years of service.

Disability benefits shall be offset by the amounts of disability payments from other plans of the county and other governmental plans, except workers' compensation and federal social security payments.

SEC. 8. Section 31728.1 is added to the Government Code, to read:

31728.1. Notwithstanding Section 31728, if, in the opinion of the board, the disability is due to willful misconduct or violation of law on the part of the member covered under Section 31751, and the member's annuity is less than two hundred forty dollars ($240) a year, the board may pay the member's accumulated contributions in one lump sum in lieu of the member's annuity.

SEC. 9. Section 31751 is added to the Government Code, to read:

31751. The board of supervisors of a county of the ninth class, as defined by Section 28030, by majority vote may make this section applicable in such county by adopting a resolution specifying the effective date of its application to officers and employees for whom it is the governing body.

The governing body of a district not governed by the board of supervisors may, also by majority vote, make this section applicable to its officers and employees if this section is applicable in such county.

This section shall apply, except as provided below, to all officers and employees who become members or return to membership on or after the effective date of this section in the county or district.

However, this section shall not apply to any employee in active law

enforcement or active fire suppression service or any employee who otherwise may be in, or eligible for, safety membership under this chapter. Neither shall this section apply to any person who is a member of the retirement system in such county or a district on the effective date of its application in the county or the district unless and until such person voluntarily in writing requests that this section apply to such member.

The board of supervisors shall adopt regulations permitting individual county and district employees who are members on the effective date this section is applicable to their agencies to elect to make this section apply to them for future service credit. The regulations shall specify the period, not to exceed one year from the date this section applies to the county or the district, during which each employee shall have to make such election. If a member elects to have this section apply to the member, the election shall be irrevocable.

Any member who elects to make this section applicable to such member, and who becomes permanently incapacitated as defined in Section 31720.1, shall be granted a disability allowance under Section 31727.01 if the member has completed five years of service.

SEC. 10. Section 31752 is added to the Government Code, to read:

31752. This section shall apply to members subject to Section 31751. Notwithstanding any other provision of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal, as follows:

(a) The percentage of the member's final compensation, as defined in Section 31462, in the following table set forth in Column (A) opposite the member's age at retirement, taken to the preceding completed quarter year, multiplied by the number of years of service under Section 31751 with which the member is entitled to be credited at retirement, less

(b) The percentage of the member's Primary Insurance Amount to which the member shall be entitled under federal social security, projected to age 62, if the member is less than age 62, or to which the member is now entitled, if the member is at least age 62, set forth in the following table in Column (B) opposite the member's age at retirement, taken to the preceding completed quarter year, multiplied by the number of years of service subject to Section 31751 during which the member was covered by social security while a member of the county retirement association. The maximum number of years used in this calculation shall not exceed 30.

| Age at retirement | Percentages (A) | (B) |
|---|---|---|
| 50 | .830 | .573 |
| 50¼ | .845 | .585 |

| | | |
|---|---|---|
| 50½ | .860 | .597 |
| 50¾ | .875 | .609 |
| 51 | .890 | .622 |
| 51¼ | .905 | .635 |
| 51½ | .920 | .648 |
| 51¾ | .935 | .661 |
| 52 | .950 | .675 |
| 52¼ | .965 | .689 |
| 52½ | .980 | .704 |
| 52¾ | .995 | .719 |
| 53 | 1.010 | .734 |
| 53¼ | 1.025 | .750 |
| 53½ | 1.040 | .766 |
| 53¾ | 1.055 | .782 |
| 54 | 1.070 | .799 |
| 54¼ | 1.085 | .816 |
| 54½ | 1.100 | .834 |
| 54¾ | 1.115 | .853 |
| 55 | 1.130 | .872 |
| 55¼ | 1.145 | .891 |
| 55½ | 1.160 | .911 |
| 55¾ | 1.175 | .931 |
| 56 | 1.190 | .952 |
| 56¼ | 1.205 | .973 |
| 56½ | 1.220 | .995 |
| 56¾ | 1.235 | 1.017 |
| 57 | 1.250 | 1.040 |
| 57¼ | 1.265 | 1.064 |
| 57½ | 1.280 | 1.088 |
| 57¾ | 1.295 | 1.113 |
| 58 | 1.310 | 1.139 |
| 58¼ | 1.325 | 1.165 |
| 58½ | 1.340 | 1.192 |
| 58¾ | 1.355 | 1.220 |
| 59 | 1.370 | 1.249 |
| 59¼ | 1.385 | 1.279 |
| 59½ | 1.400 | 1.309 |
| 59¾ | 1.415 | 1.340 |
| 60 | 1.430 | 1.372 |
| 60¼ | 1.445 | 1.405 |
| 60½ | 1.460 | 1.440 |
| 60¾ | 1.475 | 1.475 |
| 61 | 1.490 | 1.511 |
| 61¼ | 1.505 | 1.548 |
| 61½ | 1.520 | 1.587 |
| 61¾ | 1.535 | 1.626 |
| 62 | 1.550 | 1.667 |
| 62¼ | 1.565 | 1.667 |
| 62½ | 1.580 | 1.667 |

| | | |
|---|---|---|
| 62¾ | 1.595 | 1.667 |
| 63 | 1.610 | 1.667 |
| 63¼ | 1.625 | 1.667 |
| 63½ | 1.640 | 1.667 |
| 63¾ | 1.655 | 1.667 |
| 64 | 1.670 | 1.667 |
| 64¼ | 1.685 | 1.667 |
| 64½ | 1.700 | 1.667 |
| 64¾ | 1.715 | 1.667 |
| 65 and over | 1.730 | 1.667 |

SEC. 11. Section 31760.11 is added to the Government Code, to read:

31760.11. Notwithstanding Section 31760.1, upon the death after retirement of any member covered under Section 31751, 60 percent of the member's retirement allowance, if not modified in accordance with one of the optional settlements specified in this article, shall be continued throughout life to the member's spouse if the spouse is designated as the beneficiary. No allowance, however, shall be paid under this section to a surviving spouse unless she or he was married to the member at least one year prior to the date of the member's retirement.

If there is an eligible spouse, in addition to the above, 20 percent of the member's unmodified retirement allowance shall be paid to each of the member's children. The maximum family benefit under this section shall be 100 percent of the member's retirement allowance.

If, on the death after retirement of any member covered under Section 31751, there is no spouse eligible for the 60 percent continuance but there is at least one eligible child, or if there was an eligible spouse and the spouse dies while there is at least one eligible child, the child, or children collectively, shall be entitled to the 60 percent continuance of the member's unmodified allowance.

As used in this section, "child" means a member's child who is dependent upon such member at the time of his or her retirement and while such child is unmarried and:

(a) Under 18 years of age, or

(b) Whether under or over 18 years of age, totally disabled and such disability occurred prior to such child attaining the age of 18 years, or

(c) Eighteen years of age or over, but has not attained the age of 22 years, and is enrolled as a full-time student in an accredited school, as determined by the board.

If, at the death of any retired member, there is no surviving spouse or children eligible for the continuance of the allowance provided in this section, and the total retirement allowance income received by the member during the member's lifetime did not exceed the member's accumulated normal contributions and cost-of-living contributions, the member's designated beneficiary shall be paid an

amount equal to the excess of such contributions at retirement date over the total amount of the retirement allowance income received by the member.

SEC. 12. Section 31765.11 is added to the Government Code, to read:

31765.11. Notwithstanding Sections 31765 and 31765.1, upon the death of any member covered under Section 31751 who was either eligible for retirement or would have been entitled to disability retirement but died prior to such retirement and who leaves a spouse, such surviving spouse may, in lieu of the death benefit provided for in Article 12 (commencing with Section 31780), elect to receive a retirement allowance equal to 60 percent of the amount to which the member would have been entitled had the member retired on the date of death with a retirement allowance not modified in accordance with one of the optional settlements specified in this article.

If there is an eligible spouse, in addition to the above, 20 percent of the allowance to which the member would have been entitled shall be paid to each of the member's children. The maximum family benefit under this section shall be 100 percent of the amount to which the member would have been entitled had the member retired on the date of death with a retirement allowance not modified in accordance with one of the optional settlements specified in this article.

If there is no spouse eligible for the 60 percent allowance, but there is at least one eligible child, or if the spouse of the member dies either before or after the death of such member without either making such election or receiving any portion of the death benefit, and no part of the death benefit has been paid to any person, prior to the payment of any benefits, the legally appointed guardian of such child or children shall make the election herein provided for on behalf of such surviving child or children as the guardian's judgment may appear in their interest and advantage and the election so made shall be binding and conclusive upon all parties in interest. If an election is made to receive the 60 percent allowance, the child, or children collectively, shall be entitled to 60 percent of the retirement allowance the member would have received.

As used in this section, "child" shall be as defined in Section 31760.11.

The provisions of this section also shall apply to the surviving spouse and children of any employee who dies as the result of injury or disease arising out of and in the course of employment prior to the first day of the calendar month when the employee normally would become a member.

The rights and privileges conferred by this section upon the surviving spouse and children of such deceased member or employee shall not be dependent upon whether they, or any of them, have been nominated by the deceased member or employee as the beneficiary of any benefits payable upon or by reason of death, but

they shall be superior to, and shall supersede, the rights and claims of any other beneficiary so nominated.

SEC. 13. Section 31780 of the Government Code is amended to read:

31780. Upon the death before retirement of a member while in service or while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from discontinuance of service, or within one month after discontinuance of service unless the member's accumulated contributions have been paid to the member pursuant to Section 31628, the retirement system is liable for a death benefit which shall be paid:

(a) As provided in Section 31765 or 31765.1 or 31765.11 or 31781.1 or 31787, if the surviving spouse or guardian of one or more of the surviving children of the member so elects, or

(b) If no election is made pursuant to Section 31765, or 31765.1, or 31765.11, or 31781.1, or 31787 and no person is entitled to a survivor's allowance pursuant to Article 15.5 (commencing with Section 31841) or Article 16 (commencing with Section 31861) to such person as he nominates by written designation duly executed and filed with the board, before the death of the member, or

(c) If no such election is made, and a parent as defined in Article 15.5 but no other person is entitled to a survivor's allowance pursuant to Article 15.5 or 16 and a surviving spouse or child is designated as beneficiary, to such surviving spouse or child, or

(d) If no such election is made, no person is entitled to a survivor's allowance pursuant to Article 15.5 or 16, and a member has not nominated a beneficiary, to his estate.

SEC. 14. Section 31781.01 is added to the Government Code, to read:

31781.01. Notwithstanding Section 31781, the death benefit of a member covered under Section 31751 shall consist of:

(a) The member's accumulated contributions.

(b) A lump sum of two thousand dollars ($2,000) offset by any lump-sum death payment made under the federal Social Security Act.

SEC. 15. Section 31781.2 of the Government Code is amended to read:

31781.2. In lieu of accepting in cash the death benefit payable under Section 31781 or 31781.02, the surviving spouse of a member who dies prior to reaching the minimum retirement age and who at the date of his death has 10 or more years of service to his credit, shall have the option to leave the amount of the death benefit on deposit in the retirement system until the earliest date when such deceased member could have retired had he lived, and at that time receive the retirement allowance provided for in Section 31765 or 31765.1 or 31765.11, whichever is applicable.

If, at the death of such spouse, she or he is survived by one or more unmarried children of such member, under the age of 18, such retirement allowance shall continue to such child or children,

collectively, until every child dies, marries, or attains age 18. If such spouse dies, either before or after the death of such member, without either making such election or receiving any portion of the death benefit, and no part of the death benefit had been paid to any person, prior to the payment of any benefits, the legally appointed guardian of such children shall make the election herein provided for on behalf of such surviving children as, in his judgment, may appear to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

Notwithstanding any other provisions of this section, the benefits otherwise payable to the children of the member shall be paid to such children through the age of 21 if such children remain unmarried and are regularly enrolled as full-time students in an accredited school as determined by the board.

SEC. 16. Section 31781.31 is added to the Government Code, to read:

31781.31. Notwithstanding Sections 31781.1 and 31781.3, the surviving spouse of a member subject to Section 31751 who dies in service after 10 years of service, or as a result of service-connected injury or disease, may elect, in lieu of the life annuity provided in Section 31765.11 or the death benefit provided in Section 31781.01, the following combined benefit:

(a) An amount, provided from contributions by the county or district, equal to one-twelfth of the annual compensation earnable by the deceased during the 12 months immediately preceding his death, multiplied by the number of completed years of service under the system, but not to exceed 50 percent of such annual compensation, plus

(b) A monthly allowance as provided in Section 31765.11 reduced by a monthly amount which is the actuarial equivalent of the amount in subdivision (a) as applied to the life of the surviving spouse.

SEC. 17. Section 31789.01 is added to the Government Code, to read:

31789.01. Notwithstanding Sections 31786, 31787, and 31787.5, upon the death, after retirement and while receiving a retirement allowance from this system, of any person who was covered under Section 31751, there shall be paid to the member's estate, or to such beneficiary as the member shall nominate by written designation duly executed and filed with the board, the sum of two thousand dollars ($2,000) to be provided from contributions of the county or district, offset by any lump-sum death payment made under the federal Social Security Act.

SEC. 18. Section 31817 is added to the Government Code, to read:

31817. This article shall not be applicable to any member subject to Section 31751 except with respect to the member's service prior to the date such section was made applicable to the member.

SEC. 19. Section 31837.1 is added to the Government Code, to read:

31837.1. Notwithstanding Sections 31837 and 31838, any member

covered under Section 31751 who elects, pursuant to Sections 31700 and 31832, to leave accumulated contributions on deposit may be retired for disability and receive a disability retirement allowance under this section during any period hereafter in which the member receives a disability retirement allowance under the Public Employees' Retirement System or a retirement system established under this chapter in another county, subject to all of the following conditions:

(a) That such allowance shall not be paid if the period intervening between the last service credited under this system and becoming a member in such other system exceeds 180 days.

(b) That, if the member is retiring for non-service-connected disability, the disability requirements shall be that of the other system and the member's retirement allowance shall be based on the other system's disability benefit formula. The disability benefit received in the county shall be calculated as if all the member's service was in the other system but then prorated using the ratio of service in this county to the total service in both systems.

(c) That, if the member is retiring for disability arising out of and in the course of employment subject to such other system, the allowance to the member shall be an annuity which is the actuarial equivalent of the member's accumulated contributions at the time of retirement.

SEC. 20. Section 31840.01 is added to the Government Code, to read:

31840.01. Notwithstanding Section 31840, upon the death before retirement of a member covered under Section 31751, while in service as a member of a retirement system established pursuant to this chapter in another county, who has made an election pursuant to Section 31700 and 31831, the death benefit provisions of paragraph (a) of Section 31839 shall be subject to the provisions of Sections 31765, 31765.1, 31781.1, and 31781.2 in such other system where these sections are applicable. In all calculations under these sections, the death benefit received from this county shall be calculated as if all of the member's service was in the other system but then prorated using the ratio of service in this county to the total service in both systems. The provisions of Section 31784 shall apply to the death benefits provided by subdivisions (a) and (b) of Section 31839.

SEC. 21. Section 31870.3 is added to the Government Code, to read:

31870.3. Notwithstanding Section 31870.1, the board shall, before April 1st 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, every retirement allowance, optional death allowance, or annual death allowance payable to, or on account of, any member of this system who was covered under Section 31751 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 Consumer Price Index for All Urban Consumers for the area in which the county seat is situated, but such change shall not exceed 4 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 4 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. 22. Section 31873.1 is added to the Government Code, to read:

31873.1. Any cost-of-living contributions required for benefits under Section 31870.3 shall be shared equally between the county or district and the contributing members. The individual member's contributions shall be based upon the member's age at the member's nearest birthday at time of entrance into the retirement system, and shall be expressed as a percentage of the member's normal contribution rate. The board of supervisors by a majority vote may elect to pay all or part of the costs of the contributions which would otherwise be assessed to the individual members.

Until revised by subsequent actuarial studies, the member's cost-of-living contribution rate shall be 39.57 percent of the member's normal contribution rate. These initial cost-of-living contribution rates are shown in the following table, according to the member's age at the time of entry into the system:

| Age of entry into system | Percentage of contribution |
|---|---|
| 16 | 1.16 |
| 17 | 1.16 |
| 18 | 1.16 |
| 19 | 1.16 |
| 20 | 1.16 |
| 21 | 1.16 |
| 22 | 1.16 |
| 23 | 1.16 |
| 24 | 1.16 |
| 25 | 1.17 |
| 26 | 1 17 |
| 27 | 1.18 |
| 28 | 1.18 |
| 29 | 1.19 |
| 30 | 1.20 |
| 31 | 1.20 |

| | |
|---|---|
| 32 | 1.21 |
| 33 | 1.22 |
| 34 | 1.23 |
| 35 | 1.24 |
| 36 | 1.25 |
| 37 | 1.26 |
| 38 | 1.27 |
| 39 | 1.28 |
| 40 | 1.29 |
| 41 | 1.30 |
| 42 | 1.31 |
| 43 | 1.32 |
| 44 | 1.33 |
| 45 | 1.34 |
| 46 | 1.36 |
| 47 | 1.37 |
| 48 | 1.38 |
| 49 | 1.40 |
| 50 | 1.41 |
| 51 | 1.43 |
| 52 | 1.44 |
| 53 | 1.46 |
| 54 and over | 1.47 |

SEC. 23. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Section 8 of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are as follows:

The costs of the retirement and Social Security programs in Contra Costa County are such as to impinge adversely upon the ability of the county and its general members to meet the challenge of the Proposition 13 imperatives and to enable the employees to have reasonable take-home pay.

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## CHAPTER 59

An act making an appropriation relating to developmental services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 10, 1980 Filed with Secretary of State April 11, 1980 ]

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

SECTION 1. The sum of six million one hundred eighty-four thousand one hundred sixty-eight dollars ($6,184,168) is hereby appropriated from the General Fund to the State Department of Developmental Services in augmentation of category (b) of Item 271 of the Budget Act of 1979 for the purpose of meeting increased purchase of services costs of regional centers resulting from increased caseloads as well as increased costs of providing services requiring special rate adjustments, in accordance with the following schedule:

| | | |
|---|---|---|
| For Contracts with Regional Centers | | $6,184,168 |
| (1) Purchase of services | $3,800,000 | |
| (2) Price and provider rate increase | 2,384,168 | |

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 meet the cost of additional caseloads and make rate adjustments to assure provision of services to developmentally disabled persons, it is necessary that the act take effect immediately.

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## CHAPTER 60

An act to add Sections 2237.5, 5098, and 5098.5 to the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 10, 1980. Filed with Secretary of State April 11, 1980.]

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

SECTION 1. Section 2237.5 is added to the Revenue and Taxation Code, to read:

2237.5. For the 1979–80 fiscal year and thereafter, except as provided by subdivision (b) of Section 12 of Article XIII of the Constitution, for purposes of computing tax rates on the unsecured tax roll, the county auditor may add to the 1 percent rate the rate levied on the prior year's secured tax roll for indebtedness approved by the voters prior to July 1, 1978, as described in subdivision (b) of Section 1 of Article XIII A of the California Constitution.

SEC. 2. Section 5098 is added to the Revenue and Taxation Code, to read:

5098. In the event of a determination by a final decision of the Supreme Court of the State of California or Court of Appeal of the State of California that the maximum tax rate applicable to property assessed on the 1978–79 unsecured roll was that prescribed by Article XIII A of the Constitution or Section 2237, then notwithstanding any

other provisions of this chapter, the county auditor of a county which levied a tax rate for the 1978–79 fiscal year on property on the unsecured roll in excess of that maximum tax rate may refund the excess tax collected and include interest as provided in Section 5098.5 to the assessee shown on that unsecured roll without a prior hearing by, or the prior approval of, the board of supervisors, whether or not a refund claim has been filed by the person who paid the taxes.

SEC. 3. Section 5098.5 is added to the Revenue and Taxation Code, to read:

5098.5. Notwithstanding any other provisions of this chapter, where taxes were collected on the 1978–79 unsecured roll based on a tax rate which pursuant to a final decision of an appellate court or the Supreme Court was determined to be in excess of the rate required by Article XIII A of the Constitution, or Section 2237, refunds of taxes paid by the auditor pursuant to Section 5098, shall, upon approval of the board of supervisors, include interest, at the rate of 6 percent per annum, on the amount refunded, such interest to be computed from September 1, 1978, or the date the taxes were paid, whichever is later, to the date the refund is made.

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 tax refunds and interest thereon to be paid as soon as practicable if the Supreme Court or the court of appeal makes a final determination that the tax rate applicable to the 1978–79 unsecured roll was that required by Article XIII A or Revenue and Taxation Code Section 2237, it is necessary that this act take effect immediately.

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## CHAPTER 61

An act to amend Section 8234 of, and to add Sections 8233.5 and 8234.5 to, the Fish and Game Code, relating to salmon, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 15, 1980. Filed with Secretary of State April 15, 1980.]

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

SECTION 1. Section 8233.5 is added to the Fish and Game Code, to read:

8233.5. The master of every vessel engaged in the taking or landing of salmon for commercial purposes shall have a California commercial salmon permit, unless the master is acting in place of a permit holder pursuant to Section 8234. "Master" means the person on the vessel while the vessel is being used to take or land salmon

who has control of the use of the vessel and the authority to control the activities of all persons on the vessel.

SEC. 2. Section 8234 of the Fish and Game Code is amended to read:

8234. A permit holder may have any person serve in his place and engage in commercial salmon fishing under his permit for one period not to exceed 15 calendar days in any one year, except that a longer period may be allowed in the event of serious illness. Prior authorization for such substitution shall be obtained rom the director and shall be given only on his finding that the permit holder will not be available to engage in such activity and that such substitution will not adversely affect the resource. Application for such substitution shall be made to the Department of Fish and Game, Headquarters Office, Sacramento, and contain such information as the director may require. Any denial of such substitution may be appealed to the appeals board.

SEC. 3. Section 8234.5 is added to the Fish and Game Code, to read:

8234.5. A permit holder may have as his crew members not more than two persons who are not qualified individuals, if such persons are directly and continuously under the direction and control of the permit holder at all times such persons are engaged in the taking of salmon.

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 provisions of this act shall be in effect before the commercial salmon fishing season commencing on April 15, 1980, it is necessary that this act take effect immediately.

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## CHAPTER 62

An act to amend Section 135 of the Harbors and Navigation Code, relating to hazardous substances, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 18, 1980. Filed with Secretary of State April 21, 1980 ]

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

SECTION 1. Section 135 of the Harbors and Navigation Code is amended to read:

135. (a) It is unlawful to cause or permit any petroleum, chemical, or other hazardous substance to be transferred between a vessel and a shore facility or another vessel by means of a pipeline or similar conduit unless the flow is continuously monitored by a

properly installed, operated, and maintained mechanism that will warn of the imminent occurrence of an overflow of the substance being transferred so that the flow can be terminated in time to avert the overflow, and unless the vessel and the shore facility are each equipped with a properly installed, operated, and maintained mechanism that will warn whenever any person is no longer properly discharging his duties in connection with the transfer, is inattentive, or becomes disabled for any reason. Violation of this section is a misdemeanor. However, it shall be a defense to any prosecution for a violation of this section if the mechanism was properly installed and was at all times properly operated and maintained by the person responsible for the mechanism.

(b) A vessel subject to Part 35 of Title 46, or to Parts 155 and 156 of Title 33, of the Code of Federal Regulations, or a shore facility subject to Parts 154 and 156 of Title 33 of the Code of Federal Regulations, satisfies the requirements of subdivision (a) if such vessel or shore facility formulates and establishes methods or operating procedures which are designed to satisfy such requirements and which are in accordance with applicable provisions of the Code of Federal Regulations. However, such methods and procedures shall require that the persons in charge of a transfer operation communicate with each other as frequently as is necessary to warn whenever any person is no longer properly discharging his duties in connection with the transfer, is inattentive, or becomes disabled for any reason.

(c) This section does not apply to any transfer of fuel to any self-propelled vessel of less than 65 feet in length at any facility equipped with dispensing nozzles of the automatic shut-off type that do not have catch-locks and meet all federal standards.

(d) This section does not apply to any on-shore receiving tankage if appropriate containment or diversionary structures, or both, or other equipment that is adequate to prevent the overflowed substance from reaching the waters of the state is provided.

(e) This section shall become operative with respect to a tank vessel that is subject to examination by the United States Coast Guard not later than the first occasion on or after January 1, 1980, that it is required to be drydocked or hauled out for such examination, as provided in Section 31.10-20 of Title 46 of the Code of Federal Regulations. This section shall become operative on July 1, 1980, with respect to any vessel that is not subject to any such examination; any tank barge, regardless of whether it is subject to such an examination; and any shore facility not made exempt by subdivision (d).

(f) As used in this section, "vessel" means every description of watercraft or other contrivance used, or capable of being used, as a means of transportation through or on water, including, but not limited to, a barge.

(g) As used in this section, "hazardous substance" means any such substance defined in paragraph (2) of subsection (b) of Section 1321 of Title 33 of the United States 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 clarify areas of potential conflict with federal law, it is necessary that this act take effect immediately.

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## CHAPTER 63

An act to add Section 15975 to the Public Utilities Code, relating to public utility districts.

[Approved by Governor April 21, 1980. Filed with Secretary of State April 21, 1980.]

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

SECTION 1. Section 15975 is added to the Public Utilities Code, to read:

15975. (a) Notwithstanding any other provision of this division, candidates for director of the Georgetown Divide Public Utility District may be elected by wards upon adoption of a resolution or ordinance to this effect by the board of directors of the district dividing the district into wards and fixing the boundaries thereof, subject to approval of the board of supervisors. The boundaries shall be fixed such that the wards shall be as nearly equal in population as may be, and the board of supervisors shall approve the boundaries fixed by the board of directors if it so finds.

(b) Nomination papers may be circulated only within the ward from which the candidate is to be elected.

(c) The wards shall be reapportioned subject to the approval of the board of supervisors after each federal decennial census.

SEC. 2. The Legislature finds and declares that Section 1 of this act is necessary since special facts and circumstances applicable to the Georgetown Divide Public Utility District and not generally applicable make the accomplishment of this purpose impossible by any general law. The territory of the district is large in relation to a relatively small population which is concentrated in five areas within the district each of which areas presents special and unique problems with respect to water supply, water treatment, sewage treatment, and sewage disposal. The Legislature further finds and declares that the purpose of this act is impossible to accomplish by any general law, and that special legislation applicable only to the Georgetown Divide Public Utility District is therefore necessary.

## CHAPTER 64

An act to amend Sections 6322.1 and 6326 of the Business and Professions Code, relating to law libraries.

[Approved by Governor April 21, 1980 Filed with Secretary of State April 21, 1980 ]

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

SECTION 1. Section 6322.1 of the Business and Professions Code is amended to read:

6322.1. (a) Except in counties containing a population of 4,000,000 and over, the board of supervisors of any county may increase the costs provided in Section 6321 and 6322 to not more than twelve dollars ($12) for each event therein described whenever it shall determine that the increase is necessary to defray the expenses of the law library.

(b) In counties containing a population of 4,000,000 and over, the board of law library trustees may increase the costs provided in Sections 6321 and 6322 to not more than five dollars ($5) for each event therein described whenever it shall determine that the increase is necessary to defray the expenses of the law library.

(c) Notwithstanding the provisions of any other section, any increase or decrease in costs of law library fees in any county shall not be effective until January 1 of the year next following adoption by the board of supervisors or the law library board of trustees of such increase or decrease.

SEC. 2. Section 6326 of the Business and Professions Code is amended to read:

6326. A revolving fund of not more than two thousand five hundred dollars ($2,500) may be established from money in the law library fund, by resolution of the board of law library trustees, for expenditures of not exceeding one hundred fifty dollars ($150) each for purposes for which the law library fund may lawfully be expended. The board shall prescribe the procedure by which money may be drawn from the revolving fund, the records to be kept, and the manner in which reimbursements shall be made to the revolving fund by demand and order from the law library fund. All or any part of the money in the revolving fund may be deposited in a commercial account in a bank, subject to payments of not exceeding one hundred fifty dollars ($150) each by check on the signature of the secretary or any other person or persons designated by the board.

# CHAPTER 65

An act to amend Sections 19143.5 and 19533 of, and to add Section 19533.04 to, the Government Code, relating to layoffs in state civil service, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 21, 1980 Filed with Secretary of State April 21, 1980 ]

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

SECTION 1. Section 19143.5 of the Government Code is amended to read:

19143.5. When a civil service employee has a break of six months or longer in the continuity of his state employment which is not because of dismissal, or rejection during a probationary period, and such break does not exceed three years, the employee shall receive one-half the seniority credit for layoff purposes accumulated for service prior to any such break in service. Seniority credit for layoff purposes shall not be given for service prior to breaks of more than three years in the continuity of state employment.

It is the responsibility of the employee to inform the State Personnel Board in writing that the provisions of this section apply to his or her service credit calculations. The employee must certify under what conditions he or she is eligible to receive this portion of the service credit. The board shall verify the adequacy of the employee's certification and calculate the seniority credits accordingly.

The provisions of this section shall apply only to seniority scores computed after the effective date of the bill that amended this section during the second year of the 1979–80 Regular Session.

SEC. 2. Section 19533 of the Government Code is amended to read:

19533. (a) Layoff shall be made in accordance with the relative seniority of the employees in the class of layoff. Except as otherwise provided in this part, in determining seniority scores, one point shall be allowed for each complete month of full-time state service regardless of when such service occurred; except that, the provisions of Sections 19143 and 19143.5 shall be applied in computing seniority for employees who have had a break in the continuity of their state service. Board rules shall establish: (1) the extent to which seniority credits may be granted for less than full-time service; (2) the seniority credit to be granted for service in a class that has been abolished, combined, divided, or otherwise altered under the authority of Section 18802; (3) the basis for determining the sequence of layoff whenever the class and subdivision of layoff includes employees whose service is less than full time; and (4) such other matters as are necessary or advisable to the operation of the

provisions of this chapter.

(b) For professional, scientific, administrative, management, and executive classes, the board shall prescribe standards and methods by rule whereby employee efficiency shall be combined with seniority in determining the order of layoffs and the order of names on reemployment lists. Such standards and methods may vary for different classes, and shall take into consideration the needs of state service and practice in private industry and other public employment.

(c) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding incurs either present or future costs, or requires the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 3. Section 19533.04 is added to the Government Code, to read:

19533.04. For the purposes of determining seniority pursuant to subdivision (a) of Section 19533, the term "state service" shall include all service which is exempt from state civil service.

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

In order that a more efficient and equitable seniority computation process can be established resulting in significant cost-savings to the state, it is necessary that this act take effect immediately.

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## CHAPTER 66

An act to add Article 4 (commencing with Section 87400) to Chapter 7 of Title 9 of the Government Code, relating to political reform.

[Approved by Governor April 21, 1980 Filed with Secretary of State April 21, 1980 ]

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

SECTION 1. Article 4 (commencing with Section 87400) is added to Chapter 7 of Title 9 of the Government Code, to read:

Article 4. Disqualification of Former Officers and Employees

87400. Unless the contrary is stated or clearly appears from the context, the definitions set forth in this section shall govern the

interpretation of this article.

(a) "State administrative agency" means every state office, department, division, bureau, board and commission, but does not include the Legislature, the courts or any agency in the judicial branch of government.

(b) "State administrative official" means every member, officer, employee or consultant of a state administrative agency who as part of his or her official responsibilities engages in any judicial, quasi-judicial or other proceeding in other than a purely clerical, secretarial or ministerial capacity.

(c) "Judicial, quasi-judicial or other proceeding" means any proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in any court or state administrative agency, including but not limited to any proceeding governed by Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code.

(d) "Participated" means to have taken part personally and substantially through decision, approval, disapproval, formal written recommendation, rendering advice on a substantial basis, investigation or use of confidential information as an officer or employee, but excluding approval, disapproval or rendering of legal advisory opinions to departmental or agency staff which do not involve a specific party or parties.

87401. No former state administrative official, after the termination of his or her employment or term of office, shall for compensation act as agent or attorney for, or otherwise represent, any other person (other than the State of California) before any court or state administrative agency or any officer or employee thereof:

(a) By making any formal or informal appearance, or by making any oral or written communication with the intent to influence, in connection with any judicial, quasi-judicial or other proceeding if;

(b) The State of California is a party or has a direct and substantial interest; and

(c) If the proceeding is one in which the former state administrative official participated.

87402. No former state administrative official, after the termination of his or her employment or term of office shall for compensation aid, advise, counsel, consult or assist in representing any other person (except the State of California) in any proceeding in which the official would be prohibited from appearing under Section 87401.

87403. The prohibitions contained in Sections 87401 and 87402 shall not apply:

(a) To prevent a former state administrative official from making or providing a statement, which is based on the former state administrative official's own special knowledge in the particular area that is the subject of the statement, provided that no compensation

is thereby received other than that regularly provided for by law or regulation for witnesses; or

(b) To communications made solely for the purpose of furnishing information by a former state administrative official if the court or state administrative agency to which the communication is directed makes findings in writing that:

(1) The former state administrative official has outstanding and otherwise unavailable qualifications;

(2) The former state administrative official is acting with respect to a particular matter which requires such qualifications; and

(3) The public interest would be served by the participation of the former state administrative official; or

(c) With respect to appearances or communications in a proceeding in which a court or state administrative agency has issued a final order, decree, decision or judgment but has retained jurisdiction if the state administrative agency of former employment gives its consent by determining that:

(1) At least five years have elapsed since the termination of the former state administrative official's employment or term of office; and

(2) The public interest would not be harmed.

87404. Upon the petition of any interested person or party, the court or the presiding or other officer, including but not limited to a hearing officer serving pursuant to Section 11512 of the Government Code, in any judicial, quasi-judicial or other proceeding, including but not limited to any proceeding pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code may, after notice and an opportunity for a hearing, exclude any person found to be in violation of this article from further participation, or from assisting or counseling any other participant, in the proceeding then pending before such court or presiding or other officer.

87405. The requirements imposed by this article shall not apply to any person who left government service prior to the effective date of this article except that any such person who returns to government service on or after the effective date of this article shall thereafter be covered thereby.

SEC. 2. The Legislature finds and declares that the provisions of this act further the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

## CHAPTER 67

An act to amend Section 13353 of the Vehicle Code, relating to vehicles.

[Became law without Governor's signature April 22, 1980. Filed with Secretary of State April 22, 1980.]

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

SECTION 1. Section 13353 of the Vehicle Code is amended to read:

13353. (a) Any person who drives a motor vehicle upon a highway or upon other than a highway in areas which are open to the general public shall be deemed to have given his consent to a chemical test of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor. The test shall be incidental to a lawful arrest and administered at the direction of a peace officer having reasonable cause to believe such person was driving a motor vehicle upon a highway or upon other than a highway in areas which are open to the general public while under the influence of intoxicating liquor. Such person shall be told that his failure to submit to or complete such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of six months.

The person arrested shall have the choice of whether the test shall be of his blood, breath or urine, and he shall be advised by the officer that he has such choice. If the person arrested either is incapable, or states that he is incapable, of completing any chosen test, he shall then have the choice of submitting to and completing any of the remaining tests or test, and he shall be advised by the officer that he has such choice.

Such person shall also be advised by the officer that he does not have the right to have an attorney present before stating whether he will submit to a test, before deciding which test to take, or during administration of the test chosen.

Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent and such tests may be administered whether or not such person is told that his failure to submit to or complete the test will result in the suspension of his privilege to operate a motor vehicle.

(b) If any such person refuses the officer's request to submit to, or fails to complete, a chemical test, the department, upon receipt of the officer's sworn statement that he had reasonable cause to believe such person had been driving a motor vehicle upon a highway or upon other than a highway in areas which are open to

the general public while under the influence of intoxicating liquor and that the person had refused to submit to, or failed to complete, the test after being requested by the officer, shall suspend his privilege to operate a motor vehicle for a period of six months. The officer's sworn statement shall be submitted on a form furnished or approved by the department. No such suspension shall become effective until 10 days after the giving of written notice thereof, as provided for in subdivision (c).

(c) The department shall immediately notify such person in writing of the action taken and upon his request in writing and within 15 days from the date of receipt of such request shall afford him an opportunity for a hearing in the same manner and under the same conditions as provided in Article 3 (commencing with Section 14100) of Chapter 3 of this division. For the purposes of this section the scope of the hearing shall cover the issues of whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle upon a highway or upon other than a highway in areas which are open to the general public while under the influence of intoxicating liquor, whether the person was placed under arrest, whether he refused to submit to, or failed to complete, the test after being requested by a peace officer, and whether, except for the persons described in paragraph (a) above who are incapable of refusing, he had been told that his driving privilege would be suspended if he refused to submit to, or failed to complete, the test.

An application for a hearing made by the affected person within 10 days of receiving notice of the department's action shall operate to stay the suspension by the department for a period of 15 days during which time the department must afford a hearing. If the department fails to afford a hearing within 15 days, the suspension shall not take place until such time as the person is granted a hearing and is notified of the department's action as hereinafter provided. However, if the affected person requests that the hearing be continued to a date beyond the 15-day period, the suspension shall become effective immediately upon receipt of the department's notice that said request for continuance has been granted.

If the department determines upon a hearing of the matter to suspend the affected person's privilege to operate a motor vehicle, the suspension herein provided shall not become effective until five days after receipt by said person of the department's notification of such suspension.

(d) Any person who is afflicted with hemophilia shall be exempt from the blood test required by this section.

(e) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a physician and surgeon shall be exempt from the blood test required by this section.

(f) A person lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor may request the arresting officer to have a chemical test made of the arrested person's blood, breath or urine for

the purpose of determining the alcoholic content of such person's blood, and, if so requested, the arresting officer shall have the test performed.

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## CHAPTER 68

An act to amend Sections 49406 and 76406 of the Education Code, relating to education employees.

[Approved by Governor April 23, 1980 Filed with Secretary of State April 24, 1980.]

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

SECTION 1. Section 49406 of the Education Code is amended to read:

49406. (a) Except as provided in subdivision (h), no person shall be initially employed by a school district in a certificated or classified position unless the person has submitted to an examination within the past 60 days to determine that he or she is free of active tuberculosis, by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

The district superintendent or his or her designee may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intradermal tuberculin test be followed by an X-ray of the lungs.

(b) Thereafter all employees shall be required to undergo the foregoing examination at least once each four years or more often if directed by the governing board upon recommendation of the local health officer.

(c) After such examination, each employee shall cause to be on file with the district superintendent of schools a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis. The county board of education may require, by rule, that all such certificates be filed in the office of the county superintendent of schools or shall require such files be maintained in the office of the county superintendent of schools if a majority of the governing boards of the districts within such county so petition the county board of education, except that in either case a district or districts with a common board having an

average daily attendance of 60,000 or more may elect to maintain the files for its employees in that district. "Certificate" as used herein means a certificate signed by the examining physician and surgeon or a notice from a public health agency or unit of the American Lung Association which indicates freedom from active tuberculosis. The latter, regardless of form, will constitute evidence of compliance with this section. Nothing in this section shall prevent the governing board from establishing a rule requiring a more extensive physical examination than required by this section but such rule shall provide for reimbursement on the same basis as hereinafter required.

(d) This examination is a condition of initial employment and the expense incident thereto shall be borne by the applicant unless otherwise provided by rules of the governing board. However, the board may, if an applicant is accepted for employment, reimburse such person in a like manner hereinafter prescribed for employees.

(e) The governing board of each district shall reimburse the employee for the cost, if any, of this examination. The board may provide for the examination required by this section or may establish a reasonable fee for such examination that is reimbursable to employees of the district complying with the provisions of this section.

(f) At the discretion of the governing board this section shall not apply to those employees not requiring certification qualifications who are employed for any period of time less than a school year whose functions do not require frequent or prolonged contact with pupils.

The governing board may, however, require such examination and may as a contract condition require the examination of persons employed under contract, other than those persons specified in subdivision (a) of this section, if the board believes the presence of such persons in and around school premises would constitute a health hazard to pupils.

(g) If the governing board of a school district determines by resolution, after hearing, that the health of pupils in the district would not be jeopardized thereby, the provisions of this section shall not apply to any employee of the district who files an affidavit stating that he or she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his or her knowledge and belief he or she is free from active tuberculosis. If at any time there should be probable cause to believe that such affiant is afflicted with active tuberculosis, he or she may be excluded from service until the governing board of the employing district is satisfied that he or she is not so afflicted.

(h) A person who transfers his or her employment from one school or school district to another shall be deemed to meet the requirements of subdivision (a) if such person can produce a certificate which shows that he or she was examined within the past

four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him or her that it has such a certificate on file.

A person who transfers his or her employment from a private or parochial elementary school, secondary school, or nursery school to a school or school district subject to this section shall be deemed to meet the requirements of subdivision (a) if such person can produce a certificate as provided for in Section 3450 of the Health and Safety Code which shows that he or she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him or her that it has such a certificate on file.

(i) Any governing board or county superintendent of schools providing for the transportation of pupils under contract authorized by Section 39800, 39801, or any other provision of law shall require as a condition of such contract the examination for active tuberculosis, as provided by subdivision (a) of this section, of all drivers transporting such pupils, provided that private contracted drivers who transport these pupils on an infrequent basis, not to exceed once a month, shall be excluded from this requirement.

(j) Examinations required pursuant to subdivision (i) shall be made available without charge by the local health officer.

SEC. 2. Section 76406 of the Education Code is amended to read:

76406. (a) Except as provided in subdivision (h), no person shall be initially employed by a community college district in a certificated or classified position unless the person has submitted to an examination within the past 60 days to determine that he or she is free of active tuberculosis, by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

The district superintendent or his or her designee may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intradermal tuberculin test be followed by an X-ray of the lungs.

(b) Thereafter all employees shall be required to undergo the foregoing examination at least once each four years or more often if directed by the governing board upon recommendation of the local health officer.

(c) After such examination, each employee shall cause to be on file with the district superintendent a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis. The county board of education

may require, by rule, that all such certificates be filed in the office of the county superintendent of schools or shall require such files be maintained in the office of the county superintendent of schools if a majority of the governing boards of the districts within such county so petition the county board of education, except that in either case a district or districts with a common board having an average daily attendance of 60,000 or more may elect to maintain the files for its employees in that district. "Certificate" as used herein means a certificate signed by the examining physician and surgeon or a notice from a public health agency or unit of the American Lung Association which indicates freedom from active tuberculosis. The latter, regardless of form, will constitute evidence of compliance with this section. Nothing in this section shall prevent the governing board from establishing a rule requiring a more extensive physical examination than required by this section but such rule shall provide for reimbursement on the same basis as hereinafter required.

(d) This examination is a condition of initial employment and the expense incident thereto shall be borne by the applicant unless otherwise provided by rules of the governing board. However, the board may, if an applicant is accepted for employment, reimburse such person in a like manner hereinafter prescribed for employees.

(e) The governing board of each district shall reimburse the employee for the cost, if any, of this examination. The board may provide for the examination required by this section or may establish a reasonable fee for such examination that is reimbursable to employees of the district complying with the provisions of this section.

(f) At the discretion of the governing board this section shall not apply to those employees not requiring certification qualifications who are employed for any period of time less than a school year whose functions do not require frequent or prolonged contact with students.

The governing board may, however, require such examination and may as a contract condition require the examination of persons employed under contract, other than those persons specified in subdivision (a) of this section, if the board believes the presence of such persons in and around school premises would constitute a health hazard to students.

(g) If the governing board of a community college district determines by resolution, after hearing, that the health of students in the district would not be jeopardized thereby, the provisions of this section shall not apply to any employee of the district who files an affidavit stating that he or she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his or her knowledge and belief he or she is free from active tuberculosis. If at any time there should be probable cause to believe that such affiant is afflicted with active tuberculosis, he or she may

be excluded from service until the governing board of the employing district is satisfied that he or she is not so afflicted.

(h) A person who transfers his or her employment from one campus or community college district to another shall be deemed to meet the requirements of subdivision (a) if such person can produce a certificate which shows that he or she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him or her that it has such a certificate on file.

A person who transfers his or her employment from a private or parochial elementary school, secondary school, or nursery school to the community college district subject to this section shall be deemed to meet the requirements of subdivision (a) if such person can produce a certificate as provided for in Section 3450 of the Health and Safety Code which shows that he or she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him or her that it has such a certificate on file.

(i) Any governing board of a community college district providing for the transportation of pupils under contract authorized by Section 82300, 82301, or any other provision of law shall require as a condition of such contract the examination for active tuberculosis, as provided in subdivision (a) of this section, of all drivers transporting such pupils, provided that private contracted drivers who transport such pupils on an infrequent basis, not to exceed once a month, shall be excluded from this requirement.

(j) Examinations required pursuant to subdivision (i) shall be made available without charge by the local health officer.

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## CHAPTER 69

An act to add Sections 25376, 37361.1, and 53073 to the Government Code, relating to historical property.

[Approved by Governor April 23, 1980. Filed with Secretary of State April 24, 1980 ]

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

SECTION 1. Section 25376 is added to the Government Code, to read:

25376. Notwithstanding anything in this chapter to the contrary, the board of supervisors may convey, upon such terms and conditions as the board determines to be in the public interest, any surplus real property, together with any building thereon, owned by the county which has been determined by the board to be of general historical interest, to a county historical society, which historical society is a nonprofit corporation formed under the laws of this state. Any such

conveyance shall contain a condition to the effect that the historical nature of the property be restored, preserved, or both, for the benefit of the citizens of the county, and that title will revert to the county in the event that the historical society conveys the property in question to any person or entity which is not a nonprofit corporation involved with preserving and researching the history of the county.

SEC. 2. Section 37361.1 is added to the Government Code, to read:

37361.1. Notwithstanding anything in this chapter to the contrary, the legislative body may convey, upon such terms and conditions as it determines to be in the public interest, any surplus real property, together with any building thereon, owned by the city which has been determined by the legislative body to be of general historical interest, to an association or society the purpose of which is to research and promote the city's historical heritage or to preserve property of historical interest in the city and which is a nonprofit corporation formed under the laws of this state. Any such conveyance shall contain a condition to the effect that the historical nature of the property be restored, preserved, or both, for the benefit of the citizens of the city, and that title will revert to the city in the event that the association or society conveys the property in question to any person or entity which is not a nonprofit corporation involved with preserving and researching the history of the city.

SEC. 3. Section 53073 is added to the Government Code, to read:

53073. Notwithstanding anything in the law to the contrary, the governing body of any public district may convey, upon such terms and conditions as it determines to be in the public interest, any surplus real property, together with any building thereon, owned by the district which has been determined by the governing body to be of general historical interest within the area of the district, to an association or society the purpose of which is to research and promote the area's historical heritage or to preserve property of historical interest and which is a nonprofit corporation formed under the laws of this state. Any such conveyance shall contain a condition to the effect that the historical nature of the property be restored, preserved, or both, for the benefit of the citizens of the area, and that title will revert to the district in the event that the association or society conveys the property in question to any person or entity which is not a nonprofit corporation involved with preserving and researching the history of the area.

# CHAPTER 70

An act to amend Sections 69536 and 69538 of the Education Code, relating to student aid.

[Approved by Governor April 23, 1980. Filed with Secretary of State April 24, 1980.]

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

SECTION 1. Section 69536 of the Education Code is amended to read:

69536. A Cal Grant award for tuition and student fees as provided in subdivision (a) of Section 69532 may be utilized at any California postsecondary educational institution or program eligible to participate in the Federal Basic Educational Opportunity Grant Program, or any institution recognized as a candidate for accreditation by the Western Association of Schools and Colleges or approved under the requirements of paragraph (2) of subdivision (a) of Section 94310, provided that such award may not be utilized by a student enrolled in an instructional program of less than two years. No such award may exceed the cost of tuition and fees, and shall in no event exceed the sum of two thousand seven hundred dollars ($2,700). Such awards may not be utilized for graduate study, and may be renewed for a total of four years of full-time attendance after first entering a postsecondary education institution in an instructional program or an equivalent thereof, provided that financial need continues to exist.

If a student is enrolled in a five-year undergraduate program, the grant may be renewed for a total of five years of full-time attendance after first entering a postsecondary education institution in an undergraduate instructional program or an equivalent thereof, provided that financial need continues to exist.

SEC. 2. Section 69538 of the Education Code is amended to read:

69538. To be eligible for a Cal Grant award for tuition, student fees, and subsistence costs as provided in subdivision (b) of Section 69532 the student shall be a disadvantaged student under criteria to be established by the commission, which shall take into consideration those financial, educational, cultural, language, home, community, environmental, and other conditions which tend to make difficult the gaining access to and persisting in postsecondary programs. Such awards may be utilized for tuition, student fees, living expenses, transportation, supplies, and books.

The Legislature recognizes that the role of the community colleges, as the least expensive level of California higher education, is a crucial role in increasing the higher education opportunities for disadvantaged students, and it is the intent of the Legislature that the additional opportunities for higher education provided pursuant to this chapter shall be initiated primarily on the public community

college level.

Grants awarded under this chapter shall be for living expenses, transportation, supplies and books, according to the student's financial need, and shall not be in excess of one thousand one hundred dollars ($1,100) per academic year. The Student Aid Commission may also award such grants and an additional amount to pay tuition and fees to attend college at a public or private four-year college or university or other eligible postsecondary educational institution. Any eligible student who has been awarded an initial grant on the basis of need and attendance at a public community college may transfer to another eligible college without being eliminated from the program. In such cases, no adjustments to the initial grant shall be made for tuition and fees.

In no case shall Cal Grant awards exceed the sum of three thousand six hundred dollars ($3,600), and such awards may not be utilized for graduate study. The awards may be utilized at any California postsecondary educational institution or program eligible to participate in the Federal Basic Educational Opportunity Grant Program, or any institution recognized as a candidate for accreditation by the Western Association of Schools and Colleges or approved under the requirements of paragraph (2) of subdivision (a) of Section 94310, provided that such award may not be utilized by a student enrolled in an instructional program of less than nine months. On and after June 30, 1980, the award may be utilized by a student enrolled in an instructional program of not less than two academic years. The awards may be renewed for a total of four years of full-time attendance after first entering a postsecondary education institution in an instructional program or an equivalent thereof, provided that financial need continues to exist.

If a student is enrolled in a five-year undergraduate program, the grant may be renewed for a total of five years of full-time attendance after first entering a postsecondary education institution in an undergraduate instructional program or an equivalent thereof, provided that financial need continues to exist.

SEC. 3. If Proposition 9 on the ballot for the statewide election on June 3, 1980, is adopted by the people of this state, this act shall not become operative.

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## CHAPTER 71

An act to amend Section 1823.1 of the Code of Civil Procedure, relating to courts.

[Approved by Governor April 23, 1980 Filed with Secretary of State April 24, 1980 ]

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

SECTION 1. Section 1823.1 of the Code of Civil Procedure is amended to read:

1823.1. The Judicial Council shall conduct in two superior courts, or branches thereof, in any county in which the population exceeds 260,000, as determined by the 1970 federal census, and two municipal courts, or branches thereof, in any county in which the population exceeds 260,000, as determined by the 1970 federal census, selected by the Judicial Council with the approval of a majority of the judges of the selected courts, a pilot project for a period of five years.

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## CHAPTER 72

An act to add Section 23396.5 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor April 23, 1980. Filed with Secretary of State April 24, 1980.]

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

SECTION 1. Section 23396.5 is added to the Business and Professions Code, to read:

23396.5. Notwithstanding any other provision of law, any on-sale licensee, which maintains a bona fide eating place in conjunction with such license, may allow any person who has purchased and partially consumed a bottle of wine to remove such partially consumed bottle from the premises upon departure.

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## CHAPTER 73

An act to amend Section 48903 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 23, 1980. Filed with Secretary of State April 24, 1980.]

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

SECTION 1. Section 48903 of the Education Code is amended to read:

48903. (a) The principal of the school or the principal's designee may suspend a pupil from the school for any of the reasons enumerated in Section 48900 for no more than five consecutive schooldays.

(b) Suspension by the principal or his or her designee shall be preceded by an informal conference which is conducted by the principal or his or her designee between the pupil and, whenever practicable, the teacher or supervisor or school employee who referred the pupil to the principal or his or her designee. At the conference the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.

(c) A principal or his or her designee may suspend a pupil without affording the pupil an opportunity for a conference only if the principal or his or her designee determines that an emergency situation exists. The term "emergency situation" as used in this article, means a situation determined by the principal or his or her designee to constitute a clear and present danger to the lives, safety or health of pupils or school personnel. If a pupil is suspended without a conference prior to suspension, both the parent and the pupil shall be notified of the pupil's right to such a conference, and the pupil's right to return to school for such purpose. The conference shall be held within two schooldays, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference.

(d) Within one schoolday of the beginning of a suspension, a school employee shall mail a notice to the parent or guardian of the suspended pupil. The notice shall be, insofar as is practicable, in the primary language of the pupil's parent or guardian. The notice shall contain each of the following:

(1) A statement of the facts leading to the decision to suspend.

(2) The date and time when the pupil will be allowed to return to school.

(3) A statement of the right of the pupil or parent to request a meeting with the superintendent or the superintendent's designee pursuant to Section 48904.

(4) A statement of the parent's or the pupil's right to have access to the pupil's records as provided by Section 49069.

(5) A request that the parent or guardian attend a conference with school officials regarding the pupil's behavior, including notice that state law requires parents or guardians to respond to such request without delay.

(e) Within 24 hours of the beginning of a suspension, a school employee shall make a reasonable effort to contact the parent or guardian of the pupil in person or by telephone to communicate directly the information contained in the written notice. A school employee shall report the suspension of such pupil, including the cause therefor, to the governing board of the school district or to the district superintendent in accordance with the regulations of the governing board.

(f) The parent or guardian of any pupil shall respond without delay to any request from school officials to attend a conference regarding their child's behavior.

No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at such conference.

(g) Except as provided in Section 48903.3, days of suspension from school for any pupil shall be limited to 20 schooldays in one school year, provided that, if a pupil for adjustment purposes is transferred to, or enrolled in, another regular school, an opportunity class in his school of residence, an opportunity school or class, or a continuation education school or class, additional days of suspension from school following such reassignment are limited to 10 in one school year, for a total of no more than 30 days of suspension in one school year.

(h) In a case where expulsion is being processed by the governing board, the school district superintendent or other person designated by him or her in writing may extend the suspension until such time as the governing board has rendered a decision in the action pursuant to Section 48914; provided, that the superintendent or the superintendent's designee has determined that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.

(i) For the purposes of this section, a "principal's designee" is an administrator, or if there is not a second administrator at the school site, a certificated person, specifically designated by the principal, in writing, to assist with disciplinary procedures. The principal may designate only one such person at a time as the principal's designee for the school year. The name of such person shall be on file in the principal's office.

SEC. 2. Ths 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 this act to be in effect for the beginning of the 1980–81 school year and to afford orderly administration of schools, it is necessary that this act take effect immediately.

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## CHAPTER 74

An act to amend Section 374b of, and to repeal and add Section 374b.5 of, the Penal Code, and to amend Section 23112 of the Vehicle Code, relating to litter.

[Approved by Governor April 24, 1980 Filed with Secretary of State April 25, 1980 ]

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

SECTION 1. Section 374b of the Penal Code is amended to read:

374b. It shall be unlawful to dump or cause to be dumped any waste matter in or upon any public or private highway or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof. It shall be unlawful to place, deposit, or dump, or cause to be placed, deposited, or dumped, any rocks or dirt in or upon any private highway or road, including any portion of the right-of-way thereof, or any private property, without the consent of the owner, or in or upon any public park or other public property, without the consent of the state or local agency having jurisdiction over such highway, road, or property. Any person, firm, or corporation violating the provisions of this section shall be guilty of an infraction. Each day that waste placed, deposited, or dumped in violation of this section remains shall be a separate violation.

No portion of this section shall be construed to restrict a private owner in the use of his own private property, unless the placing, depositing, or dumping of such waste matter on such property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or district providing fire protection services, or the Department of Forestry, in which case the provisions of this section shall apply.

Every person convicted of a violation of this section shall be punished by a mandatory fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) upon a first conviction, by a mandatory fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) upon a second conviction, and by a mandatory fine of not less than one hundred fifty dollars ($150) nor more than five hundred dollars ($500) upon a third or subsequent conviction.

The court may require, in addition to any fine imposed upon a conviction, that, as a condition of probation and in addition to any other condition of probation, a person convicted under this section remove, or pay the cost of removing, any waste matter which the convicted person dumped or caused to be dumped upon public or private property.

Except when the court requires the convicted person to remove waste matter which he or she is responsible for dumping as a condition of probation, the court may, in addition to the fine imposed

upon a second or subsequent conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up waste matter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

SEC. 2. Section 374b.5 of the Penal Code is repealed.

SEC. 3. Section 374b.5 is added to the Penal Code, to read:

374b.5. It shall be unlawful to litter or cause to be littered in or upon any public or private property. Any person, firm, or corporation violating the provisions of this section shall be guilty of an infraction.

No portion of this section shall be construed to restrict a private owner in the use of his or her own property, unless the littering of waste matter on such property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or district providing fire protection services, or the Department of Forestry, in which case the provisions of this section shall apply. As used in this section, "litter" means the discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including, but not limited to, beverage containers and closures, packaging, wrappers, wastepaper, newspapers, and magazines, in a place other than a place or container for the proper disposal thereof, and including waste matter which escapes or is allowed to escape from a container, receptacle, or package.

Every person, firm, or corporation convicted of a violation of this section shall be punished by a mandatory fine of ten dollars ($10) upon a first conviction, by a mandatory fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) upon a second conviction, and by a mandatory fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) upon a third or subsequent conviction.

The court may, in addition to the fine imposed upon a second or subsequent conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

SEC. 4. Section 23112 of the Vehicle Code is amended to read:

23112. (a) No person shall throw or deposit, nor shall the registered owner or the driver, if such owner is not then present in the vehicle, aid or abet in the throwing or depositing upon any highway any bottle, can, garbage, glass, nail, offal, paper, wire, any substance likely to injure or damage traffic using the highway, or any noisome, nauseous, or offensive matter of any kind.

(b) No person shall place, deposit, or dump, or cause to be placed, deposited, or dumped, any rocks, refuse, garbage, or dirt in or upon

any highway, including any portion of the right-of-way thereof, without the consent of the state or local agency having jurisdiction over the highway.

SEC. 5. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be because this act creates a new crime or infraction, changes the definition of a crime or infraction, or eliminates a crime or infraction. Furthermore, this act does not create any present or future obligation to reimburse any local agency or school district for any costs incurred because of this act.

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## CHAPTER 75

An act to amend Sections 39149 and 81139 of the Education Code, relating to school building construction, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 24, 1980 Filed with Secretary of State April 25, 1980.]

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

SECTION 1. Section 39149 of the Education Code is amended to read:

39149. (a) Except as otherwise provided in subdivision (c) or (d), persons employed as inspectors of record to inspect the construction, reconstruction or alteration of any school building shall be either (1) persons who are registered as construction inspectors in the divisions in which they are to be used, as defined by Section 9101 of the Business and Professions Code or (2) persons who are regularly employed for building code enforcement by the local agency having responsibility for such inspection, and are qualified to perform such inspections under the civil service laws or regulations of such local agency.

(b) Except as otherwise provided in subdivision (c) or (d), persons employed as assistants to inspectors of record shall be registered construction inspectors or shall be enrolled as inspectors-in-training in the divisions in which they are to be used, as defined by Section 9101.1 of the Business and Professions Code.

(c) Subdivisions (a) and (b) shall not apply to any architect, structural engineer, civil engineer, land surveyor, mechanical engineer, engineering geologist, or electrical engineer, who holds a valid certificate of registration in this state, insofar as he is practicing within the provisions of the law under which he is registered.

(d) Subdivisions (a) and (b) shall not apply to an inspector approved by the Office of Architecture and Construction and

employed pursuant to a particular building contract prior to January 1, 1982, during the performance of that building contract.

SEC. 2. Section 81139 of the Education Code is amended to read:

81139. (a) Except as otherwise provided in subdivision (c) or (d), persons employed as inspectors of record to inspect the construction, reconstruction or alteration of any school building shall be either (1) persons who are registered as construction inspectors in the divisions in which they are to be used, as defined by Section 9101 of the Business and Professions Code or (2) persons who are regularly employed for building code enforcement by the local agency having responsibility for such inspection, and are qualified to perform such inspections under the civil service laws or regulations of such local agency.

(b) Except as otherwise provided in subdivision (c) or (d), persons employed as assistants to inspectors of record shall be registered construction inspectors or shall be enrolled as inspectors-in-training in the divisions in which they are to be used, as defined by Section 9101.1 of the Business and Professions Code.

(c) Subdivisions (a) and (b) shall not apply to any architect, structural engineer, civil engineer, land surveyor, mechanical engineer, engineering geologist, or electrical engineer, who holds a valid certificate of registration in this state, insofar as he is practicing within the provisions of the law under which he is registered.

(d) Subdivisions (a) and (b) shall not apply to an inspector approved by the Office of Architecture and Construction and employed pursuant to a particular building contract prior to January 1, 1982, during the performance of that building contract.

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 essential school and community college construction will not be delayed due to a shortage of building inspectors having qualifications which would otherwise be required on and after January 1, 1980, it is essential that this act take effect immediately.

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## CHAPTER 76

An act to amend Section 19613 of, and to add Section 19613.5 to, the Business and Professions Code, relating to horseracing.

[Approved by Governor April 24, 1980 Filed with Secretary of State April 25, 1980 ]

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

SECTION 1. Section 19613 of the Business and Professions Code is amended to read:

19613. (a) Except as provided in subdivisions (b), (c), and (d), the portion deducted for purses pursuant to this chapter shall be paid to or for the benefit of the horsemen at the racing meeting.

(b) Any association conducting a thoroughbred racing meeting at which the total amount handled in the parimutuel pools relating to such meeting exceeds twenty million dollars ($20,000,000) shall pay to the horsemen's organization contracting with the association with respect to the conduct of racing meetings for administrative expense and services rendered to horsemen an amount equivalent to 1 percent of such portion, and for a pension plan for backstretch personnel to be administered by such horsemen's organization, an amount equivalent to an additional 1 percent of such portion. The remainder of such portion shall be distributed as purses.

(c) Any other association may pay to the horsemen's organization contracting with the association with respect to the conduct of racing meetings for administrative expense and services rendered to horsemen an amount out of such portion as may be determined by the association by agreement or otherwise, but, in all events, shall include, relative to such a thoroughbred horsemen's organization, 1 percent of such portion for a pension plan for backstretch personnel to be administered by such horsemen's organization. The remainder of such portion shall be distributed as purses.

(d) Notwithstanding subdivisions (b) and (c), any association conducting a fair racing meeting or conducting a mixed breed racing meeting shall pay to the horsemen's organizations contracting with the association with respect to the conduct of races for their respective breeds of horses at such meetings for administrative expense and services rendered to their respective horsemen such amounts out of such portion as determined by the horsemen's organization for the respective breeds with the approval of the board. The amount to be distributed as purses or commissions for any race meet under this subdivision shall be based on respective parimutuel pools during the previous corresponding meeting, if any.

Pursuant to this subdivision, amounts equivalent to 3 percent of such portion for the horsemen's organization shall be distributed to any thoroughbred horsemen's organizations contracting with an association for a fair racing meeting or participating in mixed breed racing meetings as follows: 1 percent for administrative expenses and services rendered to their respective horsemen, 1 percent for welfare funds, and 1 percent for a pension program for backstretch personnel, to be administered by such thoroughbred horsemen's organizations.

SEC. 2. Section 19613.5 is added to the Business and Professions Code, to read:

19613.5. Notwithstanding any other provision of this chapter, of the amount deducted for license fees, commissions, and purses from parimutuel pools at a racing meeting an amount may be retained and

distributed for payment of any actual losses sustained at the meeting on parimutuel minus pools prior to the distribution of license fees, commissions, and purses. The proportion of license fees, commissions, and purses distributed for payment of such parimutuel minus pools shall be in the same proportion as they would be distributed in the provision under which they were deducted.

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## CHAPTER 77

An act to amend Section 5008 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor April 24, 1980. Filed with Secretary of State April 25, 1980 ]

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

SECTION 1. Section 5008 of the Welfare and Institutions Code 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, educational, 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 (Medi-Cal) 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 Mental 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 herself, 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 Section5350) 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 or her 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 or her and to assist counsel in the conduct of his or her 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 or her basic personal needs for food, clothing, or shelter.

The term "gravely disabled" does not include mentally retarded persons by reason of being mentally retarded alone;

(i) "Peace officer" means each of the persons specified in Sections 830.1 and 830.2 of the Penal Code. Peace officer also means any parole officer or probation officer specified in subdivision (a) of Section 830.5 of the Penal Code when acting in relation to cases for which they have a legally mandated responsibility.

(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;

(*l*) A gravely disabled minor is a minor who, as a result of a mental disorder, is unable to use the elements of life which are essential to health, safety, and development, including food, clothing, and shelter, even though provided to the minor by others.

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## CHAPTER 78

An act to amend Section 2426 of the Health and Safety Code, relating to pest abatement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1980 Filed with Secretary of State April 30, 1980 ]

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

SECTION 1. Section 2426 of the Health and Safety Code is amended to read:

2426. (a) The state department may enter into a cooperative agreement with any local district or other public agency engaged in the work of controlling mosquitoes, gnats, flies, other insects, rodents, or other vectors and pests of public health importance, in such areas and under such terms, conditions, and specifications as the director may prescribe.

(b) Such agreement may provide for financial assistance on behalf of the state and for the doing of all or any portion of the necessary work by either of the contracting parties, except that in no event shall the state department agree that the state's contribution shall exceed 50 percent of the total cost of any acceptable plan.

(c) During the final quarter of the 1979–80 fiscal year and the initial quarter of the 1980–81 fiscal year, the state department shall allocate and disburse special assistance for surveillance and control of mosquito vectors of encephalitis. Any local district or public agency which is engaged in such vector surveillance and control may apply to the state department for special assistance under this subdivision. For each fiscal year quarter during which an applicant is assisted pursuant to this subdivision, the maximum amount of assistance provided to the applicant shall not exceed 50 percent of the applicant's actual operating expenditures incurred for encephalitis vector surveillance and control during the same quarter of the 1977–78 fiscal year. In the event that applications for assistance under this subdivision exceed the amount of moneys appropriated therefor, the state department shall establish priorities based upon need and the relative threat to public health. Any allocation pursuant to this section to a qualifying district or agency shall be made in cooperation and after consultation with the local health officer of the affected county.

The state department shall enter into a cooperative agreement with each recipient of assistance under this subdivision, as provided in subdivision (b) and pursuant to such terms, conditions, and specifications as the director prescribes. Continued state assistance for encephalitis vector surveillance and control on and after September 30, 1980, shall be subject to the appropriation of moneys therefor in the Budget Act of 1980 and in later budget or other acts.

SEC. 2. The sum of three million two hundred fifty thousand dollars ($3,250,000) is hereby appropriated to the State Department of Health Services for purposes of providing financial assistance, and defraying state surveillance and administrative costs incurred, pursuant to subdivision (c) of Section 2426 of the Health and Safety Code. Of such amount, an amount not to exceed two million dollars ($2,000,000) shall be expended during the remainder of the 1979–80 fiscal year and the remainder shall be expended during the 1980–81 fiscal year.

It is the intent of the Legislature to consider augmentation of the appropriation made by this section in the Budget Act of 1980.

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:

Due to the enactment of Article XIII A of the California Constitution, local districts and other public agencies engaged in the work of controlling mosquitoes have lost property tax revenues. Due to this year's above-average surface water conditions, there is potential for an immediate and serious threat to public health from mosquito-borne encephalitis. In order to provide an adequate level of funding to combat this threat, it is necessary that this act go into effect immediately.

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## CHAPTER 79

An act to amend Sections 69948, 70045.75, and 70050.8 of, to add Section 68535 to, and to repeal Section 70050.7 of, the Government Code, relating to court reporters.

[Became law without Governor's signature May 5, 1980. Filed with Secretary of State May 5, 1980 ]

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

SECTION 1. Section 68535 is added to the Government Code, to read:

68535. (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 Yolo County, Sierra County, Placer County, Calaveras County, or Nevada County. 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 each 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.

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

SEC. 2. Section 69948 of the Government Code is amended to

read:

69948. (a) The fee for reporting testimony and proceedings in contested cases is fifty-five dollars ($55) a day, or any fractional part thereof.

(b) In San Joaquin County, the board of supervisors may, by ordinance, prescribe a higher rate of compensation for superior court reporters.

(c) In Madera County, the fee for reporting testimony and proceedings in contested cases is seventy-five dollars ($75) a day, or any fractional part thereof.

(d) In Kings County, the fee for reporting testimony and proceedings in contested cases is seventy dollars ($70) a day, or any fractional part thereof.

(e) In Mariposa County, the fee for reporting testimony and proceedings in contested cases is seventy dollars ($70) a day, or any fractional part thereof.

(f) In Siskiyou County, the board of supervisors may, by ordinance, prescribe a higher rate of compensation for superior court reporters.

(g) In Yuba County, the fee for reporting testimony and proceedings in contested cases is seventy-five dollars ($75) a day, or any fractional part thereof.

(h) In Butte County, pro tempore reporters shall receive a fee of seventy-five dollars ($75) a day, or any fractional part thereof, for reporting testimony and proceedings in contested cases.

(i) In Sutter County, the fee for reporting testimony and proceedings in contested cases is seventy-five dollars ($75) a day, or any fractional part thereof.

(j) In Nevada County, the board of supervisors may, by ordinance, prescribe a higher rate of compensation for superior court reporters.

(k) In Calaveras County, the fee for reporting testimony and proceedings in contested cases is seventy-five dollars ($75) per day, or any fractional part thereof.

(*l*) In Placer County, the fee for reporting testimony and proceedings in contested cases is seventy-five dollars ($75) per day, or any fractional part thereof.

(m) In Sierra County, the fee for reporting testimony and proceedings in contested cases is seventy-five dollars ($75) per day, or any fractional part thereof.

SEC. 3. Section 70045.75 of the Government Code is amended to read:

70045.75. Notwithstanding any other provision of law including, but not limited to, Sections 70040, 70041, 70042, and 70045, the following provisions shall be applicable to the full-time official court reporters, if any, in Nevada County:

(a) The regular full-time official court reporters shall perform the following duties:

(1) Report all criminal proceedings.

(2) Report all civil commitment proceedings and all contempt

proceedings.

(3) Report all juvenile proceedings, other than those heard by a juvenile court referee or traffic hearing officer.

(4) Report all family law proceedings.

(5) Report all civil jury trials.

(6) Report all hearings on petitions for extraordinary relief, including but not limited to, proceedings for injunctions, mandate, prohibition, certiorari review, habeas corpus, and coram nobis.

(7) Report all proceedings of the grand jury when requested by the foreman, or by the district attorney or by the county counsel.

(8) Report any other court proceedings when a party requests a court reporter in accordance with rules of the court.

(9) Report the preliminary examination of those accused of crimes before magistrates within Nevada County. Report coroner's inquests when requested by coroner.

(b) Each regular full-time court reporter shall be paid at a monthly salary rate established according to the following salary schedule:

| (Range) | (Month) | (Annual) |
|---|---|---|
| Step A | $1,271 | $15,246 |
| Step B | 1,334 | 16,012 |
| Step C | 1,400 | 16,804 |
| Step D | 1,471 | 17,648 |
| Step E | 1,546 | 18,546 |

Each such reporter shall receive a monthly salary under the schedule corresponding to the length of time that as an official court reporter he has been included within either directly or indirectly by contract the Public Employees' Retirement System of the State of California. Except as provided herein, the initial hiring rate for each position shall be step A; provided further, however, the judges of the superior court may appoint any such court reporter at a higher initial step if in the opinion of the judges of the superior court an individual to be appointed has such experience and qualifications as to entitle that individual to such higher initial step. A step advancement from step A to step B may be granted on the first day of the month following the completion of six full months of service in the position. A person may advance to steps C, D, and E upon completion of successive 12-month periods of service. All merit increases as provided herein shall be made at the determination of the judges of the superior court.

The foregoing salary is for compensation for reporting services in the superior court under subdivision (a) of this section. For all transcriptions incident to reporting services, each reporter shall receive the fees provided for in Article 9 (commencing with Section 69941) of this chapter.

In the event a cost-of-living increase is given to the employees of Nevada County on or after July 1, 1979, the aforementioned salary

schedule shall be deemed amended so as to give the court reporters the same cost-of-living increase as is given Nevada County employees.

The regular full-time official court reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave, and group insurance, which either now or hereafter may be provided by ordinance to other employees of the county.

(c) When the regular full-time official court reporters are occupied in the performance of their duties and services pursuant to the provisions of subdivision (a), the judge or judges of the superior court may appoint as many additional official court reporters, who shall be known as official reporters pro tempore, as the business of the courts may require in order that the judicial business of the court in such county may be carried on without delay. They shall be paid in accordance with the per diem, transcription, and other fee provisions of Article 9 (commencing with Section 69941) of this chapter. Such per diem, traveling and other expenses, and the fees chargeable to the county under the terms of these provisions shall be a proper county charge.

SEC. 4. Section 70050.7 of the Government Code is repealed.

SEC. 5. Section 70050.8 of the Government Code is amended to read:

70050.8. Notwithstanding the provisions of Sections 69948 and 69949, in counties with population of at least 62,000 and under 65,800, as determined by the 1960 federal census, the fee for official court reporters and court reporters pro tempore is seventy dollars ($70) per day unless the board of supervisors of the county shall, by resolution, provide for fees in excess of that amount, in which event the fee set by resolution shall apply.

SEC. 6. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Furthermore, this act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of this act.

SEC. 7. It is the intent of the Legislature that the provisions of Assembly Bill 1099 which repeal and add Article 1 (commencing with Section 68500) of Chapter 2 of Title 8 of the Government Code, shall prevail over Section 1 of this act which adds Section 68535 to the Government Code if both bills are enacted during the 1980 portion of the 1979–80 Regular Session, and take effect on or before January 1, 1981. Therefore, if this bill is chaptered, and Assembly Bill 1099 is chaptered, and Assembly Bill 1099 repeals and adds Article 1 (commencing with Section 68500) of Chapter 2 of Title 8 of the Government Code, and both bills take effect on or before January 1, 1981, Section 1 of this act which would add Section 68535 to the Government Code shall not become operative, regardless of

whether Assembly Bill 1099 is enacted prior to or subsequent to this act.

SEC. 8. If any provision of this act, or the application thereof, is enjoined, restrained, or otherwise held invalid, then every other provision or application of such provisions shall be void, and to this end the provisions of this act are inseverable.

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## CHAPTER 80

An act to repeal Sections 26841, 26842, 26843, 26844, 26845, and 26846 of the Government Code, relating to county clerks.

[Approved by Governor May 5, 1980 Filed with Secretary of State May 5, 1980 ]

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

SECTION 1. Section 26841 of the Government Code is repealed.

SEC. 2. Section 26842 of the Government Code is repealed.

SEC. 3. Section 26843 of the Government Code is repealed.

SEC. 4. Section 26844 of the Government Code is repealed.

SEC. 5. Section 26845 of the Government Code is repealed.

SEC. 6. Section 26846 of the Government Code is repealed.

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## CHAPTER 81

An act to amend Sections 190, 193, 195, 196, 196.1, 203, 205, 206, 206a, and 246 of, and the heading of Article 10 (commencing with Section 246) of Chapter 1 of Title 3 of Part 1 of, to amend and renumber Sections 204a, 204c, and 204e of, to add Sections 193.2, 197, 197.1, and 204.5 to, and to repeal Sections 204, 204b, 204d, 208, 209, 210, 211, 215, 219, and 220 of, and Article 6 (commencing with Section 230) and Article 11 (commencing with Section 250) of Chapter 1 of Title 3 of Part 1 of, the Code of Civil Procedure, to repeal Sections 72231 and 74603 of the Government Code, and to repeal Sections 1072, 1075, and 1143 of the Penal Code, relating to jurors.

[Approved by Governor May 5, 1980 Filed with Secretary of State May 5, 1980.]

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

SECTION 1. Section 190 of the Code of Civil Procedure is amended to read:

190. A jury is a body of persons temporarily selected from the citizens of the area served by the court and invested with power to present or indict a person for a public offense, or to try a question

of fact.

SEC. 2. Section 193 of the Code of Civil Procedure is amended to read:

193. A trial jury is a body of persons returned from the citizens of the area served by the court, before a court, and sworn to try and determine by verdict, a question of fact.

SEC. 3. Section 193.2 is added to the Code of Civil Procedure, to read:

193.2. As used in this chapter:

(a) "County" means any county or any coterminous city and county.

(b) "Court" means the superior, municipal, and justice courts of this state, and includes, when the context requires, any judge of the court.

(c) "Juror" means any juror or prospective juror.

(d) "Jury list" means any system for the storage or listing of names of jurors.

(e) "Master jury list" means a jury list on which are placed names of jurors drawn at random from source lists.

(f) "Names of jurors" means the actual names, identifying numbers or identifying information regarding those persons.

(g) "Qualified jury list" means a jury list of names of competent jurors taken from a master jury list or source list.

(h) "Random" means that which occurs by mere chance indicating an unplanned sequence of selection where each juror's name has substantially equal probability of being selected.

(i) "Source list" means a list used as the source of names of potential jurors.

SEC. 4. Section 195 of the Code of Civil Procedure is amended to read:

195. A jury of inquest is a body of persons summoned from the citizens before the sheriff, coroner, or other ministerial officers, to inquire of particular facts.

SEC. 5. Section 196 of the Code of Civil Procedure is amended to read:

196. Unless the board of supervisors provides by ordinance for a higher fee or rate of mileage, or unless a higher fee or rate of mileage is otherwise provided by statute, the fees for trial jurors in civil or criminal cases are five dollars ($5) a day for each day's attendance as a juror, and fifteen cents ($0.15) a mile, one way, for each mile actually traveled in attending court as a juror.

SEC. 6. Section 196.1 of the Code of Civil Procedure is amended to read:

196.1. The jurors' fees to be paid in criminal cases are county charges. The fees of jurors in civil cases shall be paid by the litigants as other costs are paid.

SEC. 7. Section 197 is added to the Code of Civil Procedure, to read:

197. It is the policy of the State of California that all persons

selected for jury service shall be selected at random from a fair cross section of the population of the area served by the court, and that all qualified persons have the opportunity, in accordance with this chapter to be considered for jury service in the state and an obligation to serve as jurors when summoned for that purpose. This chapter applies to all trial juries in all civil and criminal proceedings in all courts.

SEC. 8. Section 197.1 is added to the Code of Civil Procedure, to read:

197.1. No person shall be excluded from jury service in the State of California on account of race, color, religion, sex, national origin, or economic status.

SEC. 9. Section 203 of the Code of Civil Procedure is amended to read:

203. Each court shall adopt rules supplementary to such rules as may be adopted by the Judicial Council, governing the selection of persons to be listed as available for service as trial jurors. The persons so listed shall be fairly representative of the population in the area served by the court, and shall be selected upon a random basis. Such rules shall govern the duties of the court and its attachés in the production and use of the juror lists. In counties with more than one court location, the rules shall reasonably minimize the distance traveled by jurors. In addition, in the County of Los Angeles no juror shall be required to serve at a distance greater than 20 miles from his or her residence.

SEC. 10. Section 204 of the Code of Civil Procedure is repealed.

SEC. 11. Section 204a of the Code of Civil Procedure is amended and renumbered to read:

204.1. In any county where the court administrator does not perform the duties of jury commissioner pursuant to Section 69898 of the Government Code, the judge of the superior court or a majority of the judges thereof, to assist the judge or judges thereof in making selections of trial jurors, and whenever in their opinion the business of the court requires it, may, in their discretion, with the consent of the board of supervisors of such county, appoint a jury commissioner for such county and such deputy jury commissioners as are determined to be necessary. The salary of such jury commissioners and deputy jury commissioners shall be fixed by the board of supervisors. The jury commissioner and the deputy jury commissioners shall hold office at the pleasure of the judge of the superior court or a majority of the judges thereof, and their salaries shall be audited, allowed, and paid out of the county general fund. Such jury commissioner, may with the concurrence of the board of supervisors, also assist in the selection of juries in justice and municipal courts, and may be assigned other collateral duties.

SEC. 12. Section 204b of the Code of Civil Procedure is repealed.

SEC. 13. Section 204c of the Code of Civil Procedure is amended and renumbered to read:

204.3. (a) The jury commissioner shall diligently inquire and

inform himself or herself in respect to the qualifications of persons on the master jury list or source list who may be summoned for trial jury duty. He or she may require any person to answer, under oath to be administered by him or her or by questionnaire, all such questions as he or she may address to such person, touching his or her name, age, residence, occupation and qualifications as a trial juror, and also all questions as to similar matters concerning other persons of whose qualifications for trial jury duty he or she has knowledge. The commissioner and his or her assistants, referred to in Sections 69895 and 69896 of the Government Code, shall have power to administer oaths and shall be allowed actual traveling expenses incurred in the performance of their duties. Such traveling expenses shall be audited, allowed, and paid out of the general fund of the county.

(b) Any person who fails to return a completed juror questionnaire as instructed shall be summoned to appear before the jury commissioner to fill out the questionnaire. Any information thus acquired by the court or jury commissioner shall be noted on the juror questionnaire.

(c) All records and papers compiled and maintained by the jury commissioner in connection with selection and service of jurors shall be preserved for three years after the list used in their selection is compiled or for any longer period ordered by the court.

SEC. 14. Section 204d of the Code of Civil Procedure is repealed.

SEC. 15. Section 204.5 is added to the Code of Civil Procedure, to read:

204.5. (a) The jury commissioner may, pursuant to the court rules, compile and maintain one or more master jury lists. The number of names to be placed on the master jury list shall be determined by the jury commissioner. If a master jury list is used, the jury commissioner shall prepare a new master jury list at least once during any consecutive 12 months.

(b) The names of jurors to be placed on the master jury list shall be selected by the jury commissioner at random from the source lists. The plan for random election used shall be in writing and shall be designed to insure the random selection of a fair cross section of the persons residing in the area served by the court.

SEC. 16. Section 204e of the Code of Civil Procedure is amended and renumbered to read:

204.7. (a) Source lists of jurors shall identify persons who reside in the county, and who are 18 years of age or older, shall include those who are registered voters, and to the extent that systems for producing jury lists can be practically modified, without significant cost, shall also include those who have been licensed or issued an identification card pursuant to Article 3 (commencing with Section 12800) and Article 5 (commencing with Section 13000) of Chapter 1 of Division 6 of the Vehicle Code. Qualified jury lists and master jury lists derived from the source lists shall be prepared so as to reasonably minimize duplication of names.

(b) Upon written request by the jury commissioner of a county, the Director of Motor Vehicles shall furnish the current source list of the names and addresses of persons residing in the county who are age 18 years or older and who have been licensed or issued an identification card pursuant to Article 3 (commencing with Section 12800) and Article 5 (commencing with Section 13000) of Chapter 1 of Division 6 of the Vehicle Code. The conditions under which such lists shall be compiled semiannually shall be determined by the director. This service shall be provided by the Department of Motor Vehicles pursuant to Section 1812 of the Vehicle Code. The jury commissioner shall not disclose the information furnished by the Department of Motor Vehicles pursuant to this section to any person, organization, or agency for any use other than the selection of trial jurors.

SEC. 16.1. The purpose of the 1980 amendment to Section 204.7 of the Code of Civil Procedure is to require so far as practical the use of multiple source lists wherever existing jury selection systems can accommodate multiple source lists without significant added cost. In counties where extensive revision of computer programs is a prerequisite to use of multiple source lists, such revisions shall be accommodated in normal maintenance activity or may be phased in so as to avoid significant additional reprogramming costs.

SEC. 17. Section 205 of the Code of Civil Procedure is amended to read:

205. (a) The qualified jury list shall be drawn from a master jury list or source lists and shall include persons suitable and competent to serve as jurors. In making such selections there shall be taken only the names of persons who are not exempt from serving, who are in the possession of their natural faculties, who are of fair character and approved integrity, and who are of sound judgment.

(b) A person shall not be deemed incompetent, and shall not be excluded from the qualified jury list solely because of the loss of sight in any degree or other disability which substantially impairs or interferes with the person's mobility.

SEC. 18. Section 206 of the Code of Civil Procedure is amended to read:

206. The names for the qualified jury list shall be selected from the different judicial districts of the respective counties in proportion to the number of inhabitants therein, as nearly as the same can be estimated by the persons making the lists. The qualified jury list shall be kept separate and distinct from the grand jury list.

SEC. 19. Section 206a of the Code of Civil Procedure is amended to read:

206a. In counties where sessions of the superior court are held in cities other than the county seat, the names for master jury lists and qualified jury lists to serve in said cities may be selected from the supervisorial district in which said city is located and, if the judges of the court determine that it is necessary or advisable, from a supervisorial district adjacent to the supervisorial district in which

said city is located.

SEC. 20. Section 208 of the Code of Civil Procedure is repealed.

SEC. 21. Section 209 of the Code of Civil Procedure is repealed.

SEC. 21.5. Section 210 of the Code of Civil Procedure is repealed.

SEC. 22. Section 211 of the Code of Civil Procedure is repealed.

SEC. 23. Section 215 of the Code of Civil Procedure is repealed.

SEC. 24. Section 219 of the Code of Civil Procedure is repealed.

SEC. 25. Section 220 of the Code of Civil Procedure is repealed.

SEC. 26. Article 6 (commencing with Section 230) of Chapter 1 of Title 3 of Part 1 of the Code of Civil Procedure is repealed.

SEC. 27. The heading of Article 10 (commencing with Section 246) of Chapter 1 of Title 3 of Part 1 of the Code of Civil Procedure is amended to read:

Article 10. Impaneling Trial Juries

SEC. 28. Section 246 of the Code of Civil Procedure is amended to read:

246. At the opening of court on the day trial jurors have been summoned to appear, the court or jury commissioner shall hear the excuses of jurors summoned; provided, that it may be left to the discretion of the court to accept an affidavit of excuse or other excuse under Section 200 without a personal appearance in court of the juror summoned. The court shall select jurors from this panel for the voir dire process in a manner to insure random selection.

SEC. 29. Article 11 (commencing with Section 250) of Chapter 1 of Title 3 of Part 1 of the Code of Civil Procedure is repealed.

SEC. 30. Section 72231 of the Government Code is repealed.

SEC. 31. Section 74603 of the Government Code is repealed.

SEC. 32. Section 1072 of the Penal Code is repealed.

SEC. 33. Section 1075 of the Penal Code is repealed.

SEC. 34. Section 1143 of the Penal Code is repealed.

SEC. 35. Section 16 of this act shall become operative on July 1, 1981.

SEC. 36. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code and Section 6 of Article XIII B of the California Constitution, no appropriation is made by this act pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

## CHAPTER 82

An act to amend Section 3 of Chapter 792 of the Statutes of 1978, relating to state lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1980 Filed with Secretary of State May 7, 1980.]

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

SECTION 1. Section 3 of Chapter 792 of the Statutes of 1978 is amended to read:

Sec. 3. As to any property conveyed pursuant to Section 1 of this act, the Director of General Services shall reserve to the state all mineral deposits, as defined by Section 6407 of the Public Resources Code, 200 feet below the surface of such lands. The right to enter such lands to reach such depth of 200 feet shall be limited to a total area not exceeding one acre in size, and to two locations along the boundaries of such lands, such location or locations to be selected by the Director of General Services from a list of locations submitted by the purchaser or purchasers of such lands which will have minimum impact on purchasers' intended use of the property. Such selection shall be made within 30 days of submittal of the list by the purchaser or purchasers.

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 the necessity are:

The purchase of the property subject to Chapter 792 of the Statutes of 1978 is contingent on the availability of federal funds. These funds cannot be released until the issue of ownership of mineral rights is resolved between the county and the state. In order to resolve such issue at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 83

An act to amend Section 17202 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1980 Filed with Secretary of State May 7, 1980 ]

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

SECTION 1. Section 17202 of the Revenue and Taxation Code is amended to read:

17202. (a) There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including—

(1) A reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) Traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home in the pursuit of a trade or business; and

(3) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

For purposes of this subdivision, the place of residence of a Member of Congress (including any delegate and resident commissioner) within the state, congressional district, territory, or possession which he represents in Congress shall be considered his home, but amounts expended by such members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of three thousand dollars ($3,000).

For purposes of this subdivision, the place of residence of a Member of the Legislature within the district which he represents shall be considered his tax home.

(b) No deduction shall be allowed under subdivision (a) for any contribution or gift which would be allowable as a deduction under Sections 17214, 17215, 17216, and 17216.2 were it not for the percentage limitations, the dollar limitations, or the requirements as to the time of payment, set forth in such sections.

(c) (1) No deduction shall be allowed under subdivision (a) for any payment made, directly or indirectly, to an official or employee of any government, or of any agency or instrumentality of any government, if the payment constitutes an illegal bribe or kickback or, if the payment is to an official or employee of a foreign government, the payment would be unlawful under the laws of the United States if such laws were applicable to such payment and to such official or employee. The burden of proof in respect of the issue, for the purposes of this paragraph, as to whether a payment constitutes an illegal bribe or kickback (or would be unlawful under the laws of the United States) shall be upon the Franchise Tax Board to the same extent as it bears the burden of proof when the issue relates to fraud.

(2) No deduction shall be allowed under subdivision (a) for any payment (other than a payment described in paragraph (1)) made, directly or indirectly, to any person, if the payment constitutes an illegal bribe, illegal kickback, or other illegal payment under any law of the United States, or under any law of a state (but only if such state law is generally enforced), which subjects the payor to a criminal

penalty or the loss of license or privilege to engage in a trade or business. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer. The burden of proof in respect of the issue, for purposes of this paragraph, as to whether a payment constitutes an illegal bribe, illegal kickback, or other illegal payment shall be upon the Franchise Tax Board to the same extent as it bears the burden of proof when the issue relates to fraud. However, a deduction shall not be disallowed under this paragraph, if, with respect to a payment described herein, the taxpayer in a court of competent jurisdiction is acquitted of making an illegal bribe, kickback or payment.

(3) No deduction shall be allowed under subdivision (a) for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of federal funds under a state plan approved under such act, if such kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receipt of such payments. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

(d) No deduction shall be allowed under subdivision (a) for any fine or similar penalty paid to a government for the violation of any law.

(e) If in a criminal proceeding a taxpayer is convicted of a violation of the antitrust laws, or his plea of guilty or nolo contendere to an indictment or information charging such a violation is entered or accepted in such a proceeding, no deduction shall be allowed under subdivision (a) for two-thirds of any amount paid or incurred—

(1) On any judgment for damages entered against the taxpayer under Section 4 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (commonly known as the Clayton Act), on account of such violation or any related violation of the antitrust laws which occurred prior to the date of the final judgment of such conviction, or

(2) In settlement of any action brought under such Section 4 on account of such violation or related violation.

The preceding sentence shall not apply with respect to any conviction or plea before January 1, 1971, or to any conviction or plea on or after such date in a new trial following an appeal of a conviction before such date.

(f) For special rule relating to expenses in connection with subdividing real property for sale, see Sections 18197 to 18199, inclusive.

SEC. 2. The provisions of Section 1 are declaratory of existing law.

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 clarify existing income tax provisions to take effect commencing with the 1980 taxable year, it is necessary that this act go into immediate effect.

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## CHAPTER 84

An act to amend Section 12104 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor May 7, 1980. Filed with Secretary of State May 7, 1980.]

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

SECTION 1. Section 12104 of the Public Utilities Code is amended to read:

12104. Every appointee to a permanent position shall be on probation for six months, except that the general manager may establish a probationary period for up to 12 months for professional, scientific, technical, administrative, management, or executive positions, or for positions requiring certification by the state pursuant to Chapter 9 (commencing with Section 13625) of Division 7 of the Water Code. The general manager may terminate the appointment during the probationary period. If the appointment is not then terminated it shall be permanent, subject to this division and the rules and regulations adopted pursuant to this division.

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## CHAPTER 85

An act to amend Sections 11825 and 11828 of the Public Utilities Code, relating to municipal utility districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1980 Filed with Secretary of State May 7, 1980.]

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

SECTION 1. Section 11825 of the Public Utilities Code is amended to read:

11825. Not more than 118 days prior to the election, upon request, the county clerk of the principal county containing the majority of the population of the ward from which the candidate is seeking election shall issue nomination papers and all other forms required

for nomination to the office of director.

SEC. 2. Section 11828 of the Public Utilities Code is amended to read:

11828. (a) Except as otherwise provided in this division, the provisions of the Elections Code prescribed for independent nominations shall substantially govern as to the manner of appointment of circulators, the form of nomination papers and other forms, the securing of signatures, the filing of the candidate's declaration of candidacy, and all other things necessary to get the name of the candidate upon the ballot. At the time of issuance of nomination papers, the county clerk shall cause to be entered on the first page of each section of the nomination papers the name of the candidate and the office for which he or she is a candidate. The county clerk shall imprint a stamp on the first page of each section of the nomination papers which reads "Official Filing Form," and shall affix his or her signature. The county clerk shall keep a list containing the name and address of each candidate, the office for which he or she is a candidate, and the date on which the nomination papers were issued, which list shall be a public record.

(b) Circulators may obtain signatures to the nomination paper of any candidate at any time not more than 118 days nor less than 88 days prior to the election. Each section of the nomination papers shall bear the name of a county and only qualified voters of that county shall sign such section. Nomination papers shall be signed either by 1 percent or by 50 of the registered voters from within the district, whichever is the lesser number, but in no event by more than 100 registered voters from within the district. Nomination papers shall be filed with the county clerk of the principal county containing the majority of the population of the ward from which the candidate is seeking election not more than 113 nor less than 88 days before the date of the election and shall be examined by the county clerk. If nomination papers for an incumbent director are not filed by 5 p.m. on the 88th day before the election, the voters shall have until 5 p.m. on the 83rd day before the election to nominate candidates other than the incumbent for such office. As soon as possible under the circumstances, the county clerk shall determine the number of valid signatures. If there are less than 50 valid signatures, the county clerk shall notify the candidate of that fact, and shall accept additional valid signatures at any time prior to the close of the period for circulating nomination papers. Each candidate, at least 88 days prior to the election, shall file a sufficient candidate's declaration of candidacy with the county clerk with whom he or she filed the nomination papers. The county clerk shall certify the names of all candidates at least 76 days prior to the date of the election so that their names may be placed upon the ballot.

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 insure that the provisions of this act will be in effect for the next municipal utility district general election in November, 1980, it is necessary that the provisions of this act take effect immediately.

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## CHAPTER 86

An act to amend Section 5007.1 of the Public Resources Code, to amend and supplement the Budget Act of 1979 (Chapter 259, Statutes of 1979) by adding Section 2.8A thereto, and to add Section 3.5 to Chapter 759 of the Statutes of 1979, relating to parks, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1980 Filed with Secretary of State May 7, 1980.]

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

SECTION 1. There is hereby appropriated from the State Park Contingent Fund the sum of five hundred thousand dollars ($500,000) to the Department of Parks and Recreation for expenditure during the 1979–80, 1980–81, and 1981–82 fiscal years for the acquisition of lands described in Section 2 of this act as an addition to the Anza-Borrego Desert State Park, subject to the conditions specified in Section 3 of this act. The State Park Contingent Fund shall be reimbursed in the amount of the appropriation from funds allocated to the state from the Federal Land and Water Conservation Fund for such acquisition.

SEC. 2. The lands to be acquired with moneys appropriated by Section 1 of this act consist of the following parcels totaling some 5,717 acres, identified by book, page, and parcel number by the County of San Diego Assessor as follows:

202–020–01
202–010–01
202–030–01
202–040–01
202–050–02
202–060–01
202–100–01
202–130–01
202–180–01

SEC. 2.8A. The following sums of money, or so much thereof as may be necessary, unless otherwise provided herein, are hereby appropriated for expenditure during the 1979–80, 1980–81, and 1981–82 fiscal years. Appropriations for studies, planning, and working drawings shall be available for expenditure only during the 1979–80 fiscal year. All such appropriations shall be paid out of the

State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

CAPITAL OUTLAY

RESOURCES

500A—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b), (c), and (e) of Section 5096.85 of the Public Resources Code, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 ..... 1,400,000

Schedule:

(a) Marina Beach—land acquisition 1,400,000

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 approved by the Secretary of the Resources Agency.

SEC. 3. (a) The funds appropriated by Section 1 of this act may not be expended for more than one-half of the appraised value of the full fee interest of any parcel sought to be acquired.

(b) None of the funds appropriated by Section 1 of this act may be expended until the State Public Works Board has determined that the procedures and criteria established by the Attorney General relating to implied dedication and public prescriptive rights or claims have been complied with in the investigations and appraisals of the Department of General Services. All material relating to implied dedication and public prescriptive rights or claims shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

SEC. 4. Section 2.8A is added to the Budget Act of 1979 (Chapter 259, Statutes of 1979), to read:

SEC. 5. Section 3.5 is added to Chapter 759 of the Statutes of 1979, to read:

Sec. 3.5. Funds appropriated by Section 3 of this act may also be expended for the development of parcels presently owned by the County of Riverside and identified by the County of Riverside Assessor as follows:

| Book | Page | Parcel |
|---|---|---|
| 413 | 140 | 023 |
| 413 | 140 | 024 |
| 413 | 140 | 025 |
| 422 | 030 | 014 |
| 422 | 030 | 015 |

SEC. 6. There is hereby appropriated from the State Highway Account in the State Transportation Fund to the Department of Justice two hundred ninety thousand dollars ($290,000) for payment of judgments in the cases of Verga, Shuler, and La Sorella v. State of California, Monterey County Superior Court #M7728 and State of California v. Title Insurance and Trust Company, Monterey County Superior Court #73836.

SEC. 7. Notwithstanding Section 10.07, subdivision (c), State Park Contingent Fund, category (2), of the Budget Act of 1979 (Chapter 259, Statutes of 1979) to the contrary, the reappropriation of thirty thousand dollars ($30,000) appropriated from the State Park Contingent Fund by category (b) of Item 387 of the Budget Act of 1976 (Chapter 320, Statutes of 1976) for Castle Rock State Park land acquisition shall not be subject to the proviso that such lands may be acquired only if the owners are willing sellers.

SEC. 8. Section 5007.1 of the Public Resources Code is amended to read:

5007.1. Lands purchased or otherwise acquired by the department at the Pan Pacific and Seccombe Park projects, which are to be operated and maintained by other public agencies under agreements entered pursuant to Section 5003 or 5007, shall not be subject to the provisions of Section 5002.1, 5002.2, 5002.3, or 5002.4, or Article 1.7 (commencing with Section 5019.50) of this chapter, during the term of such agreements. Any facility to be developed on such lands shall only be constructed in accordance with a development plan approved by the director.

The development plan for the Seccombe Park project, together with any contracts entered into pursuant to such plan, shall be approved by a citizens' advisory committee appointed by the chief executive officer of the City of San Bernardino before such plan is submitted to the director for approval.

SEC. 9. With the exception of revenues derived from state school lands and from sources described in Sections 6217.6, 6301.5, 6301.6, and 6855 of, Sections 8551 to 8558, inclusive, of, and Section 6406 (insofar as the proceeds are from property which has been distributed or escheated to the state in connection with unclaimed estates of deceased persons) of, the Public Resources Code, the State Lands Commission shall deposit the sum of seven million eight hundred thousand dollars ($7,800,000) of the revenues, moneys, and remittances received by it under Division 6 (commencing with Section 6001) of the Public Resources Code and under Chapter 138 of the Statutes of 1964, First Extraordinary Session, into the State Parks and Recreation Fund, the provisions of Section 6217 of the Public Resources Code notwithstanding; provided, however, that the obligations provided for in subdivisions (a), (b), (c), and (d) of Section 6217 have been met; and provided, further, that the chairman of the State Lands Commission finds that there exists, as of July 1, 1980, an unencumbered balance available for appropriation of not less than one hundred fifty million dollars ($150,000,000) in the Capital Outlay

Fund for Public Higher Education.

SEC. 10. The sum of seven million eight hundred thousand dollars ($7,800,000), or so much as may be necessary, is hereby appropriated from the State Parks and Recreation Fund to the Department of Parks and Recreation for expenditure, without regard to fiscal year, for the state park system in accordance with the following schedule:

Schedule:

(a) Seccombe Park—acquisition, planning, working drawings, and construction ..... 7,800,000

provided, that such amount as is necessary to reimburse the City of San Bernardino for those costs incurred in the development of the general plan which were not met by funds transferred pursuant to category (b) of Item 495.5B of the Budget Act of 1979, added by Chapter 1085 of the Statutes of 1979, may be transferred to the city.

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:

In order to authorize the Department of Parks and Recreation to take advantage of an opportunity to make an acquisition for the state park system on favorable terms, it is necessary that this act become effective immediately.

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## CHAPTER 87

An act to repeal and to add and repeal Chapter 17.8 (commencing with Section 7320) to Division 7 of Title 1 of the Government Code, relating to displaced homemakers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 1980 Filed with Secretary of State May 9, 1980]

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

SECTION 1. Chapter 17.8 (commencing with Section 7320) of Division 7 of Title 1 of the Government Code is repealed.

SEC. 2. Chapter 17.8 (commencing with Section 7320) is added to Division 7 of Title 1 of the Government Code, to read:

## CHAPTER 17.8. DISPLACED HOMEMAKERS

7320. The Legislature hereby finds and declares that there is an ever-increasing number of persons in this state who, having fulfilled a role as homemaker, find themselves "displaced" in their middle years through divorce, death of spouse, or other loss of family income. As a consequence, displaced homemakers are very often without any source of income; they are ineligible for categorical welfare assistance; they are subject to the highest unemployment rate of any sector of the work force; they face continuing discrimination in employment because they are older and have no recent paid work experience; they are ineligible for unemployment insurance because they have been engaged in unpaid labor in the home; they are ineligible for social security because they are too young, and for many, they will never qualify for social security because they have been divorced from the family wage earner; they have often lost their rights as beneficiaries under employers' pension and health plans through divorce or death of spouse, despite many years of contribution to the family well-being; and they are most often ineligible for Medi-Cal, and are generally unacceptable to private health insurance plans because of their age.

The Legislature further finds and declares that homemakers are an unrecognized part of the work force who make an invaluable contribution to the welfare of the society as a whole.

It is the primary intention of the Legislature in enacting this chapter to provide job services for displaced homemakers, including job training and placement, so that they may enjoy the independence and economic security vital to a productive life. It is also the intention of the Legislature to provide the necessary counseling, services, and health care for displaced homemakers to attain this objective and to improve the health and welfare of this ever-growing group of citizens.

7321. As used in this chapter, "displaced homemaker" is an individual who:

(a) Is over 35 years of age;

(b) Has worked without pay as a homemaker for his or her family;

(c) Is not gainfully employed;

(d) Has had, or would have, difficulty finding employment; and

(e) (1) Has depended on the income of a family member and has lost that income; or

(2) Has depended on government assistance as the parent of dependent children, but who is no longer eligible for such assistance.

7322. The Secretary of Health and Welfare shall establish a multipurpose service center for displaced homemakers in the County of Los Angeles. To the greatest extent possible the secretary shall make grants to nonprofit agencies or organizations to carry out the various programs of the centers, as enumerated in Sections 7324 to 7330, inclusive. The service center shall be designed and staffed as follows:

(a) The multipurpose service center shall be designed to provide displaced homemakers with the necessary counseling, training, skills, services, and education to become gainfully employed, healthy, and independent.

(b) To the greatest extent possible, the staff of the service center, including supervisory, technical, and administrative positions shall be filled by displaced homemakers. Where necessary, potential staff members shall be provided with on-the-job training by independent contractors or volunteer agencies.

7323. The secretary shall explore all possible sources of funding and in-kind contributions from federal, local, and private sources in establishing the service center, including building space, equipment, and qualified personnel for training programs.

7324. The multipurpose service center shall have a job counseling program for displaced homemakers. Job counseling shall be specifically designed for the person reentering the job market after a number of years as a homemaker. The counseling will take into account, and build upon, the skills and experiences of a homemaker. Peer counseling and job readiness as well as skill updating and development shall be emphasized.

7325. The multipurpose service center shall have a job training program for displaced homemakers. The staff at the center shall work with local government agencies and private employers to develop training programs for available jobs in the public and private sectors. The job training programs shall provide a stipend for trainees. The stipend granted pursuant to this section shall not be in addition to any aid received under any public assistance program.

7326. The service center staff shall develop with the Employment Development Department plans for including more displaced homemakers in existing job training and placement programs.

7327. Service center staff shall be responsible for assisting the trainee in finding permanent employment. To this end, the secretary and the service center staff shall work with the Employment Development Department and the prime sponsors under the Comprehensive Employment and Training Act of 1974 in the area of the center to secure employment for displaced homemakers.

7328. The multipurpose service center shall include, but not be limited to, the following service programs for displaced homemakers:

(a) Information and referral to physicians and clinics.

(b) Discussion and activity groups on menopause, aging, weight, and nutrition.

(c) Money management courses, including information and assistance in dealing with insurance programs (life, health, home, and car), taxes, mortgages, loans, and probate problems.

(d) Outreach and information for government programs, including concrete information and assistance with supplemental security income, social security, Veterans Administration benefits,

welfare, food stamps, unemployment insurance, and Medi-Cal.

(e) Educational programs, including courses offering credit through community colleges or leading toward a high school equivalency degree. These courses shall be designed to supplement the usual academic course offerings with classes geared toward older persons to improve their self-image and abilities.

7329. Whenever services authorized to be provided by the service center are otherwise available in the community, the service center may refer displaced homemakers in lieu of providing the services itself.

7330. The secretary, in consultation with the director of the service center, shall establish regulations concerning the eligibility of persons for the job training and other programs of the multipurpose service center, the level of stipends for the job training programs described in Section 7325, and such other matters as the secretary deems necessary. Eligibility for services within the multipurpose service center shall be limited to those persons with severe social or economic circumstances.

7331. (a) The secretary or his designee shall evaluate the effectiveness of the job training, placement and service components of the center. Such evaluation shall include the total number of persons making application for services provided by the center, the number of persons selected for services by each type of service provided, a description of the social and economic characteristics of persons receiving services by type of service provided, and an assessment of appropriate criteria for defining "persons with severe social or economic circumstances" for purposes of Section 7330 for each type of service provided. The evaluation shall assess the effectiveness of each type of service in removing or reducing barriers handicapping displaced homemakers from achieving independence and self-sufficiency, and shall describe the costs associated with each type of service.

(b) The evaluation shall identify and describe the range and type of services being provided by existing agencies within the area served by the service center which are comparable to services provided by the center. The evaluation shall identify and describe the extent to which comparable services provided by existing agencies can serve as resources to the service centers, and shall also identify which existing agency, if any, would be suitable for locating a displaced homemaker services center program if that program were to be continued. For the purposes of an evaluation, enrollment in a postsecondary education program shall not be considered as placement.

(c) There shall be an annual evaluation, unless the center is no longer in operation after July 1, 1980, in accordance with the requirements of this section filed by the secretary with the Legislature no later than January 1 of each year.

7332. The secretary may delegate any or all of the authority granted him by this chapter to whatever department within the

Health and Welfare Agency which he deems appropriate.

7333. This chapter shall remain in effect only until July 1, 1980, and after that date shall be repealed.

7334. It is the intent of the Legislature to provide for the continued funding of displaced homemaker center projects in accordance with the availability of federal funds through the establishment of a federal program, and the appropriation of state funds on a matching basis.

SEC. 3. The sum of sixty thousand dollars ($60,000) is hereby appropriated from the General Fund to the Health and Welfare Agency for the purpose of funding the displaced homemaker center in Los Angeles, pursuant to the provisions of Chapter 17.8 (commencing with Section 7320) of Division 7 of Title 1 of the Government Code. Funds granted pursuant to this act shall be available for expenditure until July 1, 1980.

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:

Current funding for the Displaced Homemaker Center in Los Angeles terminated January 1, 1980. In order for the center to remain in operation, it is necessary that this act take effect immediately.

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## CHAPTER 88

An act to amend Sections 53970, 53972, and 53978 of the Government Code, relating to police and fire protection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 1980. Filed with Secretary of State May 9, 1980 ]

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

SECTION 1. Section 53970 of the Government Code is amended to read:

53970. As used in this article, "local agency" means any city, county, or city and county, or a district, public authority, or any other political subdivision in the state.

SEC. 2. Section 53972 of the Government Code is amended to read:

53972. Any local agency which provides fire protection or prevention services directly, by contract with another local agency, or which provides such services pursuant to Section 25643 or the Fire Protection District Law of 1961, Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code, or which provides police protection services may, by ordinance adopted after notice and public hearing, determine and propose for adoption a

standby or availability charge for fire suppression service provided by the local agency, or a standby or availability charge for police protection services provided by the local agency, or both of such charges if both such services are provided by the local agency, pursuant to this article, except that a local agency which fixes such a charge shall not impose such charge upon a federal or state governmental agency or another local agency. Such propositions shall be submitted to the voters of the affected area, zone, or district, and shall take effect upon approval of two-thirds of the voters voting upon the propositions.

SEC. 3. Section 53978 of the Government Code is amended to read:

53978. (a) Any local agency which provides fire protection or prevention services directly, by contract with another local agency, or which provides such services pursuant to Section 25643 of this code or the Fire Protection District Law of 1961, Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code, or which provides police protection services, may, by ordinance, determine and propose for adoption a special tax for fire protection and prevention provided by the local agency, or a special tax for police protection services provided by the local agency, or both of such special taxes if both such services are provided by the local agency, other than ad valorem property taxes, pursuant to this section. Such proposition shall be submitted to the voters of the affected area or zone, or of the district, and shall take effect upon approval of two-thirds of the voters voting upon such proposition. The local agency which fixes such a special tax shall not, however, impose such tax upon a federal or state governmental agency or another local agency.

(b) The ordinance submitted to voter approval pursuant to the provisions of subdivision (a), shall specify the amount of each of such special taxes. Each of such special taxes shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the local agency to which fire protection services or police protection services are made available, for the purpose of obtaining, furnishing, operating, and maintaining fire suppression and police protection equipment or apparatus or either such service, respectively, for paying the salaries and benefits to firefighting and police protection personnel or either such personnel, respectively, and for such other necessary fire protection and prevention expenses and police protection expenses, respectively, or either such expenses of the local agency in such area, zone, or local agency to which fire protection and prevention services or police protection services, or both, are made available.

(c) The amount of each such special tax established by the legislative body, and approved by the voters of the local agency, may be varied to each parcel, improvement, or use of property based on the degree of availability of fire protection and prevention services or police protection services, respectively, in the affected area, and

may restrict such charges to areas lying within one or more zones or areas established in such local agency.

(d) The legislative body may provide for the collection of the special taxes in the same manner and subject to the same penalty as, or with, other charges and taxes fixed and collected by the local agency, or by the county on behalf of the local agency. If such special taxes are collected by the county on behalf of the local agency, the county may deduct its reasonable costs incurred for such service before remittal of the balance to the local agency.

(e) The revenues from each of such special taxes shall be used for the service for which it was imposed, and for no other purpose.

(f) This section does not limit or prohibit the levy or collection or any other fee, charge, or tax, or any license or service fee or charge for fire prevention or protection services or police protection services as provided by other provisions of law.

SEC. 4. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code and Section 6 of Article XIII B of the California Constitution, no appropriation is made by this act pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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 order for cities, counties, cities and counties, special districts and other local public agencies which provide fire protection and prevention services and police protection to plan expenditures and revenues in the upcoming fiscal year for the providing of fire protection and prevention and police protection for their citizens, it is, therefore, necessary that this act take immediate effect.

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## CHAPTER 89

An act to amend Section 6107 of the Government Code, to amend Sections 1510, 1511, 1821, and 1822 of, to add Section 1461.5 to, and to repeal Part 5 (commencing with Section 2900) of Division 4 of, the Probate Code, relating to veterans.

[Approved by Governor May 9, 1980. Filed with Secretary of State May 9, 1980.]

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

SECTION 1. Section 6107 of the Government Code, as amended by Chapter 730 of the Statutes of 1979, is amended to read:

6107. (a) No public entity, including the state, a county, city, or

other political subdivision, nor any officer or employee thereof, including notaries public, shall demand or receive any fee or compensation for doing any of the following:

(1) Recording, indexing, or issuing certified copies of any discharge, certificate of service, certificate of satisfactory service, notice of separation, or report of separation of any member of the armed forces of the United States.

(2) Furnishing a certified copy of, or searching for, any public record which is to be used in an application or claim for a pension, allotment, allowance, compensation, insurance (including automatic insurance), or any other benefits under any act of Congress for service in the armed forces of the United States or under any law of this state relating to veterans' benefits.

(3) Furnishing a certified copy of, or searching for, any public record which is required by the Veterans Administration to be used in determining the eligibility of any person to participate in benefits made available by the Veterans Administration.

(4) Rendering any other service in connection with an application or claim referred to in paragraph (2) or (3).

(b) The services referred to in subdivision (a) shall be rendered on request of a United States official, the claimant or applicant, or the guardian, conservator, or attorney of the claimant or applicant, or any other person acting on behalf of the claimant or applicant. A public officer or employee is liable on his or her official bond for failure or refusal to render the services.

SEC. 2. Section 1461.5 is added to the Probate Code, to read:

1461.5. Except for a petition filed by the Veterans Administration, notice of the time and place of hearing on a petition, report, or account, and a notice of the filing of an inventory, together with a copy of the petition, report, inventory, or account, shall be mailed to the office of the Veterans Administration having jurisdiction over the area in which the court is located at least 15 days before the hearing, or within 15 days after the inventory is filed, if both of the following conditions exist:

(a) The guardianship or conservatorship estate consists or will consist wholly or in part of any of the following:

(1) Money received from the Veterans Administration.

(2) Revenue or profit from such money or from property acquired wholly or in part from such money.

(3) Property acquired wholly or in part with such money or from such property.

(b) The petition, report, inventory, or account is filed under any one or more of the following provisions: Section 1510, 1601, 1820, 1861, 1874, 2422, or 2423; Article 7 (commencing with Section 2540) of Chapter 6 of Part 4; Section 2570, 2571, 2580, 2592, 2610, 2613, or 2620; Chapter 8 (commencing with Section 2640) of Part 4; or Chapter 3 (commencing with Section 3100) of Part 6.

SEC. 3. Section 1510 of the Probate Code, as added by Chapter 726 of the Statutes of 1979, is amended to read:

1510. (a) A relative or other person on behalf of the minor, or the minor if 14 years of age or older, may file a petition for the appointment of a guardian of the minor.

(b) The petition shall request that a guardian of the person or estate of the minor, or both, be appointed, shall specify the name and address of the proposed guardian and the name and date of birth of the proposed ward, and shall state that such appointment is necessary or convenient.

(c) The petition shall set forth, so far as is known to the petitioner, the names and addresses of all of the following:

(1) The parents of the proposed ward.

(2) The person having legal custody of the proposed ward and, if that person does not have the care of the proposed ward, the person having the care of the proposed ward.

(3) The relatives of the proposed ward within the second degree.

(4) In the case of a guardianship of the estate, the spouse of the proposed ward.

(5) Any person nominated as guardian for the proposed ward under Section 1500 or 1501.

(d) If the proposed ward is a patient in or on leave of absence from a state institution under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services and that fact is known to the petitioner, the petition shall state that fact and name the institution.

(e) The petition shall state, so far as is known to the petitioner, whether or not the proposed ward is receiving or is entitled to receive benefits from the Veterans Administration and the estimated amount of the monthly benefit payable by the Veterans Administration for the proposed ward.

(f) If the petitioner has knowledge of any pending adoption, juvenile court, marriage dissolution, domestic relations, custody, or other similar proceeding affecting the proposed ward, the petition shall disclose such pending proceeding.

SEC. 4. Section 1511 of the Probate Code, as added by Chapter 726 of the Statutes of 1979, is amended to read:

1511. (a) Except as provided in subdivisions (f) and (g), at least 15 days before the hearing on the petition for the appointment of a guardian, notice of the time and place of the hearing shall be given as provided in subdivisions (b), (c), (d), and (e) of this section. The notice shall be accompanied by a copy of the petition.

(b) Notice shall be served in the manner provided in Section 415.10 or 415.30 of the Code of Civil Procedure, or in such manner as may be authorized by the court, on all of the following (other than the petitioner or persons joining in the petition):

(1) The proposed ward if 14 years of age or older.

(2) The person having legal custody of the proposed ward.

(3) The parents of the proposed ward.

(4) Any person nominated as a guardian for the proposed ward under Section 1500 or 1501.

(c) Notice shall be given by mail sent to their addresses stated in the petition, or in such manner as may be authorized by the court, to all of the following (other than the petitioner or persons joining in the petition):

(1) The spouse named in the petition.

(2) The relatives named in the petition, except that if the petition is for the appointment of a guardian of the estate only the court may dispense with the giving of such notice to any one or more or all of such relatives.

(3) The person having the care of the proposed ward if other than the person having legal custody of the proposed ward.

(d) If notice is required by Section 1461 or Section 1542 to be given to the Director of Mental Health or the Director of Developmental Services or the Director of Social Services, notice shall be mailed as so required.

(e) If the petition states that the proposed ward is receiving or is entitled to receive benefits from the Veterans Administration, notice shall be mailed to the office of the Veterans Administration referred to in Section 1461.5.

(f) Unless the court orders otherwise, notice shall not be given to any of the following:

(1) The parents or other relatives of a proposed ward who has been relinquished to a licensed adoption agency.

(2) The parents of a proposed ward who has been judicially declared free from their custody and control.

(g) Notice need not be given to any person if the court so orders upon a determination of either of the following:

(1) The person cannot with reasonable diligence be given the notice.

(2) The giving of the notice would be contrary to the interest of justice.

(h) Before the appointment of a guardian is made, proof shall be made to the court that each person entitled to notice under this section either:

(1) Has been given notice as required by this section; or

(2) Has not been given notice as required by this section because such person cannot with reasonable diligence be given the notice or because the giving of notice to such person would be contrary to the interest of justice.

SEC. 5. Section 1821 of the Probate Code, as added by Chapter 726 of the Statutes of 1979, is amended to read:

1821. (a) The petition shall request that a conservator be appointed for the person or estate, or both, shall specify the name and address of the proposed conservator and the name and address of the proposed conservatee, and shall state the reasons why the appointment is required.

(b) The petition shall set forth, so far as they are known to the petitioner, the names and addresses of the spouse and of the relatives of the proposed conservatee within the second degree.

(c) If the petition is filed by one other than the proposed conservatee, the petition shall state whether or not the petitioner is a creditor or debtor of the proposed conservatee.

(d) If the proposed conservatee is a patient in or on leave of absence from a state institution under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services and that fact is known to the petitioner, the petition shall state that fact and name the institution.

(e) The petition shall state, so far as is known to the petitioner, whether or not the proposed conservatee is receiving or is entitled to receive benefits from the Veterans Administration and the estimated amount of the monthly benefit payable by the Veterans Administration for the proposed conservatee.

(f) The petition may include an application for any order or orders authorized under this division, including, but not limited to, orders under Chapter 4 (commencing with Section 1870).

(g) The petition may include a further statement that the proposed conservatee is not willing to attend the hearing on the petition, does not wish to contest the establishment of the conservatorship, and does not object to the proposed conservator or prefer that another person act as conservator.

SEC. 6. Section 1822 of the Probate Code, as added by Chapter 726 of the Statutes of 1979, is amended to read:

1822. (a) At least 15 days before the hearing on the petition for appointment of a conservator, notice of the time and place of the hearing shall be given as provided in subdivisions (b), (c), and (d) of this section. The notice shall be accompanied by a copy of the petition.

(b) Notice shall be mailed to the following persons (other than the petitioner or persons joining in the petition):

(1) The spouse, if any, of the proposed conservatee at the address stated in the petition.

(2) The relatives named in the petition at their addresses stated in the petition.

(c) If notice is required by Section 1461 to be given to the Director of Mental Health or the Director of Developmental Services, notice shall be mailed as so required.

(d) If the petition states that the proposed conservatee is receiving or is entitled to receive benefits from the Veterans Administration, notice shall be mailed to the office of the Veterans Administration referred to in Section 1461.5.

SEC. 7. Part 5 (commencing with Section 2900) of Division 4 of the Probate Code, as added by Chapter 726 of the Statutes of 1979, is repealed.

SEC. 8. (a) As used in this section:

(1) "General guardianship or conservatorship" means a guardianship or conservatorship of the estate in this state other than a veterans' guardianship.

(2) "Veterans' benefits" means money received from the

Veterans Administration, revenue or profits from such money, or from property acquired wholly or in part from such money, and property acquired wholly or in part with such money or from such property.

(3) "Veterans' guardianship" means a guardianship created under Chapter 15 (commencing with Section 1650) of the Probate Code prior to January 1, 1981, where the guardianship estate consists entirely of veterans' benefits.

(b) A veterans' guardianship for an unmarried minor ward in existence on December 31, 1980, shall continue in existence after December 31, 1980, as a guardianship of the estate and is governed by Division 4 (commencing with Section 1400) of the Probate Code on and after January 1, 1981.

(c) A veterans' guardianship for an adult ward or a married minor ward in existence on December 31, 1980, shall continue in existence after December 31, 1980, as a conservatorship of the estate. Except as provided in subdivision (d), such a conservatorship is governed by Division 4 (commencing with Section 1400) of the Probate Code on and after January 1, 1981.

(d) Notwithstanding Sections 1485 and 1872 of the Probate Code and Section 40 of the Civil Code, if, on December 31, 1980, an adult or married minor is subject to a veterans' guardianship but is not subject to a general guardianship or conservatorship, on and after January 1, 1981, such adult or married minor is deemed to have been adjudicated to lack legal capacity as provided in Section 40 of the Civil Code and Section 1872 of the Probate Code only with respect to veterans' benefits.

(e) If, on December 31, 1980, a person is subject both to a veterans' guardianship and a general guardianship or conservatorship, the general guardianship or conservatorship shall continue on and after January 1, 1981, and the estate subject to the general guardianship or conservatorship shall include the veterans' benefits. The court in which the general guardianship or conservatorship proceeding is pending shall make any orders necessary or convenient to implement this subdivision.

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## CHAPTER 90

An act to add Section 1374.11 to the Health and Safety Code, to add Sections 10123.11 and 11512.21 to the Insurance Code, and to add Section 11016 to the Welfare and Institutions Code, relating to medical care of prisoners and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 1980 Filed with Secretary of State May 9, 1980 ]

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

SECTION 1. Section 1374.11 is added to the Health and Safety Code, to read:

1374.11. No health care service plan shall deny a claim for hospital, medical, surgical, dental, or optometric services for the sole reason that the individual served was confined in a city or county jail or was a juvenile detained in any facility, if such individual is otherwise entitled to reimbursement for such services under such contract and incurs expense for the services so provided during confinement. This provision shall apply to any health care service plan contract entered into or renewed on or after July 1, 1980, whether or not such contract contains any provision terminating benefits under such plan upon an individual's confinement in a city or county jail or juvenile detention facility.

SEC. 2. Section 10123.11 is added to the Insurance Code, to read:

10123.11. (a) No insurer shall deny a claim under a group disability policy for hospital, medical, surgical, dental, or optometric services for the sole reason that the individual served was confined in a city or county jail as a prisoner, or was a juvenile detained in any facility if such individual is otherwise entitled to benefits under such group disability policy and incurs expense for the services so provided during confinement. This provision shall apply to any group disability policy entered into or renewed on or after July 1, 1980, whether or not such policy contains any provision terminating benefits under such policy upon an individual's confinement in a city or county jail or juvenile detention facility.

(b) No self-insured employee welfare benefit plan shall deny a claim under a plan for hospital, medical, surgical, dental, or optometric services for the reason that the individual served was confined in a city or county jail as a prisoner, or was a juvenile detained in any facility, if such individual is otherwise entitled to benefits under such plan and incurs expense for the services so provided during confinement. This provision shall apply to any self-insured employee welfare benefit plan entered into or renewed on or after July 1, 1980, whether or not such plan contains any provision terminating benefits under such plan upon an individual's confinement in a city or county jail or juvenile detention facility.

SEC. 3. Section 11512.21 is added to the Insurance Code, to read:

11512.21. No nonprofit hospital service plan shall deny a claim under a group contract for hospital, medical, surgical, dental, or optometric services for the sole reason that the individual served was confined in a city or county jail as a prisoner, or was a juvenile detained in any facility, if such individual is otherwise entitled to benefits under such group contract and incurs expense for the services so provided during confinement. This provision shall apply to any nonprofit hospital service plan entered into or renewed on or after July 1, 1980, whether or not such plan or group contract contains any provision terminating benefits under such plan upon an

individual's confinement in a city or county jail or juvenile detention facility.

SEC. 4. Section 11016 is added to the Welfare and Institutions Code, to read:

11016. Notwithstanding any other provision of law, no person for whom federal financial participation is available shall be denied benefits, for which federal financial participation is available, solely because such person is incarcerated in a county or city jail or juvenile detention facility.

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 order to utilize federal funds available for the medical treatment of prisoners in county and city facilities at the earliest possible time, it is necessary that this act go into immediate effect.

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## CHAPTER 91

An act to amend Sections 6066, 6067 and 6072 of, and to add Section 6066.5 to, the Revenue and Taxation Code, relating to sales tax permits.

[Approved by Governor May 13, 1980. Filed with Secretary of State May 14, 1980 ]

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

SECTION 1. Section 6066 of the Revenue and Taxation Code is amended to read:

6066. Every person desiring to engage in or conduct business as a seller within this state shall file with the board an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the board and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the board may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application.

The person signing the application shall certify that the applicant will actively engage in or conduct a business as a seller of tangible personal property.

SEC. 2. Section 6066.5 is added to the Revenue and Taxation Code, to read:

6066.5. At the time the board provides the applicant with an application form, the applicant shall be provided with a written

notice in a form prescribed by the board outlining the provisions of Sections 6072 and 6094.5 and the penalties that will accrue to the applicant should the permit be used in a manner which is prohibited by those sections.

SEC. 3. Section 6067 of the Revenue and Taxation Code is amended to read:

6067. After compliance with Sections 6066 and 6701 by the applicant, and after the giving the applicant the notice required by Section 6066.5, the board shall grant and issue to each applicant a separate permit for each place of business within the state. A permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

SEC. 4. Section 6072 of the Revenue and Taxation Code is amended to read:

6072. A permit shall be held only by persons actively engaging in or conducting a business as a seller of tangible personal property. Any person not so engaged shall forthwith surrender his permit to the board for cancellation. The board may revoke the permit of a person found to be not actively engaged in or conducting a business as a seller of tangible personal property.

Any person who knowingly issues a resale certificate while he is not actively engaged in business as a seller, for personal gain or to evade the payment of taxes, shall be liable for the taxes that would otherwise have been due on the transaction, plus a penalty of 10 percent and interest at the rate of 1 percent per month from the date of the transaction to the date of payment.

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## CHAPTER 92

An act to amend Sections 14105 and 14109 of, to add Section 14105.5 to, and to repeal and add Section 14110 to, the Vehicle Code, relating to hearings.

[Approved by Governor May 15, 1980. Filed with Secretary of State May 16, 1980 ]

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

SECTION 1. Section 14105 of the Vehicle Code is amended to read:

14105. Upon the conclusion of an informal hearing the referee or board shall make findings and render a decision on behalf of the department and shall notify the person involved. Notice of the decision shall include a statement of the person's right to a review. The decision shall be effective as stated in the notice, but not less than four nor more than 15 days after the notice is mailed.

SEC. 2. Section 14105.5 is added to the Vehicle Code, to read:

14105.5. The subject of an informal hearing may request a review of a decision taken under Section 14105 within 15 days of the effective date of the decision. On receipt of a request for review the department shall stay the action pending a decision on review, unless the hearing followed an action pursuant to Section 13953. Such review shall include an examination of the hearing report, documentary evidence, and findings. The referee or board conducting the original hearing may not participate in the review process. Following the review, a written notice of the department's decision shall be mailed to the person involved. If the action has been stayed pending review, the department's decision shall be effective as stated in the notice but not less than four nor more than 15 days after the notice is mailed.

SEC. 3. Section 14109 of the Vehicle Code is amended to read:

14109. Upon the conclusion of a formal hearing the referee or board shall make findings on the matters under consideration and shall prepare and submit a proposed decision to the director. The proposed decision shall be in writing and in such form that it may be adopted as the decision in the case.

SEC. 4. Section 14110 of the Vehicle Code is repealed.

SEC. 5. Section 14110 is added to the Vehicle Code, to read:

14110. Following a formal hearing, the director or an employee of the Department of Motor Vehicles designated by the director may adopt the proposed decision in its entirety or may reduce the proposed penalty and adopt the balance of the proposed decision. If the proposed decision is not adopted, the director or designee may decide the matter upon the record, including the transcript, with or without taking additional evidence, or remand the case for a rehearing or the taking of additional evidence by the same or a different referee or board. If the proposed decision is not adopted, the director or designee may not decide the matter without affording the person the opportunity to present either oral or written argument before the department.

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## CHAPTER 93

An act making an appropriation to the California State University and Colleges for construction of educational facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1980 Filed with Secretary of State May 16, 1980 ]

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

SECTION 1. The Legislature hereby finds that certain facilities of the California State University and Colleges located on the Imperial Valley campus at Calexico are no longer usable, in whole or in part, due to severe earthquake damage. The Legislature hereby declares that it would be in the best interests of the state for such facilities to be repaired or replaced, as appropriate.

SEC. 2. There is hereby appropriated from the Capital Outlay Fund for Public Higher Education to the Trustees of the California State University and Colleges the sum of one million six hundred seventy-five thousand dollars ($1,675,000) for preliminary plans, working drawings, and construction of repairs to, or replacement of, facilities located at Calexico which, in whole or in part, are no longer usable due to severe earthquake damage, subject to the approval of the State Public Works Board. Such amount shall be repaid, in part or in full, to the Capital Outlay Fund for Public Higher Education from, and to the extent of, moneys received from the federal government for the purpose of making repairs to the educational facilities described in this act which were damaged as a result of the earthquake. The funds appropriated pursuant to this section shall be available for expenditure until June 30, 1982. Any unexpended balance shall revert, after June 30, 1982, to the Capital Outlay Fund for Public Higher Education.

SEC. 3. Prior to awarding any contract or contracts for construction, which contract or contracts are to be paid with funds appropriated in Section 2 of this act, the project architect and structural engineer shall submit certification in writing to the Trustees of the California State University and Colleges that the plans and specifications for the facilities comply with the building regulations published in the State Building Standards Code as required by the so-called "Field Act" or the latest edition of the Uniform Building Code of the International Conference of Building Officials.

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:

Due to a severe earthquake, certain educational facilities of the California State University and Colleges located on the Imperial Valley campus at Calexico are not usable, in whole or in part. Therefore, it is necessary to construct repairs to, or the replacement of, such facilities as soon as possible to meet the educational needs of the people of that area. In order to expedite the building of such needed facilities, it is necessary that this act take immediate effect.

## CHAPTER 94

An act to repeal Section 3 of Chapter 1072 of the Statutes of 1977, relating to county highways, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1980 Filed with Secretary of State May 16, 1980 ]

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

SECTION 1. Section 3 of Chapter 1072 of the Statutes of 1977 is repealed.

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:

Chapter 1072 of the Statutes of 1977 amended Sections 2104 and 2110 of the Streets and Highways Code to provide additional funds for highway snow removal. However, the operation of those amendments was made conditional on the adoption of the California Transportation Plan, and enactment by the Legislature of a statute finding that the additional snow removal costs are consistent with transportation goals in local general plans, regional transportation plans, and the California Transportation Plan.

In this regard, Section 14535 of the Government Code provides that the biennial report of the California Transportation Commission shall constitute the California Transportation Plan. The first biennial report of the commission was adopted and submitted to the Legislature on April 27, 1979. The form of this report, and thus the California Transportation Plan, is in terms of recommendations rather than establishing statewide goals.

Therefore, the Legislature finds that the substance and intent of the provisions of Section 3 of Chapter 1072 of the Statutes of 1977 have been complied with and that, due to the severity of recent winters, local governments are in urgent need of additional highway snow removal funds provided for in Chapter 1072 of the Statutes of 1977. In order that these additional funds may be available at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 95

An act to amend Section 1370 of the Health and Safety Code, relating to health care service plans.

[Approved by Governor May 15, 1980 Filed with
Secretary of State May 16, 1980 ]

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

SECTION 1. Section 1370 of the Health and Safety Code is amended to read:

1370. Every plan shall establish procedures in accordance with department regulations for continuously reviewing the quality of care, performance of medical personnel, utilization of services and facilities, and costs. Notwithstanding any other provision of law, there shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any person who participates in quality of care or utilization reviews by peer review committees which are composed chiefly of physicians and surgeons or dentists, or optometrists, or any of the above, for any act performed during such reviews if such person acts without malice, has made a reasonable effort to obtain the facts of the matter, and believes that the action taken is warranted by the facts, and neither the proceedings nor the records of such reviews shall be subject to discovery, nor shall any person in attendance at such reviews be required to testify as to what transpired thereat.

The above prohibition relating to discovery or testimony shall not apply to the statements made by any person in attendance at such a review who is a party to an action or proceeding the subject matter of which was reviewed, or to any person requesting hospital staff privileges, or in any action against an insurance carrier alleging bad faith by the carrier in refusing to accept a settlement offer within the policy limits, or to the commissioner in conducting surveys pursuant to Section 1380.

This section shall not be construed to confer immunity from liability on any health care service plan. In any case in which, but for the enactment of the preceding provisions of this section, a cause of action would arise against a health care service plan, such cause of action shall exist notwithstanding the provisions of this section.

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## CHAPTER 96

An act to amend Section 10147.5 of the Business and Professions Code, relating to real estate, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1980 Filed with
Secretary of State May 16, 1980 ]

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

SECTION 1. Section 10147.5 of the Business and Professions Code is amended to read:

10147.5. (a) Any printed or form agreement which initially establishes, or is intended to establish, or alters the terms of any agreement which previously established a right to compensation to be paid to a real estate licensee for the sale of residential real property containing not more than four residential units, or for the sale of a mobilehome, shall contain the following statement in not less than 10-point boldface type immediately preceding any provision of such agreement relating to compensation of the licensee:

Notice: The amount or rate of real estate commissions is not fixed by law. They are set by each broker individually and may be negotiable between the seller and broker.

(b) The amount or rate of compensation shall not be printed in any such agreement.

(c) Nothing in this section shall affect the validity of a transfer of title to real property.

(d) As used in this section, "alters the terms of any agreement which previously established a right to compensation" means an increase in the rate of compensation, or the amount of compensation if initially established as a flat fee, from the agreement which previously established a right to compensation.

SEC. 2. This act shall become operative on July 1, 1980.

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

There is significant public confusion regarding the application of, and methods of compliance with, Chapter 800 of the Statutes of 1979, which, by its terms, becomes operative on July 1, 1980. To resolve that confusion, it is necessary that this act take effect immediately and become operative on the same date.

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## CHAPTER 97

An act to amend Section 6553 of the Elections Code, relating to filing fees.

[Approved by Governor May 15, 1980 Filed with Secretary of State May 16, 1980 ]

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

SECTION 1. Section 6553 of the Elections Code is amended to read:

6553. The filing fee to be paid to the county clerk for filing a declaration of candidacy for an office to be voted for wholly within one county other than a legislative or congressional office shall be as

follows:

(a) No filing fee is required from any candidate for an office for which no fixed compensation is payable, or for which the annual salary is two thousand five hundred dollars ($2,500) or less.

(b) A filing fee of 1 percent of the annual salary of the office shall be paid to the county clerk by each candidate for a judicial office or for a county office. This subdivision shall not apply to any candidate for any office for which the annual salary is two thousand five hundred dollars ($2,500) or less.

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## CHAPTER 98

An act to amend Sections 49112 and 49116 of the Education Code, relating to the employment of minors.

[Approved by Governor May 15, 1980. Filed with Secretary of State May 16, 1980]

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

SECTION 1. Section 49112 of the Education Code is amended to read:

49112. (a) A permit to work may be issued to a minor under the age of 18 years and over the age of 14 years to work outside of school hours for a period of time not to exceed four hours in any day in which he or she is required by law to attend school if he or she has completed the equivalent of the seventh grade of a public school course.

(b) A permit to work may also be issued to a minor 16 years of age or older to work outside of school hours for a period of time not to exceed eight hours in any day in which the minor is required by law to attend school and which is immediately prior to a nonschoolday.

SEC. 2. Section 49116 of the Education Code is amended to read:

49116. (a) An employer shall not employ a minor for more than four hours in any day in which such minor is required by law to attend school for 240 minutes or more each schoolday, except as follows:

(1) The minor is employed in personnel attendance occupations, as defined in the Industrial Welfare Commission Minimum Wage Order No. 1-74, school approved work experience, or cooperative vocational education programs.

(2) The minor has been issued a permit to work pursuant to subdivision (b) of Section 49112 and is employed in accordance with the provisions of such permit.

(b) No employer shall employ any minor under the age of 18 years in any agricultural occupation for more than 20 hours in any schoolweek in which such minor is required by law to attend school for 240 minutes or more each schoolday. Minors 16 and 17 years of

age shall not work in any agricultural occupation more than six hours a day they are required to attend school for 240 minutes or more each schoolday. Minors 14 and 15 years of age shall not work in any agricultural occupation more than four hours on a schoolday.

(c) Holidays and days school is not in session are not covered by this section.

(d) If evidence is shown to the satisfaction of the person issuing the permit that the schoolwork or the health of the minor is being impaired by the employment, the authority issuing the permit may revoke it.

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## CHAPTER 99

An act to amend Section 4832 of the Welfare and Institutions Code, relating to developmentally disabled persons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1980 Filed with Secretary of State May 16, 1980 ]

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

SECTION 1. Section 4832 of the Welfare and Institutions Code is amended to read:

4832. An area board may review and evaluate existing and proposed community living arrangement programs within their jurisdiction and may make a recommendation to the Director of the Department of Developmental Services concerning programs which should be considered as the most appropriate agency to be designated as responsible for the implementation of the community living continuum within their area. These programs shall include, but not be limited to, those which have been funded through the issuance of Mental Retardation Private Institutions' Fund grants, Developmental Disability Community Development grants, and model state hospital programs. Consideration shall be given to all of the following:

(a) Private nonprofit corporations.

(b) Public agencies.

(c) A joint powers agreement agency.

At least one-third of the board of directors, public or private or an advisory committee in the event a public agency is selected, shall be composed of consumer representatives, including members of the immediate family of the consumer.

No person shall serve as a director or advisory committee member who has a financial interest, as defined in Section 87103 of the Government Code, in designated agency operations, except with respect to any interest as a consumer of a designated agency or regional center services.

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 broadest possible application of eligible agencies can be utilized in awarding grants to agencies to implement community living continuums for developmentally disabled persons prior to the end of fiscal year 1979-80, it is necessary that this act take effect immediately.

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## CHAPTER 100

An act to amend Sections 39450 and 81400 of, and to repeal Section 81403 of, the Education Code, relating to public education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1980 Filed with Secretary of State May 16, 1980.]

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

SECTION 1. Section 39450 of the Education Code is amended to read:

39450. After considering all proposals submitted, the governing board of the school district shall have the authority, subject to the provisions of Section 39451, to select the plan or proposal which best meets the needs of the school district and to enter into a contract incorporating that plan or proposal either as submitted or as revised by the school district's governing board; provided, however, that the governing board shall not approve any proposal nor enter into a lease or contract incorporating a proposal until the governing board has submitted the proposal to the State Board of Education, and the State Board of Education has approved such proposal. The State Board of Education shall, within 45 days of the date of submission, notify the governing board of its approval or disapproval.

The governing board shall require any person, firm or corporation with whom it enters into a lease or agreement pursuant to this article to file one of the following, as determined by the governing board: (1) a bond, executed by either two or more good and sufficient sureties or by a corporate surety, for the performance of such lease or agreement; or (2) an irrevocable letter of credit issued by a state or national bank for the performance of such lease or agreement.

SEC. 2. Section 81400 of the Education Code is amended to read:

81400. After considering all proposals submitted, the governing board of the community college district shall have the authority, subject to the provisions of Section 81401, to select the plan or proposal which best meets the needs of the district and to enter into a contract incorporating that plan or proposal either as submitted or

as revised by the district's governing board.

The governing board shall require any person, firm or corporation with whom it enters into a lease or agreement pursuant to this article to file one of the following, as determined by the governing board: (1) a bond, executed by either two or more good and sufficient sureties or by a corporate surety, for the performance of such lease or agreement; or (2) an irrevocable letter of credit issued by a state or national bank for the performance of such lease or agreement.

SEC. 3. Section 81403 of the Education Code is repealed.

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:

Section 81403 of the Education Code provides for the termination, effective on June 1, 1980, of the authority of a community college governing board to enter joint occupancy leases and agreements with private parties. Community college governing boards rely upon this authority to construct needed school facilities. In order that community college governing boards may continue to use this authority, it is essential that this act take effect immediately.

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## CHAPTER 101

An act to add Sections 45243.5 and 88063.5 to the Education Code, relating to classified employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1980. Filed with Secretary of State May 16, 1980 ]

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

SECTION 1. Section 45243.5 is added to the Education Code, to read:

45243.5. Notwithstanding Section 45243, in the case of a unified district and a community college district which are under the jurisdiction of governing boards of identical personnel and which had a majority of their population within an incorporated city which had a population between 70,000 and 75,000 as of the 1950 census, the governing board may, by affirmative vote of the majority of its members, elect to make the provisions of this article applicable to each of the districts individually and separately. In such cases, the expenses of the commission shall be paid out of general funds of the districts in proportion to the benefits derived therefrom as determined by the governing board.

In the case of action by the governing board to make the provisions of this article applicable to each of the districts individually and separately, and notwithstanding any other provision of law, the

rights of persons employed in positions not requiring certification qualifications shall continue in the same manner as if such separation had not occurred, except that such rights shall be limited to the district in which the person is employed on the day such action is taken by the governing board. For purposes of determining seniority, employment shall be deemed to have commenced as of the date of original employment in either the unified district or the community college district.

SEC. 2. Section 88063.5 is added to the Education Code, to read:

88063.5. Notwithstanding Section 88063, in the case of a unified district and a community college district which are under the jurisdiction of governing boards of identical personnel and which had a majority of their population within an incorporated city which had a population between 70,000 and 75,000 as of the 1950 census, the governing board may, by affirmative vote of the majority of its members, elect to make the provisions of this article applicable to each of the districts individually and separately. In such cases, the expenses of the commission shall be paid out of general funds of the districts in proportion to the benefits derived therefrom as determined by the governing board.

In the case of action by the governing board to make the provisions of this article applicable to each of the districts individually and separately, and notwithstanding any other provision of law, the rights of persons employed in positions not requiring certification qualifications shall continue in the same manner as if such separation had not occurred, except that such rights shall be limited to the district in which the person is employed on the day such action is taken by the governing board. For purposes of determining seniority, employment shall be deemed to have commenced as of the date of original employment in either the unified district or the community college district.

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 Santa Monica Unified School District and the Santa Monica Community College District may implement their budget planning for the 1980–81 fiscal year and in order to provide an orderly administration of the merit systems in the two districts, it is necessary that this act take effect immediately.

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## CHAPTER 102

An act making an appropriation to pay the claims of the Secretary of the State Board of Control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1980 Filed with Secretary of State May 20, 1980 ]

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

SECTION 1. The sum of three million five hundred eighteen thousand eight hundred eighty-one dollars ($3,518,881) is hereby appropriated from the General Fund to the State Board of Control to pay the claims awarded pursuant to Article 3.5 (commencing with Section 2250) of Chapter 3 of Part 4 of Division 1 of the Revenue and Taxation Code during calendar year 1979.

SEC. 2. The State Board of Control shall amend its parameters and guidelines for Chapter 1269 of the Statutes of 1975, to exclude reimbursement of costs associated with time and travel of the local educational staff on special Regional Adult Vocational Education Councils projects or specific Regional Adult Vocational Education Councils activities and staff support to the council and advisory committees.

SEC. 3. The Auditor General shall study the costs incurred by school districts during the 1980–81 fiscal year in compliance with Chapter 1176 of the Statutes of 1977, and submit the report to the Joint Legislative Audit Committee and the appropriate fiscal committees of both the Senate and Assembly by November 1, 1981.

SEC. 4. The State Board of Control shall amend its parameters and guidelines for Chapter 1176 of the Statutes of 1977, to prohibit reimbursement for new entrants previously enrolled in a state school and to exclude reimbursement if a school district does not submit to the State Department of Health Services, the immunization report required by Chapter 1176 of the Statutes of 1977.

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 order to settle claims against the state and end hardships to claimants as quickly as possible, it is necessary that this act take effect immediately.

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## CHAPTER 103

An act to add and repeal Section 5097.01 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1980 Filed with Secretary of State May 20, 1980 ]

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

SECTION 1. Section 5097.01 is added to the Revenue and Taxation Code, to read:

5097.01. For any property on the 1975–76 assessment roll and subject to escape assessment until June 30, 1980, a claim for refund may be filed until June 30, 1980, or 30 days after mailing of the notice of the escape assessment, whichever is later.

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 new duties, obligations or responsibilities imposed on local government by this act.

SEC. 3. Section 1 of this act will be in effect only until January 1, 1981, and as of that date is repealed.

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 a necessity are:

In order to apply the provisions of this act to the assessment of property for the 1979–80 fiscal year, this act must go into effect immediately. Taxpayers due a refund under this section must act before July 1, 1980, or within 30 days of notice of an escape assessment, in order to obtain their refunds.

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## CHAPTER 104

An act to amend Sections 16731, 16733, and 16741 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1980 Filed with Secretary of State May 20, 1980 ]

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

SECTION 1. Section 16731 of the Government Code is amended to read:

16731. Whenever the committee determines that the sale of all or any part of the bonds authorized to be issued is necessary or desirable, it shall adopt a resolution to that effect. The resolution shall authorize and direct the State Treasurer to arrange for the preparation of the requisite number of suitable bonds, either in coupon or registered form, and shall specify as to such bonds then to be sold:

(a) The aggregate number, aggregate par value, denominations and the date of the bonds to be then sold. Such denominations shall be in the sum of one thousand dollars ($1,000), or multiples thereof. The date appearing on said bonds shall be deemed to be the date of

issuance for all purposes of this chapter, irrespective of the actual date of delivery of such bonds and the payment of the purchase price thereof.

(b) The dates of maturity, and the amount of the bonds maturing at each date of maturity, which amounts need not be equal, but which dates shall be at annual or semiannual intervals, and the first of which dates of maturity shall be not more than five years, and the last of which dates of maturity shall be not more than 45 years, after the date of the bonds.

(c) Whether or not the bonds are to be subject to redemption at the option of the board prior to maturity, and, if so, the provisions for such redemption, the manner of the call thereof, and the price or prices at which the bonds shall be subject to redemption.

(d) The annual rate, or rates, of interest which the bonds to be issued shall bear, which may be in multiples of one-eighth or one-twentieth of 1 percent, payable semiannually, but not in excess of 9 percent, which rate or rates may be determined at the time of the sale of said bonds.

(e) The interest payment dates.

(f) The technical form and language of the bonds and any interest coupons to be attached thereto.

(g) Whether or not the right is reserved to make delivery in the form of temporary or interim bonds, certificates, or receipts, exchangeable for definitive bonds when executed and available for delivery, and if such right is reserved the denominations and form of such temporary securities.

(h) Whether the bonds are to be issued in coupon form or in fully registered form, or both, and whether or not any coupon bonds are to be subject to registration, and if so, whether such registration is to be as to principal only, or as to both principal and interest, or in either of such forms at the option of the holder, and the form and all of the terms and conditions of such registration. If such registration is provided for, coupon bonds may be interchanged for registered bonds and registered bonds for coupon bonds, and all of the provisions of this chapter with reference to the payment of bonds and interest coupons shall be subject to the terms and conditions of such registration with respect to the payment of registered bonds and the interest thereon.

(i) All other terms and conditions of the bonds and of the execution, issuance and sale thereof, which shall be consistent with all of the provisions of this chapter.

(j) Notwithstanding the provisions of subdivision (a), the provisions, if any, for the interexchange of coupon or registered bonds of different denominations and the issuance of coupon or registered bonds in lieu of or in exchange for bonds of a like aggregate principal amount but of different denominations and in either coupon or registered form, or partly in coupon and partly in registered form.

SEC. 2. Section 16733 of the Government Code is amended to

read:

16733. The rate of interest to be borne by the bonds need not be uniform for all bonds of the same issue, and shall be the rate or rates specified in the bid accepted by the State Treasurer. The first interest payment date may be any date within one year after the date of such bonds.

SEC. 3. Section 16741 of the Government Code is amended to read:

16741. All bonds shall bear the facsimile signature of the Governor and the facsimile signature of the Controller and the facsimile signature of the State Treasurer and each of said bonds shall bear an impress or a facsimile of the Great Seal of the State of California. Any interest coupons attached to the bonds shall bear the facsimile signature of the State Treasurer. Each such signature shall be that of the person who shall be in office at the date of authorizing the affixing thereof. Bonds and coupons so executed, when sold, shall be valid and binding notwithstanding any of such persons having ceased to hold their respective offices before the issuance and delivery of such bonds and coupons.

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 changes in the public bond market over the years since 1969, when the maximum interest rate for state general obligation bonds was raised, have been such that, under the present limit, the sale of such bonds is impeded. Interest rates during 1980 in particular have reached historically high levels and while those rates have moved up and down on numerous occasions during this year, the sale of the state's general obligation bonds would have been made difficult or impossible at many times because of the present interest rate limit. On April 15, 1980, one hundred twenty-five million dollars ($125,000,000) of state general obligation bonds were offered for sale by the State Treasurer, but were not sold since no bids were submitted because of the interest rate limit. Article XVI, Section 1 of the Constitution authorizes the Legislature to increase the interest rate limit after bonds have been offered for sale but not sold, and this bill does so in order that the state may be enabled to remain competitive in the public bond market and sell its bonds. Since the state expects to sell a substantial amount of general obligation bonds before January 1, 1981, it is necessary that the increase in the maximum rate effected by this act take effect immediately.

# CHAPTER 105

An act to amend Sections 19411, 19412, and 19611.5 of the Business and Professions Code, relating to horseracing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1980. Filed with Secretary of State May 20, 1980 ]

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

SECTION 1. Section 19411 of the Business and Professions Code is amended to read:

19411. "Parimutuel" is a form of wagering on the outcome of horse races in which those who wager purchase tickets of various denominations on a horse or horses in one or more races on the same racing day. All such wagers are pooled and held by the association for distribution. When the outcome of the race or races has been decided, the association distributes the total wagers comprising each parimutuel pool, less the amounts retained for license fees, purses, commissions, and breakage, to holders of tickets on the winning horse or horses.

SEC. 2. Section 19412 of the Business and Professions Code is amended to read:

19412. "Parimutuel pool" means the total money wagered and held by the association, under the parimutuel system. Separate parimutuel pools are used for each type of wager such as win, place, show, daily double, quinella, exacta, or any other type of parimutuel wager approved by the board.

SEC. 3. Section 19611.5 of the Business and Professions Code is amended to read:

19611.5. (a) In addition to the amounts otherwise deducted pursuant to this chapter, every association other than the California State Fair and Exposition or a district or county fair which conducts a thoroughbred race meeting may deduct from the total amount handled in daily double, quinella, exacta, and other multiple wagering pools approved by the board up to 3 percent thereof to be distributed as commissions and purses in the following percentage ratios: in 1978, 56 percent as commissions and 44 percent as purses; in 1979, 55 percent as commissions and 45 percent as purses; in 1980, 54 percent as commissions and 46 percent as purses; in 1981, 53 percent as commissions and 47 percent as purses; in 1982, 52 percent as commissions and 48 percent as purses; in 1983, 51 percent as commissions and 49 percent as purses; and in 1984 and thereafter, 50 percent as commissions and 50 percent as purses.

(b) From the amount deducted for purses under subdivision (a), a sum equal to 13.33 percent thereof shall be held by the association to be paid as owners' premiums for California-breds winning at the meeting. Such sum shall be deposited within seven days of the close

of the meeting with the official registering agency of California thoroughbred racehorses in a depository approved by the board. After deduction of expenses, not to exceed 5 percent, and approval of all such deductions by the board, the fund shall then be distributed on a prorated percentage basis of first moneys earned to the persons owning California-bred thoroughbreds at the time of their wins at races having a total purse value of ten thousand dollars ($10,000) or more.

(c) At least 30 days prior to the commencement of its meeting, the association shall file with the board a statement of the additional deduction to be made pursuant to subdivision (a). Except with the consent of the board the amount of such deduction shall not be changed during the course of the meeting.

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 establish uniform treatment at the earliest possible time of all associations conducting racing with multiple wagering pools approved by the California Horse Racing Board, it is necessary that this act go into immediate effect.

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## CHAPTER 106

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

[Approved by Governor May 20, 1980 Filed with Secretary of State May 20, 1980.]

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

SECTION 1. The Curtis Creek Elementary School District had discontinued use of a classroom building in 1976 because the building did not comply with the Field Act. The district now must make use of such building because enrollments have increased 10.5 percent each year since 1976. In 1979 the district added six portable classrooms which complied with the Field Act to accommodate the rising enrollment. However, the district is still unable to provide adequate classroom space for its rising enrollment.

SEC. 2. The Pinecrest School of the Columbia Union Elementary School District, unknown to the district, has been using a building that has never been registered with the Department of Education. The school is located in a mountain area 40 miles from any other school, and thus there is no practical alternative for the district but to use such building until it is made to conform to the Field Act.

SEC. 3. The governing boards of the Curtis Creek Elementary School District and Columbia Union Elementary School District may

continue to use the buildings referred to in Sections 1 and 2 until June 30, 1983. During such period of continued use, the buildings shall not be subject to any of the provisions of Article 3 (commencing with Section 39140) or Article 6 (commencing with Section 39210) of Chapter 2 of Part 23 of the Education Code.

SEC. 4. Because enrollment has dramatically increased in the Black Butte Elementary School District, the district's portable classrooms, which meet Field Act Standards, are not adequate to handle the influx of pupils. The district must continue to use classrooms that do not meet Field Act standards.

SEC. 5. The building in use at the Fallsvale Elementary School, within the Redlands Unified School District, does not meet Field Act standards. Prior to September 1980, the Redlands Unified School District employed an architect to design proposed facilities. However, bids for construction of new facilities have exceeded available bond moneys. In December 1979, the district then applied to the state under the Emergency School Classroom Law of 1979 for portable classrooms. However, the district has learned that no moneys are available under the Emergency School Classroom Law of 1979 for the district's building needs. The district continues to make extensive inquiries into all the possibilities for acquiring or building necessary replacement buildings, but there remain many unsolved and unforeseen problems.

SEC. 6. The governing boards of the Black Butte Elementary School District and Redlands Unified School District may continue to use the buildings referred to in Sections 4 and 5 until June 30, 1981. During such period of continued use, the buildings shall not be subject to any of the provisions of Article 3 (commencing with Section 39140) or Article 6 (commencing with Section 39210) of Chapter 2 of Part 23 of the Education Code.

SEC. 7. Due to the unique circumstances concerning the school facilities in the Curtis Creek Elementary School District, Columbia Union Elementary School District, Black Butte Elementary School District, and the Redlands Unified School District, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

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

In order to continue providing necessary educational services, the school districts affected by this act must continue to use their structures not meeting Field Act requirements. It is therefore necessary that this act take effect immediately.

## CHAPTER 107

An act to amend Sections 27400 and 27602 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1980. Filed with Secretary of State May 20, 1980 ]

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

SECTION 1. Section 27400 of the Vehicle Code is amended to read:

27400. No person operating any motor vehicle shall wear any headset covering, or any earplugs in, both ears. The provisions of this section shall not apply to:

(a) Law enforcement and firefighting personnel when on duty.

(b) Any person engaged in the operation of either special construction equipment or equipment for use in the maintenance of any highway.

(c) Any person engaged in the operation of refuse collection equipment who is wearing a safety headset or safety earplugs.

(d) Any person wearing personal hearing protectors in the form of custom earplugs or molds that are designed to attenuate injurious noise levels. Such custom plugs or molds shall be designed in such a manner as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another motor vehicle.

SEC. 2. Section 27602 of the Vehicle Code is amended to read:

27602. No person shall drive a motor vehicle which is equipped with a television receiver, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

This section shall not apply to a mobile digital terminal installed in a law enforcement vehicle.

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:

Considerations of public safety make it essential that this act take effect immediately.

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## CHAPTER 108

An act to amend Section 17351 of the Business and Professions Code, and to amend Sections 2924f and 2945.1 of the Civil Code, relating to contracts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1980. Filed with Secretary of State May 20, 1980.]

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

SECTION 1. Section 17351 of the Business and Professions Code is amended to read:

17351. For the purposes of this chapter:

(a) "Financial institution" means a bank, savings and loan association, or credit union chartered under the laws of this state or the United States or any other person or organization making loans upon the security of real property.

(b) "Reassignment" means the right of a financial institution which is the assignee of a contract which is subject to the provisions of the Unruh Act (Chapter 1 (commencing with Section 1801) of Title 2 of Part 4 of Division 3 of the Civil Code) and which is secured by a mortgage as defined in Article 1 (commencing with Section 2920) of Chapter 2 of Title 14 of Part 4 of Division 3 of the Civil Code on real property to return the contract to the party assigning it to the financial institution, or to assign it to any other person, upon the default of one or more of the parties to the contract.

SEC. 2. Section 2924f of the Civil Code is amended to read:

2924f. (a) As used in this section and Sections 2924g and 2924h "property" means real property or a leasehold estate therein.

(b) Except as provided in subdivision (c), before any sale of property can be made under the power of sale contained in any deed of trust or mortgage notice of the sale thereof must be given by posting a written notice of the time of sale and of the street address and the specific place at such street address where the sale will be held, and describing the property to be sold, at least 20 days before the date of sale in one public place in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in one public place in the judicial district in which the property is to be sold, and publishing a copy thereof once a week for the same period, in some newspaper of general circulation published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation published in the judicial district in which the property or some part thereof is situated, or in case no newspaper of general circulation is published in the city or judicial district, as the case may be, in some newspaper of general circulation published in the county in which the property or some part thereof is situated. A copy of such notice of sale shall also be posted in some conspicuous place on the property to be sold at least 20 days before date of sale and shall be recorded with the county recorder of the county in which the property or some part thereof is situated at least 14 days prior to the date of sale. The notice of sale shall contain the name, street address, and telephone number of the trustee or other person conducting the sale. In addition to any other description of the property, the notice

shall describe the property by giving its street address, if any, or other common designation, if any; but if the property has no street address or other common designation, the notice shall contain the name and address of the beneficiary at whose request the sale is to be conducted and a statement that directions may be obtained pursuant to a written request submitted to the beneficiary within 10 days from the first publication of such notice. Directions shall be deemed reasonably sufficient to locate the property if information as to the location of the property is given by reference to the direction and approximate distance from the nearest crossroads, frontage road, or access road. If a legal description of the property is given, the validity of the notice and the validity of the sale shall not be affected by the fact that the street address, other common designation, name and address of the beneficiary, or the directions obtained therefrom are erroneous or that the street address, other common designation, name and address of the beneficiary or directions obtained therefrom are omitted. The term newspaper of general circulation as used herein is as defined in Article 1 (commencing with Section 6000) of Chapter 1, Division 7, Title 1 of the Government Code.

The notice of sale shall contain a statement of the total amount of the unpaid balance of the obligation secured by the property to be sold and reasonably estimated costs, expenses, and advances at the time of the initial publication of the notice of sale; provided, that the trustee shall incur no liability for any good faith error in stating the proper amount. An inaccurate statement of such amount shall not affect the validity of any sale to a bona fide purchaser for value.

(c) (1) The provisions of this subdivision shall only apply to deeds of trust or mortgages which contain a power of sale and which are secured by real property containing a single-family, owner-occupied residence wherein the obligation secured by the deed of trust or mortgage is contained in a contract for goods or services subject to the provisions of the Unruh Act (Chapter 1 (commencing with Section 1801) of Title 2 of Part 4 of Division 3).

(2) Except as otherwise expressly set forth in this subdivision, all other provisions of law relating to the exercise of a power of sale shall govern the exercise of such a power contained in a deed of trust or mortgage described in paragraph (1) of this subdivision.

(3) Any conveyance of title to the real property which is subject to a deed of trust or mortgage described in paragraph (1) of this subdivision which occurs within 45 days after the recordation of the notice of default is voidable by the trustor or mortgagor.

(4) If any default of the obligation secured by a deed of trust or mortgage described in paragraph (1) of this subdivision has not been cured within 30 days after the recordation of the notice of default, the trustee or mortgagee shall mail to the trustor or mortgagor, at his or her last known address, a copy of the following statement:

YOU ARE IN DEFAULT UNDER A

_____ ,

(Deed of Trust or Mortgage)

DATED _____. UNLESS YOU TAKE ACTION TO PROTECT YOUR HOME, IT MAY BE SOLD AT A
PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

(5) In lieu of the publication required by subdivision (b), before any sale can be made under a power of sale contained in a deed of trust or mortgage described in paragraph (1) of this subdivision, notice of the sale thereof must be published at least once a week for three weeks in the real estate advertising section of at least two newspapers of general circulation published in the county where the residence is located beginning not less than 35 days before the date of the sale. At least one of the newspapers shall be a newspaper of general circulation which has the largest paid circulation. The second newspaper shall be of general circulation in the city where the property is located and shall have substantial distribution in the area where the property is located. If there is no newspaper of general circulation in the city, with substantial distribution in the area where the property is located or if the property is not located in the city, then one notice must be published in a newspaper of general circulation in the judicial district with substantial circulation in the area where the property is located. If there is no newspaper of general circulation in the judicial district with substantial circulation in the area where the property is located, then the notice must be published in a newspaper of general circulation in the county with substantial circulation in the area where the property is located. If no more than one newspaper of general circulation is published in the county where the residence is located, then notice need be published in only that one newspaper. A copy of such notice of sale shall also be posted in some conspicuous place on the property to be sold at least 35 days before the date of sale and shall be recorded with the county recorder of the county in which the property or some part thereof is situated at least 14 days prior to the date of sale. The notice may contain a legal description of the property; however, it shall contain the name and address of the beneficiary at whose request the sale is to be conducted and a statement that a detailed description of the property can be obtained from that person. In addition, the notice shall describe the property by giving its street address, if any, or other common designation, if any; but if the property has no street address or other common designation, the notice shall contain a statement that directions may be obtained from the person named in the notice. Directions shall be deemed reasonably sufficient to locate the property if information as to the location of the property is given by reference to the direction and approximate distance from the nearest crossroads, frontage road, or access road. The notice must also state a place where offers may be received pursuant to paragraph (b) of this subdivision, the date on and after which such offers will be received, and the minimum acceptable offer. The term "newspaper of general circulation" as used herein is as defined in

Article 1 (commencing with Section 6000) of Chapter 1 of Division 7 of Title 1 of the Government Code. If a legal description of the property is given, the validity of the notice and the validity of the sale shall not be affected by the fact that the street address, other common designation, name and address of the beneficiary, or the directions obtained therefrom are erroneous or that the street address, other common designation, name and address of the beneficiary or directions obtained therefrom are omitted.

(6) All sales of real property pursuant to a power of sale contained in any deed of trust or mortgage described in paragraph (1) of this subdivision shall be held in the county where the residence is located and shall be made to the person making the highest offer. The trustee may receive offers during the 10-day period immediately prior to the date of sale and if any such offer is accepted in writing by both the trustor or mortgagor and the beneficiary or mortgagee prior to the time set for sale, the sale shall be postponed to a date certain and the property conveyed to the person making such offer according to its terms. Any such offer is revocable until accepted.

(7) In addition to the trustee fee pursuant to Section 2924c, the trustee or mortgagee pursuant to a deed of trust or mortgage subject to this subdivision shall be entitled to charge an additional fee of fifty dollars ($50).

(d) Subdivision (c) of this section shall apply only to property on which notices of default were filed on or after the effective date of subdivision (c). Amendments made to subdivisions (a) and (b) of this section during the 1979 portion of the 1979–80 Regular Legislative Session shall apply to notices of sale recorded on or after January 1, 1980.

SEC. 3. Section 2945.1 of the Civil Code is amended to read:

2945.1. The following definitions apply to this chapter:

(a) "Foreclosure consultant" means any person who makes any solicitation, representation, or offer to any owner to perform for compensation or who, for compensation, performs any service which such person in any manner represents will in any manner do any of the following:

(1) Stop or postpone the foreclosure sale.

(2) Obtain any forbearance from any beneficiary or mortgagee.

(3) Assist the owner to exercise the right of reinstatement provided in Section 2924c.

(4) Obtain any extension of the period within which the owner may reinstate his obligation.

(5) Obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a deed of trust or mortgage on a residence in foreclosure or contained in any such deed of trust or mortgage.

(6) Assist the owner to obtain a loan or advance of funds.

(7) Avoid or ameliorate the impairment of the owner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale.

(8) Save such owner's residence from foreclosure.

(b) A foreclosure consultant does not include any of the following:

(1) A person licensed to practice law in this state when such person renders service in the course of his practice as an attorney at law.

(2) A person licensed under Division 3 (commencing with Section 12000) of the Financial Code when such person is acting as a prorater as defined therein.

(3) A person licensed under Part 1 (commencing with Section 10000) of Division 4 of the Business and Professions Code when such person makes a direct loan or when such person (A) engages in acts whose performance requires licensure under such part, (B) is entitled to compensation for such acts performed in connection with the sale of a residence in foreclosure or with the arranging of a loan secured by a lien on a residence in foreclosure, (C) does not claim, demand, charge, collect, or receive any compensation until such acts have been performed or cannot be performed because of an owner's failure to make the disclosures set forth in Section 10243 of the Business and Professions Code or failure to accept an offer from a purchaser or lender ready, willing, and able to purchase a residence in foreclosure or make a loan secured by a lien on a residence in foreclosure on the terms prescribed in a listing or a loan agreement, and (D) does not acquire any interest in a residence in foreclosure directly from an owner for whom such person agreed to perform such acts other than as a trustee or beneficiary under a deed of trust given to secure the payment of a loan or such compensation. For the purposes of this paragraph, a "direct loan" means a loan of a real estate broker's own funds secured by a deed of trust on the residence in foreclosure, which loan and deed of trust the broker in good faith attempts to assign to a lender, for an amount at least sufficient to cure all of the defaults on obligations which are then subject to a recorded notice of default, provided that, if a foreclosure sale is conducted with respect to such deed of trust, the person conducting such foreclosure sale has no interest in the residence in foreclosure or in the outcome of the sale and is not owned, controlled, or managed by the lending broker; the lending broker does not acquire any interest in the residence in foreclosure directly from the owner other than as a beneficiary under the deed of trust; and the loan is not made for the purpose or effect of avoiding or evading the provisions of this article.

(4) A person licensed under Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code when such person is acting in any capacity for which such person is licensed under such part.

(5) A person or his authorized agent acting under the express authority or written approval of the Department of Housing and Urban Development or other department or agency of the United States or this state to provide services.

(6) A person who holds or is owed an obligation secured by a lien

on any residence in foreclosure when such person performs services in connection with this obligation or lien.

(c) "Person" means any individual, partnership, corporation, association or other group, however organized.

(d) "Service" means and includes, but is not limited to, any of the following:

(1) Debt, budget, or financial counseling of any type.

(2) Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a lien on a residence in foreclosure.

(3) Contacting creditors on behalf of an owner of a residence in foreclosure.

(4) Arranging or attempting to arrange for an extension of the period within which the owner of a residence in foreclosure may cure his default and reinstate his obligation pursuant to Section 2924c.

(5) Arranging or attempting to arrange for any delay or postponement of the time of sale of the residence in foreclosure.

(6) Advising the filing of any document or assisting in any manner in the preparation of any document for filing with any bankruptcy court.

(7) Giving any advice, explanation or instruction to an owner of a residence in foreclosure which in any manner relates to the cure of a default in or the reinstatement of an obligation secured by a lien on the residence in foreclosure, the full satisfaction of such an obligation, or the postponement or avoidance of a sale of a residence in foreclosure pursuant to a power of sale contained in any deed of trust.

(e) "Residence in foreclosure" means a residence, including all land appurtenant and improvements thereto, consisting of one- to four-family units one of which the owner occupies as his personal residence, that is the subject of a Notice of a Default recorded pursuant to Article 1 (commencing with Section 2920) of Chapter 2 of Title 14 of Part 4 of Division 3.

(f) "Owner" means an owner of a residence in foreclosure.

(g) "Contract" means any agreement, or any term thereof, between a foreclosure consultant and an owner for the rendition of any service as defined in subdivision (c).

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 enactment last year of Chapters 819 and 1029, relating to foreclosure practices, have in part made it difficult or impossible for some members of the public who are in default on obligations secured by real property to be able to remedy their default and avoid foreclosure. Such was not the intended result of that legislation and in order to prevent hardship on those persons, it is necessary that this act go into effect immediately.

# CHAPTER 109

An act to add Chapter 2.5 (commencing with Section 8400) to Part 6 of, and to repeal Section 8400 of, the Education Code, relating to alternative child care programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1980 Filed with Secretary of State May 20, 1980 ]

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

SECTION 1. Section 8400 of the Education Code, as amended by Chapter 251 of the Statutes of 1979, is repealed.

SEC. 2. Chapter 2.5 (commencing with Section 8400) is added to Part 6 of the Education Code, to read:

## CHAPTER 2.5. ALTERNATIVE CHILD CARE PROGRAMS

### Article 1. General Provisions

8400. The Legislature declares that it is necessary to design effective and economical methods for meeting the future requirements of California families eligible for subsidized child care. Therefore,

(a) It is the intent of the Legislature that funds allocated pursuant to this chapter shall:

(1) Test potential cost-reducing features and delivery methods on a trial basis in child care programs; and

(2) Insure that a broad range of services is available to maximize the opportunity for parental choice.

(b) It is further the intent of the Legislature that child care programs funded through this chapter be designed to:

(1) Address the unmet needs in urban, suburban, and rural areas of the state;

(2) Encourage community level coordination in support of child care services; and

(3) Offer replicative features which may be adopted by other child care provider agencies.

(c) The Legislature further declares its intent to fund programs that may be implemented through a variety of delivery systems.

8401. Eligibility for subsidized child care services pursuant to this chapter shall be based on a family's ability to pay, as determined by family size and gross income. Initial eligibility shall be limited to families whose gross income is 84 percent or less of California's median family income, adjusted for family size. Priority in the initial admission to a program providing such services shall be given to working single-parent families and working families with the lowest income, and single-parent families or families with the lowest income

who require subsidized child care in order to maintain or commence an employment training plan or in order to seek employment.

Exceptions to these eligibility and priority standards may be made for children who are neglected or abused, or at risk of being neglected or abused, upon written referral from a public or voluntary social service agency.

8402. The Superintendent of Public Instruction shall establish a fee schedule for families utilizing child development services pursuant to this chapter.

No recipient of public assistance shall pay a fee. This fee schedule shall conform to that allowed by the federal social service regulations as designated in the California State Plan for Social Services.

8403. The Superintendent of Public Instruction shall establish guidelines according to which providers of services pursuant to this chapter will certify children as eligible for reimbursement pursuant to Sections 8401 and 8402.

8404. The Superintendent of Public Instruction shall establish reasonable standards and maximum reimbursement rates for the delivery of specific types of child care services. Actual reimbursement shall not, in any case, exceed actual program costs, and parent fees shall be deducted from the maximum reimbursement rate or actual costs, whichever is less.

When establishing such standards and maximum reimbursement rates the Superintendent of Public Instruction shall confer with applicant agencies.

The reimbursement system including standards and rates shall be submitted to the Joint Legislative Budget Committee. The Superintendent of Public Instruction shall begin implementation of the reimbursement system including standards and rates no sooner than 60 days after submission to the Joint Legislative Budget Committee. Implementation of the reimbursement system, however, shall commence no later than April 1, 1978, to go into effect July 1, 1978. Subsequent changes to the reimbursement system shall similarly be submitted to the Joint Legislative Budget Committee.

Maximum reimbursement rates may be waived, on a limited basis, by the Superintendent of Public Instruction for programs that demonstrate a need for increased reimbursement due to special circumstances directly related to the health and welfare of participating children.

The Superintendent of Public Instruction may authorize increased reimbursement for such programs not sooner than 30 days after notification in writing of the necessity therefor to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such earlier time as the chairman of said committee, or his designee, may in each instance determine.

Article 2. Administration and Waiver Provisions

8410. All programs operated pursuant to this chapter shall be by contract with the Department of Education and shall adhere to all applicable rules and regulations established by the Superintendent of Public Instruction. Such rules and regulations shall be adopted after the Secretary of the Health and Welfare Agency has been given an opportunity to provide his advice and recommendations and shall be consistent with the operative licensing interagency agreement between the Department of Education and the State Department of Health.

8411. To promote greater program flexibility for programs under this chapter, the requirements of Chapter 2 (commencing with Section 8200) of this part are not applicable to programs established pursuant to this division. The Superintendent of Public Instruction may waive other Education Code provisions for the implementation of programs established pursuant to this chapter.

8412. All programs authorized by the Department of Education pursuant to this chapter, shall, as a minimum, comply with the standards of Chapter 4 (commencing with Section 31001) of subdivision 4 of Part II of Division 2 of Title 22 of the California Administrative Code (adopted pursuant to Sections 10552, 10553, and 10554 of the Welfare and Institutions Code and pursuant to Sections 1527, 1530, and 1531 of the Health and Safety Code), until such time as Chapter 6 of Division 6 of Title 22 of the California Administrative Code is operative, and at such time shall comply with the standards of such provisions.

8413. In order to assess the effectiveness and economy of the various child care delivery models tested through the provisions of this chapter, each provider agency shall submit to the Superintendent of Public Instruction at least annually, a report, in a form and manner prescribed by the superintendent after consultation with the Secretary of the Health and Welfare Agency. Such reports shall include such statistical data, program description, and fiscal information as the superintendent may require.

8414. The Superintendent of Public Instruction shall submit to the Legislature and the Governor an annual report prior to November 1, of each year, on the child care programs under this chapter.

This report shall include an assessment by the superintendent of the degree to which programs implemented pursuant to this chapter have met the purpose of this chapter as set forth in subdivisions (a) and (b) of Section 8400. Such report shall also include the superintendent's recommendations for appropriate regulatory and statutory changes.

The report shall include, as a minimum, the following:

(a) Statistical data enumerating and describing children and families served by the programs, including distributions of families and children by income levels, by ethnic groupings, by children's

ages, by marital status of parents, by reasons for receiving child care service (i.e., employment, training, education, protection), by public assistance status, and by family size.

(b) Statistical data enumerating and describing the characteristics of programs, including the types of programs in terms of size and type of facilities utilized, types of agencies operating programs, and the staff-child ratios and the staff composition for each type of program and for each type of operating agency.

(c) Cost data describing the total costs and the average cost per hour of service for each type of program and for each type of operating agency.

(d) Evaluative data describing the quality of child development programs in accordance with measurement criteria as established by the Superintendent of Public Instruction after consultation with the Secretary of the Health and Welfare Agency.

The superintendent may combine the required report under this section with the report specified in Section 8243.5.

## Article 3. Payment Procedures

8420. Upon the approval of the Department of Education, funds appropriated for the purposes of this chapter may be used for vendor payment arrangements to allow for maximum parental choice. The specific design of the vendor payment arrangement may be developed at the local level and various methods of reimbursement for parental costs for child care may be employed. All such arrangements must conform to the eligibility criteria and the parent fee schedule established pursuant to Sections 8401 and 8402.

8421. This chapter shall not be construed as requiring one type of reimbursement structure. Options for reimbursement processes include, but are not limited to, hourly rate reimbursement based on actual child-hours of attendance, unit reimbursement per child, or direct grants for yearly operation. All such processes shall be subject to the maximum reimbursement levels established by Section 8404.

8422. The Department of Education may authorize a cash advance of up to 10 percent of a child care provider's estimated grant to provide initial working capital.

## Article 4. Description of Programs

8430. Delivery systems, approved by the Department of Education, and funded pursuant to this chapter, may include, but are not limited to, individual family day care homes and networks of family day care homes, group, and center child care approaches and networks of such arrangements which provide nonmedical care to the infants and preschool and school-age children under 18 years of age during a portion of the day. Flexibility may be added to center programs by affiliating with family day care homes, by coordinating efforts with a resource and referral center, or by arranging to provide

direct family subsidies to expand the number of care options. Family day care networks may furnish a variety of services to providers and users while children are cared for in family day care homes. Family day care providers may choose to remain independent or to affiliate either with each other, with a service agency, or with a child care center in a satellite relationship.

The Superintendent of Public Instruction shall encourage the establishment of worksite child care centers by private organizations and companies or by incorporated parent groups.

8431. Program variations shall include at least one cost-reducing feature or delivery method which may include:

(a) Modification of child-staff ratios for specific age groups;

(b) Modification of child-teacher ratios for specific age groups;

(c) Expanded use of differentiated staffing;

(d) Expanded use of volunteers;

(e) Increased coordination and use of local resources; and

(f) Coordinated use of family day care homes and center facilities.

8432. Programs operated pursuant to this chapter may be designed to meet special needs identified by parents, which may include, but are not limited to: before school and after school care for school age children, expanding to full day care during school holidays and summer vacation; weekend care; night shift care; worksite care; temporary emergency child care; child care for ill children; and programs to allow older children to check in at a family day care home and proceed individually to supervised activities elsewhere.

## Article 5. Support Services

8435. Upon approval of the Department of Education after consultation with the Secretary of the Health and Welfare Agency, funds appropriated for the purposes of this chapter may be used for minor capital outlay purchases and facility renovation, by child care organizations and family day care home operators for the purpose of insuring compliance with local health and safety standards as well as state standards prescribed in Section 8412. Funds appropriated for this purpose shall be allocated only to public entities, which may, in turn, enter into agreements with a public agency or with a private foundation, a nonprofit corporation, a proprietary organization or facility, or with a family day care home operator, in order to carry out the provisions of this section. Requests and justification for such grants for capital outlay purchases, and facility renovations must be submitted to the Department of Education for prior approval. Approved expenditures may be on a depreciation basis or a loan basis and shall be processed and accounted for by the public entity which is the recipient of the grant. Approval for expenditure of funds in these ways will be granted only for renovations necessary to meet required local health and safety standards, as well as state standards prescribed in Section 8412.

8436. Funds appropriated for the purposes of this chapter may be

used for resource and referral centers which may be operated by public or private entities. For purposes of this chapter, resource and referral centers, established in a definite geographic area, may provide, but are not limited to, the following support services and coordinating functions:

(a) Identifying existing child care providers;

(b) Identifying unmet child care needs;

(c) Maintaining an information and referral service for child care users;

(d) Locating and making available to child care providers community resources, including health care, staff development programs, social services, volunteers, and related services;

(e) Centralizing services such as planning, accounting, purchasing, monitoring and evaluation to maximize the effectiveness of available child care funds;

(f) Establishing and maintaining a communications network with appropriate local, state and federal agencies;

(g) Coordinating child care services expansion programs;

(h) Disseminating information about child care resources and issues to the community;

(i) Providing technical assistance to providers and to community organizations as required and requested;

(j) Reimbursing individuals for home-based information service costs; and

(k) Distributing and accounting for funds employed by other public and private agencies to insure compliance with health and safety standards, if the resource and referral center is a public entity's responsibility.

8437. The Department of Education may contract with individuals or groups for the provision of resource and referral centers. Qualified individuals may subcontract with a resource and referral center to provide a neighborhood or community child care service, which may include any item in subdivisions (a) through (j) of Section 8436.

8438. Funds provided for support services pursuant to Sections 8435, 8436, and 8437, shall not be included in determination of a program's maximum reimbursement level, as established by Section 8404.

8439. Notwithstanding the provisions of Section 8411, no program funded pursuant to this article may include religious worship or instruction, nor may any funds be used for the general support of any private or church-related school system.

## Article. 6. Application Procedures

8440. Funds appropriated for the purposes of this chapter may be allocated for programs proposed by groups and organizations not currently delivering child care services. Nothing in this chapter shall preclude existing child care provider agencies from applying for the

funds made available under this chapter, provided that such agencies demonstrate an unmet need and serve additional children through a separately identified program using one or more alternative implementation designs as described in Sections 8431 and 8432. Individuals or small groups may apply directly to the Department of Education or particpate in a subcontract arrangement for the provision of child care services authorized by this chapter.

8441. Programs shall be selected by the Superintendent of Public Instruction from the applications submitted to the Department of Education, after consultation with the Secretary of the Health and Welfare Agency.

8442. The Superintendent of Public Instruction shall fund a representative selection of programs within specified urban, suburban, and rural areas on the basis of competitive applications under the provisions of this chapter. At least one urban, one suburban, and one rural area, as defined by the Superintendent of Public Instruction, shall be designated.

The Department of Education shall require that applications submitted for funding include, but need not be limited to:

(a) A description of the proposed geographic area of service in terms of its category (e.g., rural, urban), its specific boundary limitations (square mileage), and special characteristics (e.g., mountain, desert, inner city, isolation, weather);

(b) A description of available services and facilities within the defined geographical area;

(c) Documentation of unmet need for child care to be provided by the applicant;

(d) A description of the applicant's proposed program, by type and purpose, also including evidence of community support factors, the present availability of resources, and the applicant's administrative capability; and

(e) Such additional information as is determined to be needed by the Superintendent of Public Instruction.

8443. Upon receipt of applications by the Department of Education, the data supplied by each applicant shall be used to assign relative funding priority, on the basis of criteria developed by the Superintendent of Public Instruction after consultation with the Secretary of the Health and Welfare Agency. Such criteria may include, but are not limited to:

(a) Unit cost, according to the type and scope of the proposed program;

(b) Use of cost-reducing features described in Section 8411;

(c) Quality and validity of needs data;

(d) Extent of unmet need;

(e) Proposed impact on unmet need;

(f) Number of families to be served who are eligible for subsidy pursuant to this division;

(g) Uniqueness of delivery system;

(h) Administrative capability;

(i) Community support factors; and
(j) Degree of parental choice.

8444. The Superintendent of Public Instruction shall seek to fund a variety of applicants so that groups from various sectors, such as public agencies, private agencies, business-sponsored groups, community-based groups, and educational institutions are represented.

8445. The Superintendent of Public Instruction shall include within the annual budget of the Department of Education an amount sufficient to fund programs established pursuant to this chapter.

## Article 7. Governor's Advisory Committee

8450. The advisory committee established pursuant to Section 8254 shall also perform all of the following functions with regard to this chapter:

(a) Review the development of all child care programs, and gather public input as to the appropriateness and effectiveness of program implementation.

(b) Serve in an advisory capacity to the Superintendent of Public Instruction and the Governor for program policy decisions.

(c) Review the needs data gathered and suggest priority areas for future service expansion.

(d) Assist the Department of Education in developing and reviewing alternative child care delivery systems.

(e) Make recommendations to the Governor, the Department of Education, and other agencies with regard to program development and expansion.

SEC. 3. Any action taken after June 30, 1979, but before the effective date of this act, pursuant to, or under color of, Chapter 2.5 (commencing with Section 8400) of Part 6 of the Education Code, is hereby validated, ratified, confirmed, and declared legally effective if such would have been authorized if Chapter 2.5 had been effective during such time. This shall include all acts taken under or under color of such chapter, and all funds expended pursuant to or under color of, such chapter. This section shall operate to supply such legislative authorization as may be necessary to validate any authority between June 30, 1979, and the effective date of this act pursuant to, or under color of, such chapter which the Legislature could have supplied or provided for by continuing such chapter in existence after June 30, 1979, under which such authority was exercised.

SEC. 4. It is the intent of the Legislature that the unencumbered balance of funds appropriated by the Budget Act of 1979 for the purposes of former Chapter 2.5 (commencing with Section 8400) of Part 6 of the Education Code shall continue to be available for expenditure for such purposes under Chapter 2.5 (commencing with Section 8400) of Part 6 of the Education Code, as reenacted by this

act.

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 order to ratify and continue alternative child care programs that expired June 30, 1979, it is necessary that this act take effect immediately.

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## CHAPTER 110

An act to amend Sections 1091 and 1091.5 of the Government Code, relating to public officers and employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1980 Filed with Secretary of State May 20, 1980.]

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

SECTION 1. Section 1091 of the Government Code is amended to read:

1091. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which the officer is a member within the meaning of this article if the officer has only a remote interest in the contract and if the fact of such interest is disclosed to the body of the board of which the officer is a member and noted in its official records, and thereafter the body or board 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.

(b) As used in this article, "remote interest" means any of the following:

(1) That of a nonsalaried officer of a nonprofit corporation, except as provided in paragraph (8) of subdivision (a) of Section 1091.5.

(2) That of an employee or agent of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee or agent of such contracting party for at least three years prior to the officer initially accepting his or her office.

For the purposes of this paragraph, time of employment with the contracting party by the officer shall be counted in computing the three-year period specified in this paragraph even though such contracting party has been converted from one form of business organization to a different form of business organization within three years of the initial taking of office by such officer. Time of employment in such case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which

existed before such transfer or change in organization. For the purposes of this paragraph, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of such contracting party.

(3) That of a parent in the earnings of his or her minor child for personal services.

(4) That of a landlord or tenant of the contracting party.

(5) That of an attorney of the contracting party.

(6) That of a member of a nonprofit corporation formed under the Food and Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products or the supplying of water.

(7) That of a supplier of goods or services when such goods or services had been supplied to the contracting party by the officer for at least five years prior to his or her election or appointment to office.

(8) That of a person subject to the provisions of Section 1090 in any contract or agreement entered into pursuant to the provisions of the California Land Conservation Act of 1965.

(9) That of an officer, director, or employee of a bank, bank holding company, or savings and loan association with which a party to the contract has the relationship of borrower or depositer, debtor or creditor.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he or she is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his or her interest in a contract pursuant to this section shall be punishable as provided in Section 1097. Such violation shall not void the contract, however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

SEC. 2. Section 1091.5 of the Government Code is amended to read:

1091.5. (a) An officer or employee shall not be deemed to be interested in a contract if his or her interest is any of the following:

(1) The ownership of less than 3 percent of the shares of a corporation for profit, provided the total annual income to him or her from dividends, including the value of stock dividends, from the corporation does not exceed 5 percent of his or her total annual income, and any other payments made to him or her by the corporation do not exceed 5 percent of his or her total annual income.

(2) That of an officer in being reimbursed for his or her actual and necessary expenses incurred in the performance of official duty.

(3) That of a recipient of public services generally provided by the public body or board of which he or she is a member, on the same terms and conditions as if he or she were not a member of the board.

(4) That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial, or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which event his or her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Section 1091.

(5) That of a tenant in a public housing authority created pursuant to Part 2 (commencing with Section 34200) of Division 24 of the Health and Safety Code in which he or she serves as a member of the board of commissioners of the authority or of a community development commission created pursuant to Part 1.7 (commencing with Section 34100) of Division 24 of the Health and Safety Code.

(6) That of a spouse of an officer or employee of a public agency in his or her spouse's employment or officeholding if his or her spouse's employment or officeholding has existed for at least one year prior to his or her election or appointment.

(7) That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the body or board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records.

(8) That of a noncompensated officer of a nonprofit, tax-exempt corporation, which, as one of its primary purposes, supports the functions of the body or board or to which the body or board has a legal obligation to give particular consideration, and provided further that such interest is noted in its official records.

For purposes of this paragraph an officer is "noncompensated" even though he or she receives reimbursement from the nonprofit, tax-exempt corporation for necessary travel and other actual expenses incurred in performing duties of his or her office.

(b) An officer or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his or her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

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:

Legal questions have been raised concerning the ability of certain officers to act upon matters which are before them and in order to clarify these questions as soon as possible it is necessary that this act take effect immediately.

# CHAPTER 111

An act relating to the disposition of specified state property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1980. Filed with Secretary of State May 21, 1980.]

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

SECTION 1. The Director of General Services shall quitclaim to the Bolinas-Stinson Union School District, at no cost to the school district, approximately 0.070 acres of land situated in the County of Marin, being that portion of the Rancho Las Bolinas, described as follows:

Beginning at a 3/4 inch x 30 inch iron pipe with a Parks and Recreation bronze disc stamped "L.S. 2685 1971", located at the Northwesterly terminus of the course shown as "South 62° 53' 47" East 53.75 feet" on that certain map filed May 15, 1972 in Book 11 of Surveys at Page 15, Records of said County, said monument is shown as index number 50 on said map, the above described course also being recited in the Deed to the State of California, recorded December 30, 1971, in Book 2530 at Page 367, Official Records of said County;

THENCE from said Point of Beginning, along the boundary line of the lands of the State of California according to said Deed and Map, South 62° 53' 47" East 53.75 feet to a 3/4 inch x 30 inch iron pipe with bronze disc as described above, said monument shown as index number 51 on said map;

thence South 20° 29' 34" East 124.80 feet to a 3/4 inch x 30 inch iron pipe with bronze disc as described above, said monument shown as index number 52 on said map;

thence South 46° 13' 28" West 159.67 feet to a 3/4 inch x 5 foot iron pipe with bronze disc as described above, said monument shown as index number 52-A on said map;

thence South 42° 18' 59" East 3.44 feet;

thence leaving the boundary line of the lands of the State of California as described in said Deed and shown on said Map, North 46° 13' 28" East 174.03 feet;

thence North 20° 29' 34" West 124.80 feet;

thence North 62° 53' 47" West 53.06 feet; to a point on the boundary line of the lands of the State of California, on the course shown on said Map and recited in said Deed as, "South 62° 01' 03" West 114.22 feet";

thence along said boundary line South 62° 01' 03" West 15.06 feet to the Point of Beginning.

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 construction of vitally needed school facilities at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 112

An act relating to domestic water supply systems, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1980 Filed with Secretary of State May 22, 1980.]

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

SECTION 1. A grant not to exceed the amount of four hundred thousand dollars ($400,000) is hereby authorized from the California Safe Drinking Water Fund pursuant to subdivision (d) of Section 13861 of the Water Code to the City of Pico Rivera for the purpose of improving its domestic water supply system to meet, at a minimum, safe drinking water standards. The Department of Water Resources shall determine eligibility for such grant in accordance with the provisions of Chapter 10.6 (commencing with Section 13880) of Division 7 of the Water Code and may make a grant in accordance with such provisions.

SEC. 2. A grant not to exceed the amount of four hundred thousand dollars ($400,000) is hereby authorized from the California Safe Drinking Water Fund pursuant to subdivision (d) of Section 13861 of the Water Code to the Stinson Beach County Water District for the purpose of improving its domestic water supply system to meet, at a minimum, safe drinking water standards. The Department of Water Resources shall determine eligibility for such grant in accordance with the provisions of Chapter 10.6 (commencing with Section 13880) of Division 7 of the Water Code and may make a grant in accordance with such provisions.

SEC. 3. The Legislature hereby finds and declares that in order to meet the minimum safe drinking water standards there is a critical need within the City of Pico Rivera and the Stinson Beach County Water District to immediately undertake certain improvements necessary to enable the residents of such areas to have a dependable and potable water supply.

SEC. 4. The Legislature further finds and declares that the water systems of the City of Pico Rivera and the Stinson Beach County Water District have critical deficiencies which pose a serious threat to the public health and welfare of all consumers within such entities.

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 order to authorize grants from the California Safe Drinking Water Fund to the City of Pico Rivera and the Stinson Beach County Water District to resolve the critical water supply problems of such entities at the earliest possible time, it is necessary that this act go into immediate effect.

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## CHAPTER 113

An act to add and repeal Section 1814.5 of the Welfare and Institutions Code, relating to youths, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1980 Filed with Secretary of State May 23, 1980.]

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

SECTION 1. Section 1814.5 is added to the Welfare and Institutions Code, to read:

1814.5. All funds allocated to a county for the fiscal years 1978–79 and 1979–80 which are unexpended or unencumbered at the end of the fiscal years shall be carried over and shall be available for use in fiscal year 1980–81. All fiscal year 1978–79 funds that are carried over for use in fiscal year 1980–81 shall be allocated only to programs or activities which were in existence in fiscal year 1978–79. All fiscal year 1979–80 funds that are carried over for use in fiscal year 1980–81 shall be allocated only to programs or activities which were in existence in fiscal year 1979–80. Fiscal year 1978–79 and fiscal year 1979–80 funds that are carried over into fiscal year 1980–81 pursuant to this section shall not be considered in determining a base for increased levels of funding under the county justice system subvention program.

This section shall remain in effect only until July 1, 1981, and as of such date is repealed unless a later enacted statute, which is chaptered before July 1, 1981, deletes or extends such date.

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 Department of the Youth Authority to be able to carry out the purposes of Chapter 461 of the Statutes of 1978, it is necessary that this act take effect immediately.

## CHAPTER 114

An act to amend Sections 1029.5, 1029.6, and 1030 of, to add Section 1037 to, and to repeal Chapter 7 (commencing with Section 830) of Title 10 of Part 2 of, the Code of Civil Procedure, to repeal Section 92650 of the Education Code, to repeal Sections 947 and 951 of the Government Code, and to amend Section 393 of the Military and Veterans Code, relating to security for costs and attorney's fees.

[Approved by Governor May 22, 1980 Filed with Secretary of State May 23, 1980.]

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

SECTION 1. Chapter 7 (commencing with Section 830) of Title 10 of Part 2 of the Code of Civil Procedure is repealed.

SEC. 2. Section 1029.5 of the Code of Civil Procedure is amended to read:

1029.5. (a) Whenever a complaint for damages is filed against any architect, landscape architect, engineer, building designer, or land surveyor, duly licensed as such under the laws of this state, in an action for error, omission, or professional negligence in the creation and preparation of plans, specifications, designs, reports or surveys which are the basis for work performed or agreed to be performed on real property, any such defendant may, within 30 days after service of summons, move the court for an order, upon notice and hearing, requiring the plaintiff to furnish a written undertaking, with at least two sufficient sureties, in a sum not to exceed five hundred dollars ($500) as security for the costs of defense as provided in subdivision (d), which may be awarded against such plaintiff. Such motion shall be supported by affidavit showing that the claim against such defendant is frivolous.

At the hearing upon such motion, the court shall order the plaintiff to file such security if the defendant shows to the satisfaction of the court that (i) the plaintiff would not suffer undue economic hardship in filing such written undertaking, and (ii) there is no reasonable possibility that the plaintiff has a cause of action against each named defendant with respect to whom the plaintiff would otherwise be required to file such written undertaking. No appeal shall be taken from any order made pursuant to this subdivision to file or not to file such security.

A determination by the court that security either shall or shall not be furnished or shall be furnished as to one or more defendants and not as to others, shall not be deemed a determination of any one or more issues in the action or of the merits thereof. If the court, upon any such motion, makes a determination that a written undertaking be furnished by the plaintiff as to any one or more defendants, the action shall be dismissed as to such defendant or defendants, unless the security required by the court shall have been furnished within

such reasonable time as may be fixed by the court.

(b) This section does not apply to a complaint for bodily injury or for wrongful death, nor to an action commenced in a small claims court.

(c) Whenever more than one such defendant is named, the undertaking shall be increased to the extent of not to exceed five hundred dollars ($500) for each additional defendant in whose favor such undertaking is ordered not to exceed the total of three thousand dollars ($3,000).

(d) In any action requiring a written undertaking as provided in this section, upon the dismissal of the action or the award of judgment to the defendant, the court shall require the plaintiff to pay the defendant's costs of defense authorized by law. Any sureties shall be liable for such costs in an amount not to exceed the sum of five hundred dollars ($500) or the amount of the undertaking, whichever is lesser, for each defendant with respect to whom such sureties have executed a written undertaking. If the plaintiff prevails in the action against any defendant with respect to whom such security has been filed, such defendant shall pay the cost to plaintiff of obtaining such written undertaking.

SEC. 3. Section 1029.6 of the Code of Civil Procedure is amended to read:

1029.6. (a) Whenever a complaint for damages for personal injuries is filed against a physician and surgeon, dentist, registered nurse, dispensing optician, optometrist, pharmacist, registered physical therapist, podiatrist, licensed psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, clinical laboratory technologist, or veterinarian, duly licensed as such under the laws of this state, or a licensed hospital as the employer of any such person, in an action for error, omission, or negligence in the performance of professional services, or performance of professional services without consent, any such defendant may, within six months after service of summons, move the court for an order, upon notice to plaintiff and all defendants having appeared in the action, and hearing, requiring the plaintiff to furnish a written undertaking, with at least two sufficient sureties, in a sum not to exceed five hundred dollars ($500), or to deposit such sum or equivalent security approved by the court with the clerk of the court, as security for the costs of defense as provided in subdivision (d), which may be awarded against such plaintiff. Such motion shall be supported by affidavit showing that the claim against such defendant is frivolous. Any defendant having appeared in the action and within 30 days after receipt of notice may join with the moving party requesting an order under this section as to such additional defendant. The failure of any defendant to join with the moving party shall preclude each such defendant from subsequently requesting an order under this section.

At the hearing upon such motion, the court shall order the plaintiff to furnish such security if the defendant shows to the satisfaction of the court that: (i) the plaintiff would not suffer undue economic

hardship in filing such written undertaking or making such deposit and (ii) there is no reasonable possibility that the plaintiff has a cause of action against each named defendant with respect to whom the plaintiff would otherwise be required to file such written undertaking or make such deposit.

A determination by the court that security either shall or shall not be furnished or shall be furnished as to one or more defendants and not as to others, shall not be deemed a determination of any one or more issues in the action or of the merits thereof. If the court, upon any such motion, makes a determination that a written undertaking or deposit be furnished by the plaintiff as to any one or more defendants, the action shall be dismissed as to such defendant or defendants, unless the security required by the court shall have been furnished within such reasonable time as may be fixed by the court.

(b) This section does not apply to a complaint in an action commenced in a small claims court.

(c) Whenever more than one such defendant is named, the undertaking or deposit shall be increased to the extent of not to exceed five hundred dollars ($500) for each additional defendant in whose favor such undertaking or deposit is ordered, not to exceed the total of one thousand dollars ($1,000).

(d) In any action requiring a written undertaking or deposit as provided in this section, upon the dismissal of the action or the award of judgment to the defendant, the court shall require the plaintiff to pay the defendant's court costs. Any sureties shall be liable for such costs in an amount not to exceed the sum of five hundred dollars ($500) or the amount of the undertaking, whichever is lesser, for each defendant with respect to whom such sureties have executed a written undertaking or the plaintiff has made a deposit. If the plaintiff prevails in the action against any defendant with respect to whom such security has been filed, such defendant shall pay the costs to plaintiff incurred in obtaining such written undertaking or deposit and defending the motion for dismissal authorized by this section.

(e) Any defendant filing a motion under this section or joining with a moving party under this section is precluded from subsequently filing a motion for summary judgment.

(f) Any defendant filing a motion for summary judgment is precluded from subsequently filing a motion, or joining with a moving party, under this section.

SEC. 4. Section 1030 of the Code of Civil Procedure is amended to read:

1030. (a) When the plaintiff in an action or special proceeding resides out of the state, or is a foreign corporation, the defendant may at any time apply to the court by noticed motion for an order requiring the plaintiff to furnish a written undertaking to secure an award of costs and attorney's fees which may be awarded in the action or special proceeding. For the purposes of this section, "attorney's fees" means reasonable attorney's fees a party may be authorized to recover by a statute apart from this section or by

contract.

(b) The motion shall be made on the grounds that the plaintiff resides out of the state or is a foreign corporation and that there is a reasonable possibility that the moving defendant will obtain judgment in the action or special proceeding. The motion shall be accompanied by an affidavit in support of the grounds for the motion and by a memorandum of points and authorities. The affidavit shall set forth the nature and amount of the costs and attorney's fees the defendant has incurred and expects to incur by the conclusion of the action or special proceeding.

(c) If the court, after hearing, determines that the grounds for the motion have been established, the court shall order that the plaintiff file the undertaking in an amount specified in the court's order as security for costs and attorney's fees.

(d) The amount of the undertaking initially determined may be increased or decreased by the court, after further hearing upon noticed motion, if the court determines that the undertaking has or may become inadequate or excessive because of a change in the amount of the probable allowable costs and attorney's fees which the defendant will have incurred by the conclusion of the action or special proceeding.

(e) The plaintiff shall file or increase the undertaking not later than 30 days after service of the court's order requiring it or within a greater time allowed by the court. If the plaintiff fails to file or increase the undertaking within the time allowed, the plaintiff's action or special proceeding shall be dismissed as to the defendant in whose favor the order requiring the undertaking was made.

(f) Except as otherwise provided by statute, the undertaking shall have at least two sufficient sureties to be approved by the court. If the undertaking is given by individual sureties, the defendant may except to a surety by noticed motion requiring the appearance of the surety before the court at a time specified in the notice for examination under oath concerning the sufficiency of the surety. If the surety fails to appear, or if the court finds the surety insufficient, the court shall order that a new undertaking be given.

(g) If the defendant's motion for an order requiring an undertaking is filed not later than 30 days after service of summons on the defendant, no pleading need be filed by the defendant and all further proceedings are stayed until 10 days after the motion is denied or, if granted, until 10 days after the required undertaking has been filed and the defendant has been given written notice of the filing. If the defendant's motion for an order requiring an undertaking is filed later than 30 days after service of summons on the defendant, if the defendant excepts to a surety, or if the court orders the amount of the undertaking increased, the court may in its discretion stay the proceedings not longer than 10 days after a sufficient undertaking has been filed and the defendant has been given written notice of the filing.

(h) The determinations of the court under this section have no

effect on the determination of any issues on the merits of the action or special proceeding and may not be given in evidence nor referred to in the trial of the action or proceeding.

(i) An order granting or denying a motion for an undertaking under this section is not appealable.

SEC. 5. Section 1037 is added to the Code of Civil Procedure, to read:

1037. If the plaintiff recovers judgment in an action for libel or slander, the plaintiff shall be allowed as costs one hundred dollars ($100) to cover counsel fees in addition to the other costs. If the action is dismissed or the defendant recovers judgment, the defendant shall be allowed one hundred dollars ($100) to cover counsel fees in addition to other costs, and judgment shall be entered accordingly.

SEC. 6. Section 92650 of the Education Code is repealed.

SEC. 7. Section 947 of the Government Code is repealed.

SEC. 8. Section 951 of the Government Code is repealed.

SEC. 9. Section 393 of the Military and Veterans Code is amended to read:

393. (a) In an action or proceeding of any nature commenced in any court against an active member of the militia or a member of the militia in active service in pursuance of an order of the President of the United States as a result of a state emergency for an act done by such member in an official capacity in the discharge of duty, or an alleged omission to do an act which it was the member's duty to perform, or against any person acting under the authority or order of an officer or by virtue of a warrant issued by an officer pursuant to law:

(1) The defendant in all cases may make a general denial and give special matter in evidence.

(2) A defendant in whose favor a final judgment is rendered in any such action or proceeding shall recover treble costs.

(b) The Attorney General shall defend such active member or person where the action or proceeding is civil. The senior judge advocate on the state staff or one of the judge advocates shall defend such active member or person where the action or proceeding is criminal, and the Adjutant General shall designate the senior judge advocate on the state staff, or one of the judge advocates, to defend such active member or person.

(c) In the event such active member or person is not indemnified by the federal government, Section 825 of the Government Code shall apply to such active member or person.

## CHAPTER 115

An act to add Section 585.1 to the Probate Code, relating to estates.

[Approved by Governor May 22, 1980 Filed with Secretary of State May 23, 1980 ]

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

SECTION 1. Section 585.1 is added to the Probate Code, to read:

585.1. Pending the settlement of an estate, or at the time of settlement of an estate, on the petition of the executor or administrator, and upon good cause shown therefor, the court may authorize any money in the hands of the executor or administrator to be invested for the benefit of the estate in units of a common trust fund described in Section 1564 of the Financial Code. Such common trust fund shall have as its objective investment primarily in short term fixed income obligations and shall be permitted to value investments at cost pursuant to regulations of the appropriate regulatory authority.

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## CHAPTER 116

An act to amend Section 56280 of the Food and Agricultural Code, relating to marketing of agricultural products.

[Approved by Governor May 22, 1980 Filed with Secretary of State May 23, 1980.]

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

SECTION 1. Section 56280 of the Food and Agricultural Code is amended to read:

56280. A commission merchant shall notify each consignor with whom he does business of the provisions of this section. Such notice shall be given in writing prior to the shipping season of the particular farm product.

No charge shall be made against a consignor's account for a downward price adjustment or a reduction in quantity of farm products delivered due to a breach of contract, unless the commission merchant has, in his files, a federal-state inspection certificate, issued pursuant to the United States Agricultural Marketing Act of 1946, (7 U.S.C. 1621, et seq.), indicating the type and the extent of the substandard condition of the lot involved in such breach of contract, thereby supporting the amount charged against the consignor's account. The commission merchant need not obtain a federal-state inspection certificate unless the lot involved is of a substandard condition.

Notwithstanding Section 56281, this section does not preclude a consignor from agreeing to a downward price adjustment or a reduction in the quantity of farm products delivered and waiving the right to inspection when such agreement was made prior to the particular shipping season of the farm product and was in writing.

Such federal-state inspection certificate may be substituted by a private third-party inspection, based on the standards prescribed under the United States Agricultural Marketing Act of 1946, if the director determines, to his satisfaction, that a federal-state inspection certificate could not reasonably be obtained. In the event that the director determines, to his satisfaction, that neither a federal-state inspection certificate nor private, third-party inspection, can be reasonably obtained, a signed statement of two or more disinterested, or otherwise independent parties, who have sufficient knowledge, acquired through education or experience, to evaluate the farm product involved, may be used as substitute for such a federal-state certificate or third-party inspection, in order to make a statement as to the quality and condition of the lot of farm product at the time of inspection.

Where the condition of the lot is not substandard but for other reasons, including a decline in market demand, there is a downward price adjustment, the commission merchant shall affirm in writing that the lot was at least of standard quality at the time of sale. The affirmation shall be attached to or made part of the records of the consignment.

As used in this section, "lot" means the farm product identified by the procedure set forth in subdivision (h) of Section 56271.

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## CHAPTER 117

An act to amend Section 1100 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1980. Filed with Secretary of State May 23, 1980 ]

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

SECTION 1. Section 1100 of the Insurance Code is amended to read:

1100. In this state, all investments and deposits of the assets of an insurer, all purchases on behalf of an insurer, and all sales made of the property and effects of an insurer shall be made in its own name, or in that of a corporation authorized to act as a trustee under the laws of this state, or in the name of a nominee of such a corporation in accordance with any law of this state permitting such a trustee to make use of nominees, or in the name of a nominee approved by the

commissioner.

An insurer, except a mortgage guaranty insurer, may hold a mortgage, mortgage participation, pass-through, conventional pass-through or trust certificate which represents an undivided beneficial interest in a pool of loans secured by mortgages, deeds of trust or other instruments constituting a first lien or charge on real property located in the State of California, or any other state, commonwealth, or territory, or the District of Columbia, improved with a residential building or a condominium unit or buildings designed for occupancy by no more than four families.

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:

Unusually high interest rates for real estate loans are a substantial hardship to home buyers and tend to create chaos in this state's housing market. A shortage of acceptable housing exists today. Permitting insurers to invest in mortgage participation certificates which are more liquid than individual mortgages will substantially increase the funds available for loans and will tend to reduce interest rates for such loans, which, in turn, will make more housing available. Thus, the immediate enactment of this act is necessary to maintain stability in the home loan and housing markets.

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## CHAPTER 118

An act to amend Sections 13026, 13103, 13113, 13143.6, 13145, 13146, 13146.3, 13146.5, 13214, 17962, and 17964 of, and to repeal Section 13143.7 of, the Health and Safety Code, relating to fire protection.

[Approved by Governor May 22, 1980. Filed with Secretary of State May 23, 1980 ]

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

SECTION 1. Section 13026 of the Health and Safety Code is amended to read:

13026. The State Fire Marshal is authorized to make such changes as may be necessary to standardize all existing fire protective equipment throughout the state.

SEC. 2. Section 13103 of the Health and Safety Code is amended to read:

13103. The State Fire Marshal may appoint such assistant or deputy state fire marshals as he may consider necessary from among active chiefs of fire departments, fire marshals of cities, counties, and districts providing fire protection, and the salaried field assistants of the State Fire Marshal.

The State Fire Marshal and the assistant or deputy state fire

marshals shall exercise the functions of police officers.

SEC. 3. 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) 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 and building standards published in the State Building Standards Code.

(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.

(c) 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.

(d) This section shall not apply to occupancies, or any alterations thereto, located in type I construction, as defined by the State Fire Marshal, under construction or in existence on March 4, 1972.

(e) "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. 4. Section 13143.6 of the Health and Safety Code is amended to read:

13143.6. (a) Except as provided in Section 18930, the State Fire Marshal, with the advice of the State Board of Fire Services, shall

prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or institution for protective social care and supervision services by any governmental agency. The State Fire Marshal shall adopt and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 for the purposes described in this section. Occupancies within the meaning of this subdivision shall be those not otherwise specified in Sections 13113 and 13143 and shall include, but are not limited to, those commonly referred to as "certified family care homes," "out-of-home placement facilities," and "halfway houses." Building standards relating to fire and panic safety published in the State Building Standards Code and other regulations adopted pursuant to this subdivision shall establish minimum requirements relating to the means of egress and the adequacy of exits, the installation and maintenance of fire extinguishing and fire alarm systems, the storage, handling, or use of combustible or flammable materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that may present a fire, explosion, or panic hazard. Such minimum requirements shall be predicated on the height, area, and fire-resistive qualities of the building or structure used or intended to be used.

Any building or structure within the scope of this subdivision used or intended to be used for the housing of more than six nonambulatory persons shall have installed and maintained in proper operating condition an automatic sprinkler system approved by the State Fire Marshal. "Nonambulatory person," as used in this section, means nonambulatory person as defined in Section 13131.

The ambulatory or nonambulatory status of any developmentally disabled person within the scope of this subdivision shall be determined by the Director of Social Services or his or her designated representative, in consultation with the Director of Developmental Services or his or her designated representative.

Any building or structure within the scope of this subdivision used or intended to be used for the housing of more than six ambulatory persons shall have installed or maintained in proper operating condition an automatic fire alarm system approved and listed by the State Fire Marshal which will respond to products of combustion other than heat.

In preparing and adopting regulations pursuant to this subdivision, the State Fire Marshal shall give reasonable consideration to the continued use of existing buildings' housing occupancies established prior to March 4, 1972.

In preparing and adopting regulations pursuant to this subdivision, the State Fire Marshal shall also secure the advice of the appropriate governmental agencies involved in the affected protective social

care programs in order to provide compatibility and maintenance of operating programs in this state.

Any governmental agency that refers any person to, or causes his or her placement in, any home or institution subject to this section shall, within seven days after the referral or placement, request verification of conformance to the fire safety standards adopted by the State Fire Marshal pursuant to this section from the fire authority having jurisdiction pursuant to Sections 13145 and 13146. Any referral or placement in homes or institutions subject to this section shall be subject to rescission if the fire authority having jurisdiction subsequently informs the governmental agency that it is unable to give the requested verification.

When a building or structure within the scope of this subdivision is used to house either ambulatory or nonambulatory persons, or both, and an automatic sprinkler system, approved by the State Fire Marshal, is installed, this subdivision shall not be construed to also require the installation of an automatic fire alarm system.

(b) Notwithstanding any other provision of law, facilities which are subject to the provisions of subdivision (a) and which are used for the housing of persons, none of whom are physically or mentally handicapped or nonambulatory persons within the meaning of Section 13131, shall not be required to have installed an automatic sprinkler system or an automatic fire alarm system. In adopting regulations, or when adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13, affecting facilities specified in this subdivision, the State Fire Marshal shall take into consideration the ambulatory and nonhandicapped status of persons housed in such facilities.

(c) It is the intent of the Legislature that any building or structure within the scope of subdivision (a) in which there is housed any totally deaf person, shall be required by the State Fire Marshal to be equipped with fire warning devices to which such person is able to respond.

(d) The provisions of this section, building standards adopted by the State Fire Marshal pursuant to this section and published in the State Building Standards Code relating to fire and panic safety, and the other regulations adopted by the State Fire Marshal pursuant to this section shall apply uniformly throughout the State of California, and no county, city, city and county, or district shall adopt or enforce any ordinance or local rule or regulation relating to fire and panic safety in buildings or structures subject to the provisions of this section which is inconsistent with the provisions of this section, building standards published in the State Building Standards Code relating to fire and panic safety, or the other regulations adopted by the State Fire Marshal pursuant to this section.

SEC. 5. Section 13143.7 of the Health and Safety Code is repealed.

SEC. 6. Section 13145 of the Health and Safety Code is amended to read:

13145. The State Fire Marshal, the chief of any city or county fire

department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the State Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

SEC. 7. Section 13146 of the Health and Safety Code is amended to read:

13146. The division of authority for enforcement of building standards adopted by the State Fire Marshal and published in the State Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a) The chief of any city or county fire department or district providing fire protection services, and their authorized representatives, shall enforce such building standards and other regulations of the State Fire Marshal in their respective areas.

(b) The State Fire Marshal shall have authority to enforce such building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(c) The State Fire Marshal shall have authority to enforce such building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

SEC. 8. Section 13146.3 of the Health and Safety Code is amended to read:

13146.3. The chief of any city or county fire department or district providing fire protection services and his authorized representatives shall inspect every building used as a public or private school within his jurisdiction, for the purpose of enforcing regulations promulgated pursuant to Section 13143, not less than once each year. The State Fire Marshal and his authorized representatives shall make such inspections not less than once each year in areas outside of corporate cities and districts providing fire protection services.

SEC. 9. Section 13146.5 of the Health and Safety Code is amended to read:

13146.5. The provisions of Sections 13145, 13146 and 13146.3 shall, so far as practicable, be carried out at the local level by persons who are regular full-time members of a regularly organized fire department of a city, county, or district providing fire protection services, and shall not be carried out by other persons pursuant to Section 34004 of the Government Code.

SEC. 10. Section 13214 of the Health and Safety Code is amended to read:

13214. The provisions of this chapter, building standards applicable to high-rise structures published in the State Building Standards Code relating to fire and panic safety, and the other

regulations of the State Fire Marshal adopted pursuant to this chapter shall be enforced in the same manner as provided in Sections 13145 and 13146. The State Fire Marshal, his deputies, or his salaried assistants, the chief of any city or county fire department or district providing fire protection services, and their authorized representatives, may enter any building, premises, or portion thereof not used for dwelling purposes at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager, or operator of any such building or premises shall permit the State Fire Marshal, his deputies, his salaried assistants, or the chief or any city or county fire department or district providing fire protection services, or their authorized representatives, to enter and inspect the building or premises at the time and for the purpose stated in this chapter.

SEC. 11. Section 17962 of the Health and Safety Code is amended to read:

17962. The chief of any city or any county fire department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas all those provisions of this part, the building standards published in the State Building Standards Code relating to fire and panic safety, and those rules and regulations promulgated pursuant to the provisions of this part pertaining to fire prevention, fire protection, the control of the spread of fire, and safety from fire or panic.

SEC. 12. Section 17964 of the Health and Safety Code is amended to read:

17964. By charter, ordinance, or resolution, a city or county may designate and charge a department organized to carry out the purposes of this part, or an officer charged with the responsibility of carrying out this part, with the enforcement of this part, the building standards published in the State Building Standards Code, or any other rules and regulations promulgated pursuant to the provisions of this part for the protection of the public health, safety, and general welfare as set forth in Section 17921; provided that this section shall apply to the duties and responsibilities enumerated in Section 17962 only if, in the area involved, there is no city or county fire department or district providing fire protection services.

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## CHAPTER 119

An act to amend Section 1265 of the Civil Code, to amend Sections 228, 600, 660, 661, 662, 1200, 1202, and 1240 of, to repeal Sections 667, 668, and 735 of, and to repeal and add Sections 663, 664, 665, and 666 to, the Probate Code, and to repeal Section 13621 of the Revenue and Taxation Code, relating to the probate homestead.

[Approved by Governor May 22, 1980 Filed with Secretary of State May 23, 1980 ]

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

SECTION 1. Section 1265 of the Civil Code is amended to read:

1265. From and after the time the declaration is filed for record, the premises therein described constitute a homestead. In no case shall the homestead or the products, rents, issues or profits thereof be held liable for the debts of the owner, except as provided in this title; and should the homestead be sold by the owner, the proceeds arising from such sale to the extent of the value allowed for a homestead exemption as provided in this title shall be exempt to the owner of the homestead for a period of six months next following such sale.

SEC. 2. Section 228 of the Probate Code is amended to read:

228. (a) If the decedent leaves no living spouse or issue and there are issue of the decedent's predeceased spouse, the portion of the decedent's estate attributable to the decedent's predeceased spouse shall go in equal shares to the children of the predeceased spouse and their descendants by right of representation, and if none, then one-half of such portion goes to the parents of the decedent in equal shares, or if either is dead to the survivor, or if both are dead in equal shares to the brothers and sisters of the decedent and their descendants by right of representation, and the other half goes to the parents of the predeceased spouse in equal shares, or if either is dead to the survivor, or if both are dead, in equal shares to the brothers and sisters of the predeceased spouse and to their descendants by right of representation.

(b) For the purposes of this section, the "portion of the decedent's estate attributable to the decedent's predeceased spouse" shall mean:

(1) One-half of the community property in existence at the time of the death of the predeceased spouse.

(2) One-half of any community property, in existence at the time of death of the predeceased spouse, which was given to the decedent by the predeceased spouse by way of gift, descent, devise, or bequest.

(3) That portion of any community property in which the predeceased spouse had any incident of ownership and which vested in the decedent upon the death of the predeceased spouse by right of survivorship.

(4) That portion of any property which, because of the death of the predeceased spouse, became vested in the decedent and was set aside as a probate homestead, prior to January 1, 1981.

(c) That portion of the decedent's estate not otherwise subject to this section shall be distributed pursuant to the provisions of this article, except that if a portion of the decedent's estate would otherwise escheat to the state because there is no relative, including next of kin, such portion of the estate shall be distributed in equal

shares to the children of the predeceased spouse and to their descendants by right of representation.

(d) If any of the property subject to the provisions of this section would otherwise escheat to this state because there is no relative, including next of kin, of one of the spouses to succeed to such portion of the estate, such property shall be distributed in accordance with the provisions of Section 296.4 of this code.

SEC. 3. Section 600 of the Probate Code is amended to read:

600. Within three months after appointment, or within such further time as the court or judge for reasonable cause may allow, the executor or administrator shall file with the clerk of the court an inventory and appraisement of the estate of the decedent which has come to the possession or knowledge of the executor or administrator. A copy of the inventory and appraisement shall be transmitted by the clerk to the county assessor if timely requested by the assessor. The inventory shall include all the estate of the decedent, real and personal, particularly specifying all debts, bonds, mortgages, deeds of trust, notes and other securities for the payment of money belonging to the decedent, with the name of each debtor, the date, the sum originally payable, the endorsements thereon, if any, with their dates, and a statement of the interest of the decedent in any partnership of which the decedent was a member, to be appraised as a single item. It shall include an account of all moneys belonging to the decedent. The inventory and appraisement shall be prepared in such form as to set down each item separately with the fair market value thereof at the time of the decedent's death in dollars and cents in figures opposite the respective items.

SEC. 4. Section 660 of the Probate Code is amended to read:

660. (a) Until the inventory is filed and for a period of 60 days thereafter or such other period as is ordered by the court for good cause, the decedent's surviving spouse and minor children are entitled to remain in possession of the family dwelling, the wearing apparel of the family, the household furniture and other property of the decedent exempt from execution.

(b) Upon the filing of the inventory or at any subsequent time during the administration, the court, on petition therefor, may in its discretion:

(1) Set apart to the surviving spouse, or, in case of his or her death, to the minor children of the decedent, all or any part of the property of the decedent exempt from execution other than the dwelling.

(2) Select and set apart one homestead in the manner provided in this article.

SEC. 5. Section 661 of the Probate Code is amended to read:

661. (a) The homestead shall be set apart for the use of one or more of the following persons:

(1) The surviving spouse.

(2) The minor children of the decedent.

(b) The homestead shall be selected out of the following property, giving first preference to the community and quasi-community

property of, or property owned in common by, the decedent and the person entitled to have the homestead set apart:

(1) If the homestead is set apart for the use of the surviving spouse or for the use of the surviving spouse and minor children, out of community property or quasi-community property.

(2) If the homestead is set apart for the use of the surviving spouse or for the use of the minor children, out of property owned in common by the decedent and the person entitled to have the homestead set apart, or out of the separate property of the decedent or, if the decedent was not married at the time of death, out of property owned by the decedent.

(c) The homestead shall not be selected out of property the right to possession of which is vested in a third person unless the third person consents thereto. As used in this subdivision, "third person" means a person whose right to possession of the property (1) existed at the time of the death of the decedent or came into existence upon the death of the decedent and (2) was not created by testate or intestate succession from the decedent.

(d) The property set apart as a homestead shall be set apart only for a limited period, to be designated in the order, and in no case beyond the lifetime of the surviving spouse, or, as to a child, beyond its minority. Subject to the homestead right, the property of the decedent remains subject to administration including testate and intestate succession. The rights of the parties during the period for which the homestead is set apart are governed, to the extent applicable, by the Legal Estates Principal and Income Law, Chapter 2.6 (commencing with Section 731) of Title 2 of Part 1 of Division 2 of the Civil Code.

SEC. 6. Section 662 of the Probate Code is amended to read:

662. When the petition to select and set apart a homestead is filed, the clerk shall set it for hearing by the court and give notice thereof for the period and in the manner required by Section 1200.

SEC. 7. Section 663 of the Probate Code is repealed.

SEC. 8. Section 663 is added to the Probate Code, to read:

663. (a) Property of the decedent set apart as a homestead is liable for claims against the estate of the decedent, subject to the homestead right. The homestead right in property of the decedent is liable for claims that are secured by liens and encumbrances on the property at the time of the decedent's death but is exempt to the extent of the dwelling exemption as to any claim that would have been subject to a dwelling exemption at the time of the decedent's death.

(b) The homestead right in the property of the decedent is not liable for claims against the person for whose use the homestead is set apart.

(c) Property of the decedent set apart as a homestead is liable for claims against the testate or intestate successors of the decedent or other successors to the property after administration, subject to the homestead right.

SEC. 9. Section 664 of the Probate Code is repealed.

SEC. 10. Section 664 is added to the Probate Code, to read:

664. In selecting and setting apart the homestead, the court shall consider the needs of the surviving spouse and minor children, the liens and encumbrances on the property, the claims of creditors, the needs of the heirs or devisees of the decedent, and the intent of the decedent with respect to the property in the estate and the estate plan of the decedent as expressed in inter vivos and testamentary transfers or by other means. The court, in light of the foregoing and other relevant considerations as determined by the court in its discretion, shall select as a homestead the most appropriate property available that is suitable for use as a dwelling and shall set apart in addition to the dwelling such adjoining property as appears reasonable for such a term and upon such conditions (including, but not limited to, assignment by the homestead recipient of other property to the heirs or devisees of the property set apart as a homestead) as appear proper.

SEC. 11. Section 665 of the Probate Code is repealed.

SEC. 12. Section 665 is added to the Probate Code, to read:

665. (a) The court may by order modify the term or conditions of the homestead right or terminate the homestead right at any time prior to entry of a final decree of distribution of the decedent's estate if in the court's discretion to do so appears appropriate under the circumstances of the case.

(b) A court order under this section shall be made upon motion of any of the following parties and notice to the others:

(1) The person for whose use the homestead is set apart.

(2) The testate or intestate successors of the decedent or other successors to the property set apart as a homestead.

(3) Persons having claims secured by liens or encumbrances on the property set apart as a homestead.

SEC. 13. Section 666 of the Probate Code is repealed.

SEC. 14. Section 666 is added to the Probate Code, to read:

666. As used in this article:

(a) "Quasi-community property" means personal property, wherever situated, and real property situated in this state, heretofore or hereafter acquired in any of the following ways:

(1) By the decedent while domiciled elsewhere which would have been community property if the decedent had been domiciled in this state at the time of the acquisition of the property.

(2) In exchange for real or personal property, wherever situated, which would have been community property if the decedent had been domiciled in this state at the time of the acquisition of the property so exchanged.

(b) "Separate property" does not include quasi-community property.

SEC. 15. Section 667 of the Probate Code is repealed.

SEC. 16. Section 668 of the Probate Code is repealed.

SEC. 17. Section 735 of the Probate Code is repealed.

SEC. 18. Section 1200 of the Probate Code, as amended by Chapter 730 of the Statutes of 1979, is amended to read:

1200. Upon the filing of the following petitions:

(1) A petition under Section 641 of this code for the setting aside of an estate;

(2) A petition to set apart a homestead or exempt property;

(3) A petition relating to the family allowance filed after the return of the inventory;

(4) A petition for leave to settle or compromise a claim against a debtor of the decedent or a claim against the estate or a suit against the executor or administrator as such;

(5) A petition for the sale of stocks or bonds;

(6) A petition for confirmation of a sale or a petition to grant an option to purchase real property;

(7) A petition for leave to enter into an agreement to sell or give an option to purchase a mining claim or real property worked as a mine;

(8) A petition for leave to execute a promissory note or mortgage or deed of trust or give other security;

(9) A petition for leave to lease or to exchange property, or to institute an action for the partition of property;

(10) A petition for an order authorizing or directing the investment of money;

(11) An account of an executor or administrator or trustee;

(12) A petition for partial or ratable or preliminary or final distribution;

(13) A petition for the delivery of the estate of a nonresident;

(14) A petition for determination of heirship or interests in an estate;

(15) A petition of a trustee for instructions;

(16) A petition for the appointment of a trustee;

(17) Any petition for letters of administration or for probate of will, or for letters of administration-with-will annexed, which is filed after letters of administration or letters testamentary have once been issued; and in all cases in which notice is required and no other time or method is prescribed by law or by court or judge, the clerk shall set the same for hearing by the court and shall give notice of the petition or application or account by causing a notice of the time and place of hearing thereof to be posted at the courthouse of the county where the proceedings are pending, at least 10 days before the day of hearing, giving the name of the estate, the name of the petitioner and the nature of the application, referring to the petition for further particulars, and stating the time at which the application will be heard.

At least 10 days before the time set for the hearing of such petition or account, the petitioner or person filing the account shall cause notice of the time and place of hearing thereof to be mailed to the executor or administrator, if not the petitioner, to any coexecutor or coadministrator not petitioning, and to all persons (or to their

attorneys, if they have appeared by attorney), who have requested notice or who have given notice of appearance in the estate in person or by attorney, as heir, devisee, legatee or creditor, or as otherwise interested, addressed to them at their respective post office addresses given in their request for special notice, if any, otherwise at their respective offices or places of residence, if known, and if not, at the county seat of the county where the proceedings are pending, or to be personally served upon such person.

Proof of the giving of notice must be made at the hearing; and if it appears to the satisfaction of the court that the notice has been regularly given, the court shall so find in its order, and the order, when it becomes final, is conclusive upon all persons.

This section does not apply to proceedings under Division 4 (commencing with Section 1400). When a provision of Division 4 applies the provisions of this code applicable to executors or administrators to proceedings under Division 4, a reference to this section in the provisions applicable to executors or administrators shall be deemed to be a reference to Chapter 3 (commencing with Section 1460) of Part 1 of Division 4.

SEC. 19. Section 1202 of the Probate Code is amended to read:

1202. At any time after the issuance of letters testamentary or of administration, any person interested in the estate, whether as heir, devisee, legatee, creditor, beneficiary under a trust, or as otherwise interested, or the State Controller, may, in person or by attorney, serve upon the executor or administrator or trustee, or upon the attorney for the executor, administrator, or trustee, and file with the clerk of the court where the proceedings are pending, with a written admission or proof of service, a written request, stating that the person desires special notice of the filing of any or all of the petitions or accounts mentioned in Section 1200, and giving the post office address of the person making the request or the person's attorney. Thereafter the person is entitled to notice as provided in Section 1200.

SEC. 20. Section 1240 of the Probate Code is amended to read:

1240. An appeal may be taken from an order or the refusal to make an order:

(a) Granting or revoking letters testamentary or of administration.

(b) Removing a trustee of a testamentary trust.

(c) Admitting a will to probate or revoking the probate thereof.

(d) Setting aside an estate claimed not to exceed twenty thousand dollars ($20,000) in value.

(e) Setting apart property as a homestead or claimed to be exempt from execution.

(f) Granting or modifying a family allowance.

(g) Directing or authorizing the sale or conveyance or confirming the sale of property.

(h) Directing or authorizing the granting of an option to purchase real property.

(i) Adjudicating the merits of any claim under Section 851.5, 852 or 853.

(j) Allocating debts under Section 980.

(k) Settling an account of an executor or administrator or trustee, or instructing or appointing a trustee.

(*l*) Instructing or directing an executor or administrator.

(m) Directing or allowing the payment of a debt, claim, legacy, or attorney's fee.

(n) Fixing, directing, or allowing payment of a trustee's compensation.

(o) Determining heirship or the persons to whom distribution should be made or trust property should pass.

(p) Distributing property.

(q) Determining that property is community property passing or belonging to the surviving spouse pursuant to Section 655.

(r) Fixing an inheritance tax or determining that none is due.

(*s*) Authorizing a personal representative to invest or reinvest any surplus moneys pursuant to Section 584.5.

SEC. 21. Section 13621 of the Revenue and Taxation Code is repealed.

SEC. 22. (a) A homestead declared and recorded prior to the effective date of this act pursuant to Sections 1237 through 1304, inclusive, of the Civil Code shall, on the effective date, cease to have effect for the purpose of survivorship rights.

(b) A homestead set apart by order of the court prior to the effective date of this act pursuant to Sections 660 through 668, inclusive, of the Probate Code remains vested as provided therein and is a transfer subject to Part 8 (commencing with Section 13301) of the Revenue and Taxation Code.

SEC. 23. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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## CHAPTER 120

An act to amend Section 9 of the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), relating to the Mojave Water Agency.

[Approved by Governor May 22, 1980. Filed with Secretary of State May 23, 1980.]

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

SECTION 1. Section 9 of the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 9. The board of directors shall be the governing body of the agency. Each board of directors shall hold its first meeting at noon on the last Friday in November next following the general agency election, and at the meeting elect from its membership a president, vice president, secretary, and treasurer, and provide for the time and place of holding its meetings and the manner in which its special meetings may be called. The board of directors may consolidate the office of secretary and treasurer. All legislative sessions of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business.

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## CHAPTER 121

An act to add Article 9.5 (commencing with Section 8410) to Chapter 2 of Part 3 of Division 6 of, and to repeal Sections 8388, 8388.1, 8388.2, 8388.5, 8388.6, and 8388.7 of, the Fish and Game Code, relating to fish, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1980. Filed with Secretary of State May 23, 1980.]

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

SECTION 1. Section 8388 of the Fish and Game Code is repealed.

SEC. 2. Section 8388.1 of the Fish and Game Code is repealed.

SEC. 3. Section 8388.2 of the Fish and Game Code is repealed.

SEC. 4. Section 8388.5 of the Fish and Game Code is repealed.

SEC. 5. Section 8388.6 of the Fish and Game Code is repealed.

SEC. 6. Section 8388.7 of the Fish and Game Code is repealed.

SEC. 7. Article 9.5 (commencing with Section 8410) is added to Chapter 2 of Part 3 of Division 6 of the Fish and Game Code, to read:

### Article 9.5. Pacific Mackerel

8410. The Pacific mackerel season is from July 1 through June 30.

8411. It is the intent of the Legislature that the Pacific mackerel resource in waters north of Punta Eugenia, Baja California, Mexico, be maintained at a total population above 20,000 tons.

"Total population" means Pacific mackerel age one and over as of July 1 of each year as determined by the department. The department shall by June 1 of every year make an estimate of the total population of Pacific mackerel.

8412. When the total population of Pacific mackerel exceeds 20,000 tons, a season allowable catch shall be established by the

director in an amount equal to 20 percent of the Pacific mackerel in excess of 20,000 tons total population.

The allowable catch may be taken under revocable permits issued by the department to boat owners or operators, under conditions prescribed by the department. A portion of the allowable catch may be allocated for landings from the waters of the Pacific north of Point Buchon.

8413. The department shall keep records of the catch of Pacific mackerel, including Pacific mackerel taken and landed incidentally with other species of fish. The department shall estimate from the current trend of catches the date on which the allowable catch will be reached and, at least 48 hours prior thereto, shall publicly announce that date as the closing date of the season.

8414. During the portion of the season between July 1 and February 1, the director may increase or decrease a figure previously determined to represent the season allowable catch for the taking of Pacific mackerel, if additional biological data becomes available which would indicate that an earlier determined total population estimate should be revised.

8415. After the determined allowable catch is taken, the director may establish a tolerance for Pacific mackerel taken mixed with other species, of up to 50 percent by number in landings greater than three tons and up to 100 percent for landings of three tons or less.

8416. The percentage of Pacific mackerel taken under 10 inches fork length, during the period January 1 through June 30, shall be no greater than 50 percent by number in combination with all other fish. However, if the department determines that a majority of age one Pacific mackerel will not exceed 10 inches fork length on January 1, the director may decrease the size limit until such time as the majority of age one Pacific mackerel exceed 10 inches fork length.

8417. Notwithstanding Section 8415, if the total population of Pacific mackerel falls below 20,000 tons, a moratorium shall be in effect and Pacific mackerel may not be taken or possessed, except that loads of fish may contain 18 percent or less by number of Pacific mackerel taken incidentally to other fishing operation. Such Pacific mackerel, incidentally taken, may be used for any purpose.

SEC. 8. Sections 1 to 7, inclusive, shall not become operative until July 1, 1980.

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 such necessity are:

In order to preserve and efficiently manage the Pacific mackerel resource, it is necessary that this act take effect immediately.

# CHAPTER 122

An act to amend Section 1250.250 of, and to add Section 1265.250 to, the Code of Civil Procedure, and to add Article 13.5 (commencing with Section 53938) to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, relating to special assessment liens and bonds on property acquired for public use.

[Approved by Governor May 22, 1980. Filed with Secretary of State May 23, 1980.]

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

SECTION 1. Section 1250.250 of the Code of Civil Procedure is amended to read:

1250.250. (a) If the only interest of the county or other taxing agency in the property described in the complaint is a lien for ad valorem taxes, the county or other taxing agency need not be named as a defendant.

(b) The holder of a lien that secures a special assessment or a bond representing the special assessment shall be named as a defendant, regardless of the nature of the special assessment and the manner of collection of the special assessment. The holder of the lien may, instead of an answer, certify to the court on or before the date set for trial all of the following information:

(1) A complete description of the lien.

(2) A description of the property encumbered by the lien.

(3) The amount remaining due on the lien as of the date of the certificate.

(4) The date upon which each installment payable on the lien is due and the amount of each installment.

SEC. 2. Section 1265.250 is added to the Code of Civil Procedure, to read:

1265.250. (a) As used in this section:

(1) "Fixed lien special assessment" means a nonrecurring assessment levied on property in a fixed amount by a local public entity for the capital expenditure for a specific improvement, whether collectible in a lump sum or in installments.

(2) "Special annual assessment" means a recurring assessment levied on property annually in an indeterminate amount by a local public entity, whether for the capital expenditure for a specific improvement or for other purposes.

(b) If property acquired by eminent domain is encumbered by the lien of a fixed lien special assessment or of a bond representing the fixed lien special assessment:

(1) The amount of the lien shall be paid to the lienholder from the award or withheld from the award for payment pursuant to Section 1265.220.

(2) Where there is a partial taking of the property, the amount of

the lien prescribed in Section 1265.225 shall be paid to the lienholder from the award, or at the option of the lienholder the applicable statutory procedure, if any, for segregation and apportionment of the lien may be invoked and the amount apportioned to the part taken shall be paid to the lienholder from the award.

(c) If property acquired by eminent domain is encumbered by the lien of a special annual assessment:

(1) The amount of the lien prorated to, but not including, the date of apportionment determined pursuant to Section 5082 of the Revenue and Taxation Code, shall be paid to the lienholder from the award. As between the plaintiff and defendant, the plaintiff is liable for the amount of the lien prorated from and including the date of apportionment determined pursuant to Section 5082 of the Revenue and Taxation Code.

(2) Where there is a partial taking of the property, the amount of the lien, reduced by the amount for which the plaintiff is liable pursuant to this paragraph, shall be paid to the lienholder from the award. As between the plaintiff and defendant, the plaintiff is liable for the amount of the lien allocable to the part taken for the current assessment year, determined to the extent practicable in the same manner and by the same method as the amount of the assessment on the property for the current assessment year was determined, prorated from and including the date of apportionment determined pursuant to Section 5082 of the Revenue and Taxation Code.

SEC. 3. Article 13.5 (commencing with Section 53938) is added to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

## Article 13.5. Payment and Apportionment of Special Assessment Liens

53938. As used in this article, "transaction" means negotiated purchase and sale, gift, or devise.

53938.5. (a) If property acquired by a public entity in a transaction is encumbered by a lien that secures a special assessment or a bond representing the special assessment, except to the extent the lien is paid out of escrow or otherwise or is apportioned pursuant to the applicable statutory procedure, the lien continues to encumber the property acquired and is enforceable against the public entity that acquired the property.

(b) If property acquired by a public entity by eminent domain is encumbered by a lien that secures a special assessment or a bond representing the special assessment, the lien shall be paid in the manner and to the extent provided in Section 1265.250 of the Code of Civil Procedure.

53939. If property acquired in a transaction is part of a larger parcel encumbered by a lien that secures a special assessment or a bond representing the special assessment and there is no applicable statutory procedure for segregation and apportionment of the lien,

any party to the transaction may, within one year after completion of the transaction, apply to the superior court of the county in which the property or a portion thereof is located to, and the court may segregate and apportion the lien among the parties to the transaction.

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## CHAPTER 123

An act to repeal Title 12 (commencing with Section 1811) of Part 3 of the Code of Civil Procedure, relating to sole traders.

[Approved by Governor May 22, 1980. Filed with Secretary of State May 23, 1980 ]

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

SECTION 1. Title 12 (commencing with Section 1811) of Part 3 of the Code of Civil Procedure is repealed.

SEC. 2. (a) A judgment made and entered under Title 12 (commencing with Section 1811) of Part 3 of the Code of Civil Procedure shall, on the effective date of this act, cease to have any effect for any purpose.

(b) Notwithstanding the provisions of subdivision (a), rights acquired prior to the effective date of this act shall not be affected by the repeal of Title 12 (commencing with Section 1811) of Part 3 of the Code of Civil Procedure, but such rights shall be recognized only to the extent that they would have been recognized had the repeal not been made.

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## CHAPTER 124

An act to amend Sections 488.510 and 669 of, to add Sections 686.010 and 686.020 to, and to repeal Section 686 of, the Code of Civil Procedure, and to amend Section 716 of, to add Section 732.5 to, and to repeal and add Sections 730, 731, and 732 of, the Probate Code, relating to enforcement of obligations after death.

[Approved by Governor May 22, 1980 Filed with Secretary of State May 23, 1980.]

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

SECTION 1. Section 488.510 of the Code of Civil Procedure is amended to read:

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 the plaintiff's 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 maximum period of the attachment, including such extensions, shall not exceed eight years from the date of issuance of the writ of attachment under which the levy of attachment was made.

(e) The death of the defendant whose property is attached does not terminate the attachment.

SEC. 2. Section 669 of the Code of Civil Procedure is amended to read:

669. If a party dies after trial and submission of the case to a judge sitting without a jury for decision or after a verdict upon any issue of fact, and before judgment, the court may nevertheless render judgment thereon.

SEC. 3. Section 686 of the Code of Civil Procedure is repealed.

SEC. 4. Section 686.010 is added to the Code of Civil Procedure, to read:

686.010. After the death of the judgment creditor, the judgment may be enforced as provided in this title by the judgment creditor's executor or administrator or successor in interest.

SEC. 5. Section 686.020 is added to the Code of Civil Procedure, to read:

686.020. After the death of the judgment debtor, enforcement of a judgment against the judgment debtor is governed by the provisions of the Probate Code.

SEC. 6. Section 716 of the Probate Code is amended to read:

716. (a) Except as provided in subdivision (b), no holder of a claim against an estate shall maintain an action thereon unless the claim is first filed with the clerk or presented to the executor or administrator.

(b) An action may be brought by the holder of a mortgage or lien to enforce the same against the property of the estate subject

thereto, where all recourse against any other property of the estate is expressly waived in the complaint. The action may be brought whether or not the claim was filed or presented as provided in subdivision (a); but no counsel fees shall be recovered in the action unless the claim was filed or presented as provided in subdivision (a).

(c) As used in this section, "lien" includes, but is not limited to, a judgment that is a lien.

SEC. 7. Section 730 of the Probate Code is repealed.

SEC. 8. Section 730 is added to the Probate Code, to read:

730. (a) Except as provided in subdivision (c), after the death of the decedent, the following judgments are not enforceable under the Code of Civil Procedure against the estate of the decedent but are payable in the due course of administration:

(1) A judgment upon a claim for money rendered against the decedent during the decedent's lifetime.

(2) A judgment upon a claim for money rendered against a decedent who died after trial and submission of the case to a judge sitting without a jury for decision or after a verdict.

(3) A judgment rendered against the executor or administrator upon a claim for money against the estate of the decedent.

(b) Except as provided in Section 731, a judgment referred to in subdivision (a) shall be filed or presented in the same manner as other claims.

(c) If any property of the decedent is levied upon under a writ of execution before the decedent dies, the property levied upon may be sold or collected to satisfy the judgment. The officer making the sale or collection shall account to the executor or administrator for any surplus. If the judgment is not so satisfied, the balance of the judgment remaining unsatisfied is payable in the due course of administration.

(d) Notwithstanding the death of the decedent, a judgment for the possession of property or a judgment that requires a sale of property may be enforced under the Code of Civil Procedure. Nothing in this subdivision authorizes enforcement under the Code of Civil Procedure against any property of the estate of the decedent other than the property described in the judgment for possession or sale. After the death of the decedent, any demand for money against the estate that is not satisfied from the property described in the judgment for possession or sale shall be filed or presented in the same manner as other claims and is payable in the due course of administration.

SEC. 9. Section 731 of the Probate Code is repealed.

SEC. 10. Section 731 is added to the Probate Code, to read:

731. When a judgment rendered against an executor or administrator upon a claim for money against the estate of the decedent becomes final, it conclusively establishes the validity of the claim for the amount of the judgment. The judgment shall provide that it is payable in the due course of administration. An abstract of the judgment shall be filed in the administration proceedings.

SEC. 11. Section 732 of the Probate Code is repealed.

SEC. 12. Section 732 is added to the Probate Code, to read:

732. (a) Pursuant to subdivision (b), an attachment lien may be converted into a judgment lien upon property of the estate subject to the attachment lien in either of the following cases:

(1) Where the judgment debtor dies after entry of judgment in an action in which the property was attached.

(2) Where a judgment is entered after the death of the defendant in an action in which the property was attached.

(b) To convert the attachment lien into a judgment lien, after entry of judgment in the action in which the property was attached and prior to the expiration of the attachment lien, the levying officer shall serve an abstract of the judgment and a notice that the attachment lien has become a judgment lien upon the person holding property pursuant to the attachment or shall record or file an abstract of the judgment and a notice that the attachment lien has become a judgment lien in any office where the writ and notice of attachment are recorded or filed. If the attached property is real property, the plaintiff or the plaintiff's attorney may record the required abstract and notice with the same effect as if recorded by the levying officer. The judgment lien has the same priority as the attachment lien.

(c) After the death of the decedent, any one or more members of the decedent's family who were supported in whole or in part by the decedent may claim an exemption provided in Section 487.020 for property levied upon pursuant to the attachment if the right to the exemption exists at the time the exemption is claimed. The executor or administrator of the decedent's estate may claim the exemption on behalf of such member or members of the decedent's family. The claim of exemption may be made at any time prior to the time the abstract and notice has been served, recorded, or filed under subdivision (b) with respect to the property claimed to be exempt. The claim of exemption shall be made in the same manner as an exemption is claimed under Section 482.100.

SEC. 13. Section 732.5 is added to the Probate Code, to read:

732.5. A judgment creditor having a judgment that was rendered against the decedent during the decedent's lifetime may redeem any real property of the decedent from any sale under foreclosure or execution, in like manner and with like effect as if the judgment debtor were still living.

SEC. 14. This act does not apply to any case where the judgment creditor or judgment debtor or defendant in an action in which property was attached dies prior to the effective date of this act, and, notwithstanding the provisions of this act, such cases are governed by the law in effect on December 31, 1980.

## CHAPTER 125

An act to amend Section 10091 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1980. Filed with Secretary of State May 23, 1980.]

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

SECTION 1. Section 10091 of the Insurance Code is amended to read:

10091. Unless the provision or context otherwise requires, the following definitions shall govern the construction of this chapter:

(a) "Association," "industry placement facility," or "facility," means a joint reinsurance association (the California FAIR Plan Association), formed by insurers licensed to write and engaged in writing basic property insurance within this state to assist persons in securing basic property insurance and to formulate and administer a program for the equitable apportionment among such insurers of such basic property insurance.

(b) "Commissioner" means the Insurance Commissioner of this state.

(c) "Basic property insurance" means insurance against direct loss to real or tangible personal property at a fixed location in those geographic or urban areas designated by the commissioner, from perils insured under the standard fire policy and extended coverage endorsement and vandalism and malicious mischief and such other insurance coverages as may be added with respect to such property by the industry placement facility with the approval of the commissioner or by the commissioner, but shall not include insurance on automobile or farm risks.

(d) "Inspection bureau" means the organization or organizations designated by the association with the approval of the commissioner to make inspections to determine the condition of the properties for which basic property insurance is sought and to perform such other duties as may be authorized by the association.

(e) "Premiums written" means gross direct premiums charged with respect to property in this state on all policies of basic property insurance and the basic property insurance premium components of all multiperil policies, less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits.

(f) "Insurer" means any person who undertakes to indemnify another against loss, damage, or liability arising from a contingent or unknown event, and shall include reciprocals and interinsurance exchanges.

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:

When the provisions concerning the California Fair Plan Association were enacted in 1968, the inspections performed by the authorized inspection bureau were rating inspections, and the fire insurance rating organization was adequate to serve as such bureau. Today, the inspections to be performed are underwriting inspections which are outside the scope of what the currently authorized bureau can perform. Authority to approve these entities which can adequately perform the current bureau inspection requirements is urgently needed at the earliest possible date.

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## CHAPTER 126

An act to add Section 5832.8 to the Streets and Highways Code, relating to the Improvement Act of 1911, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1980 Filed with Secretary of State May 23, 1980 ]

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

SECTION 1. Section 5832.8 is added to the Streets and Highways Code, to read:

5832.8. (a) The board of supervisors may adopt an ordinance proposing the imposition of a special tax for the purpose of maintaining improvements. Such ordinance shall be submitted to the voters of the maintenance district and shall take effect upon approval of two-thirds of the voters of the district voting on the ordinance. The approval of the voters may be secured at a district or countywide election, or by a ballot mailed to each registered voter in the district. The election shall be conducted pursuant to the provisions of the Elections Code.

(b) The ordinance submitted to the voters for approval pursuant to the provisions of subdivision (a) shall specify the terms of the special tax to be imposed which shall include the manner in which the obligation of each taxpayer is determined, when the special tax is to be levied, and the method of collection. The ordinance may also specify that the special tax imposed by the ordinance may be adjusted annually by the percentage change in the total appropriations subject to limitation of the local government for purposes of Article XIII B of the California Constitution.

(c) Upon approval of the voters under subdivision (a), the board may levy the special tax as authorized by the ordinance, until superseded by a new ordinance adopted pursuant to the provisions of subdivision (a), or until repealed pursuant to an ordinance

adopted by the board.

(d) The provisions of this section shall apply only to maintenance districts located wholly within the Town of Portola Valley.

SEC. 2. The Legislature finds and declares that the special assessment tax authorized by Chapter 26 (commencing with Section 5820) of Part 3 of Division 7 of the Streets and Highways Code (Improvement Act of 1911) is an ad valorem tax and as such is subject to the limitations of Article XIII A of the California Constitution.

The Legislature further finds and declares that Section 4 of Article XIII A of the California Constitution authorizes the voters of local agencies to impose special taxes and that it is the purpose of this act to authorize the voters of maintenance districts within the Town of Portola Valley which are organized pursuant to the Improvement Act of 1911 to impose special taxes.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because the Town of Portola Valley is facing serious road maintenance problems and is unable to finance the necessary maintenance work from current revenue sources.

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 provide maintenance districts within the Town of Portola Valley with a source of revenue, upon the approval of the voters thereof, for the maintenance of streets and roads and drains, as soon as possible, in view of Article XIII A of the California Constitution, which limits the amount of ad valorem tax that may be levied on real property to 1 percent of its value, it is necessary that this act take effect immediately.

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## CHAPTER 127

An act to amend Section 4703 of the Revenue and Taxation Code, relating to tax losses reserve funds.

[Approved by Governor May 22, 1980. Filed with Secretary of State May 23, 1980 ]

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

SECTION 1. Section 4703 of the Revenue and Taxation Code is amended to read:

4703. In each county which elects to adopt the procedure authorized by this chapter there is hereby created a tax losses reserve fund.

(a) The tax losses reserve fund shall be used exclusively as

hereinafter provided to cover losses which may occur in the amount of tax liens as a result of special sales of tax-deeded property. Except as provided in subdivision (b) of this section, whenever in any year the amount of the tax losses reserve fund shall have reached an amount equivalent to 5 percent of the total of all taxes and assessments levied on the secured roll for that year the amounts hereinafter authorized to be credited to that fund shall, for the remainder of that year, be credited to the county general fund.

(b) If any county for which the rate of secured tax delinquency has been 3 percent or less for the preceding three consecutive fiscal years, whenever in any year the amount of the tax losses reserve fund shall have reached the amount equivalent to 3 percent of the total of all taxes and assessments levied on the secured rolls for that year the amounts hereinafter authorized to be credited to that fund shall, for the remainder of that year, be credited to the county general fund.

(c) If any county utilizing the procedure set forth in subdivision (b) of this section, incurs a rate of secured tax delinquency for one fiscal year that exceeds 3 percent of the total of all taxes and assessments levied on the secured rolls, the provisions of subdivision (a) of this section shall apply, including the 5-percent limit, until such time as the rate of secured tax delinquency has been 3 percent or less for three consecutive years at which time the provisions of subdivision (b) of this section shall again apply.

(d) The auditor and treasurer shall keep apportioned tax resources accounts in such a manner that the balance of amounts apportioned to funds on an accrual basis shall be known by both officers. In addition, the auditor shall keep secured taxes receivable accounts in such a manner as to establish accountability for the amounts receivable on the secured tax rolls. Secured tax rolls as used in this chapter include delinquent rolls prescribed by Section 2627 and abstracts prescribed by Section 4371.

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## CHAPTER 128

An act relating to the validation of certain acts with regard to property taxation of taxing agencies and revenue districts and of their officers.

[Approved by Governor May 22, 1980 Filed with Secretary of State May 23, 1980.]

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

SECTION 1. As used in this act, "taxing agency" includes the state, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

SEC. 2. As used in this act, "revenue district" includes every city and district for which county officers assess property and collect taxes or assessments.

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to preparing, transmitting, computing, determining, or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property, or to the levy of taxes thereon, or to tax sales or certificates of tax sales, tax deeds, or other conveyances, are hereby confirmed, validated, and declared legally effective.

SEC. 4. (a) This act is limited to the correction of defects, irregularities, and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated, and declared legally effective were taken.

(b) This act is limited to the validating of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

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

(d) Nothing in this act shall operate to make valid any property tax rate which is in excess of that permitted by law.

SEC. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

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## CHAPTER 129

An act to amend Sections 53201 and 53205 of the Government Code, relating to local agencies.

[Became law without Governor's signature May 25, 1980.
Filed with Secretary of State May 26, 1980.]

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

SECTION 1. Section 53201 of the Government Code is amended to read:

53201. (a) The legislative body of a local agency, subject to such conditions as may be established by it, may provide for any health

and welfare benefits for the benefit of its officers, employees, retired employees, and retired members of the legislative body who elect to accept the benefits and who authorize the local agency to deduct the premiums, dues, or other charges from their compensation, to the extent that such charges are not covered by payments from funds under the jurisdiction of the local agency as permitted by Government Code Section 53205.

(b) The legislative body of a local agency may also provide for the continuation of any health and welfare benefits for the benefit of former elective members of the legislative body who serve in office after January 1, 1981, and whose total service at the time of termination of service exceeds 12 years.

SEC. 2. Section 53205 of the Government Code is amended to read:

53205. From funds under its jurisdiction, the legislative body may authorize payment of all, or such portion as it may elect, of the premiums, dues, or other charges for health and welfare benefits on officers, employees, retired employees, former elective members specified in subdivision (b) of Section 53201, and retired members of the legislative body subject to its jurisdiction.

Such expenditures are charges against the funds. If the employer pays any portion of the premiums, dues, or other charges for such health and welfare benefits, any dividends paid or premiums refunded or other rebates or refunds under any such health and welfare benefits up to the aggregate expenditures of the employer for such benefits are the employer's property. The excess, if any, shall be applied by the employer for the benefit of such employees or their dependents generally.

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## CHAPTER 130

An act to amend Section 17958.5 of, and to add Section 17958.2 to, the Health and Safety Code, relating to housing.

[Became law without Governor's signature May 25, 1980
Filed with Secretary of State May 26, 1980.]

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

SECTION 1. Section 17958.2 is added to the Health and Safety Code, to read:

17958.2. Notwithstanding Section 17958, regulations of the commission adopted for limited-density owner-built rural dwellings, which are codified in Article 10 (commencing with Section 142) of Subchapter 1 of Chapter 1 of Title 25 of the California Administrative Code, shall not become operative within any city or county unless and until the governing body of the city or county makes an express finding that the application of such regulations within the city or

county is reasonably necessary because of local conditions and the city or county files a copy of such finding with the department.

SEC. 2. Section 17958.5 of the Health and Safety Code is amended to read:

17958.5. Except as provided in Section 17922.6, in adopting the ordinances or regulations pursuant to Section 17958, a city or county may make such changes or modifications in the requirements contained in the provisions published in the State Building Standards Code and the other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local conditions. In adopting ordinances or regulations for limited-density owner-built rural dwellings, as specified in Section 17958.2, a city or county may make such changes or modifications in the requirements contained in Article 10 (commencing with Section 142) of Subchapter 1 of Chapter 1 of Title 25 of the California Administrative Code as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local conditions.

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## CHAPTER 131

An act to amend Sections 21092 and 21167.3 of, and to add Section 21167.4 to, the Public Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1980. Filed with Secretary of State May 28, 1980.]

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

SECTION 1. Section 21092 of the Public Resources Code is amended to read:

21092. Any public agency which is preparing an environmental impact report or a negative declaration shall provide public notice of such fact within a reasonable period of time prior to final adoption by the public agency of such environmental impact report or negative declaration. Notice shall be given to all organizations and individuals who have previously requested such notice and shall also be given by at least one of the following procedures:

(a) Publication, no fewer times than required by Section 6061 of the Government Code, by the public agency in a newspaper of general circulation in the area affected by the proposed project.

(b) Posting of notice by the public agency on- and off-site in the area where the project is to be located.

(c) Direct mailing to the owners of contiguous property as such owners are shown on the latest equalized assessment roll.

The alternatives for providing notice specified in subdivisions (a)

to (c), inclusive, shall not preclude a public agency from providing additional notice by other means if such agency so desires, nor shall the requirements of this section preclude a public agency from providing the public notice required herein at the same time and in the same manner as public notice otherwise required by law for such project.

SEC. 2. Section 21167.3 of the Public Resources Code is amended to read:

21167.3. (a) If an action or proceeding alleging that an environmental impact report or a negative declaration does not comply with the provisions of this division is commenced during the period described in subdivision (b) or (c) of Section 21167, and if an injunction or stay is issued prohibiting the project from being carried out or approved pending final determination of the issue of such compliance, responsible agencies shall assume that the environmental impact report or the negative declaration for the project does comply with the provisions of this division and shall issue a conditional approval or disapproval of such project according to the timetable for agency action in Article 5 (commencing with Section 65950) of Chapter 4.5 of Division 1 of Title 7 of the Government Code. A conditional approval shall constitute permission to proceed with a project when and only when such action or proceeding results in a final determination that the environmental impact report or negative declaration does comply with the provisions of this division.

(b) In the event that an action or proceeding is commenced as described in subdivision (a) but no injunction or similar relief is sought and granted, responsible agencies shall assume that the environmental impact report or negative declaration for the project does comply with the provisions of this division and shall approve or disapprove the project according to the timetable for agency action in Article 5 (commencing with Section 65950) of Chapter 4.5 of Division 1 of Title 7 of the Government Code. Such approval shall constitute permission to proceed with the project at the applicant's risk pending final determination of such action or proceeding.

SEC. 3. Section 21167.4 is added to the Public Resources Code, to read:

21167.4. In a writ of mandate proceeding alleging noncompliance with this division, the petitioner shall request a hearing within 90 days of filing the petition or otherwise be subject to dismissal on the court's own motion or on the motion of any party interested therein.

SEC. 4. The Legislature hereby declares that the amendments to Section 21092 of the Public Resources Code made by this act are intended to eliminate uncertainties raised by the recent appellate court decision of Plaggmier v. City of San Jose, 101 Cal. App. 3d 842, with respect to persons entitled to receive mailed notice pursuant to such section.

In addition, insofar as Plaggmier may also raise procedural uncertainties about the manner in which public notice requirements must be met generally, the Legislature hereby affirms the general

principle that statutory requirements for public notice are fulfilled if the public agency responsible for giving the notice makes a good faith effort to follow the procedures prescribed by law for giving the notice, and that, in such circumstances, failure of any person to receive such notice shall not affect the validity of any action subsequently taken by such agency.

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 order to eliminate procedural conflicts in existing law as soon as possible and to promote the timely adjudication of disputes involving the California Environmental Quality Act, it is necessary that this act take effect immediately.

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## CHAPTER 132

An act to amend Section 1170.1, and to amend and renumber Section 1203.08, of the Penal Code, relating to felonies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1980 Filed with Secretary of State May 29, 1980.]

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

SECTION 1. The Legislature hereby finds and declares as follows:

(a) The commission of "violent felonies" as defined in subdivision (c) of Section 667.5 of the Penal Code represents a substantial threat to the welfare of the people of the State of California.

(b) The legislative intent in enacting subdivision (c) of Section 667.5 of the Penal Code was to identify these "violent felonies" and to single them out for special consideration in several aspects of the sentencing process.

(c) This act is intended to clarify and reemphasize what has been the legislative intent since July 1, 1977.

SEC. 2. Section 1170.1 of the Penal Code is amended to read:

1170.1. (a) Except as provided in subdivision (b) and subject to Section 654, when any person is convicted of two or more felonies, whether in the same proceeding or court or in different proceedings or courts, and whether by judgment rendered by the same or by a different court, and a consecutive term of imprisonment is imposed under Sections 669 and 1170, the aggregate term of imprisonment for all such convictions shall be the sum of the principal term, the subordinate term and any additional term imposed pursuant to Section 667.5 or 667.6. The principal term shall consist of the greatest term of imprisonment imposed by the court for any of the crimes,

including any enhancements imposed pursuant to Section 12022, 12022.3, 12022.5, 12022.6, 12022.7 or 12022.8. The subordinate term for each consecutive offense which is not a "violent felony" as defined in subdivision (c) of Section 667.5 shall consist of one-third of the middle term of imprisonment prescribed for each other such felony conviction for which a consecutive term of imprisonment is imposed, and shall exclude any enhancements. In no case shall the total of subordinate terms for such consecutive offenses which are not "violent felonies" as defined in subdivision (c) of Section 667.5 exceed five years. The subordinate term for each consecutive offense which is a "violent felony" as defined in subdivision (c) of Section 667.5, including those offenses described in paragraph (8) of subdivision (c) of Section 667.5, shall consist of one-third of the middle term of imprisonment prescribed for each other such felony conviction for which a consecutive term of imprisonment is imposed, and shall include one-third of any enhancements imposed pursuant to Section 12022, 12022.5 or 12022.7.

(b) In the case of any person convicted of one or more felonies committed while such person is confined in a state prison, or is subject to reimprisonment for escape from such custody and the law either requires the terms to be served consecutively or the court imposes consecutive terms, the term of imprisonment for all such convictions which such person is required to serve consecutively shall commence from the time such person would otherwise have been released from prison. If the new offenses are consecutive with each other, the principal and subordinate terms shall be calculated as provided in subdivision (a), except that the total of subordinate terms may exceed five years. The provisions of this subdivision shall be applicable in cases of convictions of more than one offense in different proceedings, and convictions of more than one offense in the same or different proceedings.

(c) When the court imposes a prison sentence for a felony pursuant to Section 1170 the court shall also impose the additional terms provided in Sections 667.5, 12022, 12022.5, 12022.6, and 12022.7, unless the additional punishment therefore is stricken pursuant to subdivision (g). The court shall also impose any other additional term which the court determines in its discretion or as required by law shall run consecutive to the term imposed under Section 1170. In considering the imposition of such additional term, the court shall apply the sentencing rules of the Judicial Council.

(d) When two or more enhancements under Sections 12022, 12022.5, and 12022.7 may be imposed for any single offense, only the greatest enhancement shall apply; however, in cases of robbery, rape or burglary, or attempted robbery, rape or burglary the court may impose both (1) one enhancement for weapons as provided in either Section 12022 or 12022.5 and (2) an enhancement for great bodily injury as provided in Section 12022.7.

(e) The enhancements provided in Sections 667.5, 667.6, 12022, 12022.3, 12022.5, 12022.6, 12022.7, and 12022.8 shall be pleaded and

proven as provided by law.

(f) The term of imprisonment shall not exceed twice the number of years imposed by the trial court as the base term pursuant to subdivision (b) of Section 1170 unless the defendant stands convicted of a "violent felony" as defined in subdivision (c) of Section 667.5, or a consecutive sentence is being imposed pursuant to subdivision (b) of this section, or an enhancement is imposed pursuant to Section 12022, 12022.5, 12022.6 or 12022.7.

(g) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in Sections 667.5, 12022, 12022.5, 12022.6, and 12022.7 if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(h) For any violation of subdivision (2) or (3) of Section 261, Section 264.1, subdivision (b) of Section 288, Section 289, or sodomy or oral copulation by force, violence, duress, menace or threat of great bodily harm as provided in Section 286 or 288a, the number of enhancements which may be imposed shall not be limited, regardless of whether such enhancements are pursuant to this or some other section of law. Each of such enhancements shall be a full and separately served enhancement and shall not be merged with any term or with any other enhancement.

SEC. 3. Section 1203.08 of the Penal Code, as added by Chapter 1153 of the Statutes of 1977, is amended and renumbered to read:

1203.085. (a) Any person convicted of an offense punishable by imprisonment in a state prison but without an alternate sentence to the county jail shall not, in any case, be granted probation or have the execution or imposition of sentence suspended, if such offense was committed while the person was on state prison parole, pursuant to Section 3000, following a term of imprisonment imposed for a "violent felony" as defined in subdivision (c) of Section 667.5.

(b) Any person convicted of a "violent felony" as defined in subdivision (c) of Section 667.5, shall not, in any case, be granted probation or have the execution or imposition of sentence suspended, if such offense was committed while the person was on state prison parole, pursuant to Section 3000.

(c) The existence of any fact which would make a person ineligible for probation under subdivision (a) or (b) shall be alleged in the information or indictment, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by plea of guilty or nolo contendere or by trial by the court sitting without a jury.

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:

Many violent criminals who commit multiple violent felonies may

escape the punishment intended by the Legislature as described in Section 1 of this act. In order to protect the public from these violent criminals and to ensure that these violent criminals are subject to the full punishment intended by the Legislature, this act must take effect immediately.

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## CHAPTER 133

An act to amend Sections 1200, 1204, and 1206 of the Health and Safety Code, relating to health.

[Approved by Governor May 28, 1980. Filed with Secretary of State May 29, 1980.]

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

SECTION 1. Section 1200 of the Health and Safety Code is amended to read:

1200. As used in this chapter, "clinic" means an organized outpatient health facility which provides direct medical, surgical, dental or podiatric advice, services, or treatment to patients who remain less than 24 hours, and which may also provide diagnostic or therapeutic services to patients in the home as an incident to care provided at the clinic facility. Nothing in this section shall be construed to prohibit the provision of nursing services in a clinic licensed pursuant to this chapter. In no case shall a clinic be deemed to be a health facility subject to the provisions of Chapter 2 (commencing with Section 1250) of this division. A place, establishment, or institution which solely provides advice, counseling, information, or referrals on the maintenance of health or on the means and measures to prevent or avoid sickness, disease, or injury, where such advice, counseling, information, or referrals does not constitute the practice of medicine, surgery, dentistry or podiatry, shall not be deemed a clinic for purposes of this chapter.

References in this chapter to "primary care clinics" shall mean and designate all the types of clinics specified in subdivision (a) of Section 1204, including community clinics, free clinics, and employees' clinics. References in this chapter to specialty clinics shall mean and designate all the types of clinics specified in subdivision (b) of Section 1204, including surgical clinics, chronic dialysis clinics, and rehabilitation clinics.

SEC. 2. Section 1204 of the Health and Safety Code is amended to read:

1204. Clinics eligible for licensure pursuant to this chapter are primary care clinics and specialty clinics.

(a) Only the following defined classes of primary care clinics shall be eligible for licensure:

(1) A "community clinic" means a clinic operated by a tax-exempt

nonprofit corporation which is supported and maintained in whole or in part by donations, bequests, gifts, grants, government funds or contributions, which may be in the form of money, goods, or services. In a community clinic, any charges to the patient shall be based on the patient's ability to pay, utilizing a sliding fee scale. No corporation other than a nonprofit corporation, exempt from federal income taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code of 1954 as amended, or a statutory successor thereof, shall operate a community clinic; provided, that the licensee of any community clinic so licensed on the effective date of this section shall not be required to obtain tax-exempt status under either federal or state law in order to be eligible for, or as a condition of, renewal of its license. No natural person or persons shall operate a community clinic.

(2) A "free clinic" means a clinic operated by a tax-exempt, nonprofit corporation supported in whole by voluntary donations, bequests, gifts, grants, government funds or contributions, which may be in the form of money, goods, or services. In a free clinic there shall be no charges directly to the patient for services rendered or for drugs, medicines, appliances, or apparatuses furnished. No corporation other than a nonprofit corporation exempt from federal income taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code of 1954 as amended, or a statutory successor thereof, shall operate a free clinic; provided, that the licensee of any free clinic so licensed on the effective date of this section shall not be required to obtain tax-exempt status under either federal or state law in order to be eligible for, or as a condition of, renewal of its license. No natural person or persons shall operate a free clinic.

(3) An "employees' clinic" means a clinic operated by an employer or jointly by two or more employers for their employees only, or by a group of employees, or jointly by employees and employers, without profit to the operators thereof or to any other person, for the prevention and treatment of accidental injuries to, and the care of the health of, the employees comprising such group.

(b) The following types of specialty clinics shall be eligible for licensure as specialty clinics pursuant to this chapter:

(1) A "surgical clinic" means a clinic which is not part of a hospital and which provides ambulatory surgical care for patients who remain less than 24 hours. A surgical clinic does not include the offices of private physicians or dentists in individual or group practice.

(2) A "chronic dialysis clinic" means a clinic which provides less than 24-hour care for the treatment of patients with end-stage renal disease, including renal dialysis services.

(3) A "rehabilitation clinic" means a clinic which, in addition to providing medical services directly, also provides physical rehabilitation services for patients who remain less than 24 hours. Rehabilitation clinics shall provide at least two of the following

rehabilitation services: physical therapy, occupational therapy, social, speech pathology, and audiology services. A rehabilitation clinic does not include the offices of a private physician in individual or group practice.

SEC. 3. Section 1206 of the Health and Safety Code is amended to read:

1206. The provisions of this chapter do not apply to the following:

(a) Except with respect to specialty clinics specified in paragraph (2) of subdivision (b) of Section 1204, any place or establishment owned or leased and operated as a clinic or office by one or more licensed physicians and surgeons, by one or more licensed dentists, by one or more licensed podiatrists, or by one or more licensed chiropractors and used as an office for the practice of medicine and surgery, dentistry, podiatry, or chiropractic, as the case may be, by such persons, regardless of the name used publicly to identify such place or establishment.

(b) Any clinic directly conducted, maintained or operated by the United States or by any of its departments, officers, or agencies, and any primary care clinic specified in subdivision (a) of Section 1204 which is directly conducted, maintained, or operated by this state or by any of its political subdivisions or districts, or by any city. Nothing in this subdivision shall preclude the state department from adopting regulations which utilize clinic licensing standards as eligibility criteria for participation in programs funded wholly or partially under Title XVIII or XIX of the federal Social Security Act.

(c) Any clinic conducted, maintained or operated by a federally recognized Indian tribe or tribal organization, as defined in Section 450 or 1601 of Title 25 of the United States Code, and which is located on land recognized as tribal land by the federal government.

(d) Clinics conducted, operated, or maintained as outpatient departments of hospitals.

(e) Any facility licensed as a health facility under the provisions of Chapter 2 (commencing with Section 1250) of this division.

(f) Any freestanding clinical or pathological laboratory licensed under the provisions of Chapter 3 (commencing with Section 1200) of Division 2 of the Business and Professions Code.

(g) A clinic operated by, or affiliated with, any institution of learning which teaches a recognized healing art and is approved by the state board or commission vested with responsibility for regulation of the practice of that healing art.

(h) A clinic that is operated on an intermittent basis by a local health department or by a community or free clinic. Such an intermittent or satellite clinic shall, however meet all requirements of law, including administrative regulations, pertaining to fire and life safety.

(i) The offices of physicians in group practice who provide a preponderance of their services to members of a comprehensive group practice prepayment health care service plan subject to Chapter 2.2 (commencing with Section 1340) of Division 2.

(j) Student health centers operated by public institutions of higher education.

(k) Nonprofit speech and hearing centers, as defined in Section 1201.5. Any nonprofit speech and hearing clinic desiring an exemption under this subdivision shall make application therefor to the State Director of Health Services, who shall grant the exception to any facility meeting the criteria of Section 1201.5. Notwithstanding the licensure exemption contained in this subdivision, a nonprofit speech and hearing center shall be deemed to be an organized outpatient clinic for purposes of qualifying for reimbursement as a rehabilitation center under the Medi-Cal Act, Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(*l*) A clinic operated by a nonprofit corporation exempt from federal income taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code of 1954, as amended, or a statutory successor thereof, which conducts medical research and health education and provides health care to its patients through a group of 40 or more physicians and surgeons, who are independent contractors representing not less than 10 board-certified specialties, and not less than two-thirds of whom practice on a full-time basis at the clinic.

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## CHAPTER 134

An act to amend Sections 35751, 38185, and 38186 of, and to repeal Section 38212 of, the Food and Agricultural Code, relating to agriculture.

[Approved by Governor May 28, 1980. Filed with Secretary of State May 29, 1980 ]

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

SECTION 1. Section 35751 of the Food and Agricultural Code is amended to read:

35751. This division does not prohibit the addition of vitamins and minerals to market milk or the sale of market milk to which any vitamins and minerals have been added if such milk is labeled to show the addition of the vitamins and minerals.

A statement of the method and manner of adding vitamins and minerals shall be filed with and approved by the director, and, when offered for sale, such vitamin and mineral milk shall not be of a standard which is below the legal requirements of market milk. When added, vitamin D shall be present in such quantity that each quart of the milk contains 400 International Units thereof within limits of good manufacturing practice. When added, vitamin A shall be present in such quantity that each quart of the milk contains not

less than 2,000 International Units thereof within limits of good manufacturing practice.

The requirements of this section shall apply to all fluid market milk products.

SEC. 2. Section 38185 of the Food and Agricultural Code is amended to read:

38185. Every label which is required by this article shall be in letters of a size or boldness as to be legible by the purchaser or consumer. If the available space on any cap, bottle, or container for such labeling is not sufficient for the full name of the distributor, a sufficient portion of the distributor's name which clearly identifies such distributor may be used in lieu of the entire distributor's name.

SEC. 3. Section 38186 of the Food and Agricultural Code is amended to read:

38186. Every container of skim or nonfat milk, except a glass container, shall be labeled, if sufficient space is available on the container, with the words "skim milk" or "nonfat milk" in letters not less than one-quarter inch in height and one-eighth inch in width.

SEC. 4. Section 38212 of the Food and Agricultural Code is repealed.

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## CHAPTER 135

An act to amend Sections 7113.5 and 8657 of the Business and Professions Code, to repeal Title 3 (commencing with Section 3448) of Part 2 of Division 4 of the Civil Code, to amend Sections 690.60, 1204.5, and 1800 of the Code of Civil Procedure, to amend Section 12100 of the Financial Code, and to repeal Section 27292 of the Government Code, relating to assignments for the benefit of creditors.

[Approved by Governor May 28, 1980 Filed with Secretary of State May 29, 1980.]

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

SECTION 1. Section 7113.5 of the Business and Professions Code is amended to read:

7113.5. The avoidance or settlement by a licensee for less than their full amount of the lawful obligations of such licensee incurred as a contractor, whether by (a) composition, arrangement, or reorganization with creditors under state law, (b) composition, arrangement, or reorganization with creditors under any agreement or understanding, (c) receivership as provided in Chapter 5 (commencing at Section 564) of Title 7 of Part 2 of the Code of Civil Procedure, (d) assignment for the benefit of creditors, (e) trusteeship, or (f) dissolution constitutes a cause for disciplinary action.

This section shall not apply to an individual settlement of the obligation of a licensee by such licensee with a creditor which is not a part of or in connection with a settlement with other creditors of such licensee.

No disciplinary action shall be commenced against a licensee for avoiding or settling in bankruptcy, or by composition, arrangement, or reorganization with creditors under federal law, the licensee's lawful obligations incurred as a contractor for less than the full amount of such obligations.

SEC. 2. Section 8657 of the Business and Professions Code is amended to read:

8657. The appointment of a receiver of the property of a licensee as provided in Chapter 5 (commencing with Section 564) of Title 7 of Part 2 of the Code of Civil Procedure, or the making of an assignment for the benefit of creditors, constitutes a cause for disciplinary action.

If a license is suspended or revoked upon the grounds set forth in this section, the registrar in his discretion may renew or reissue such license upon the condition that each contract undertaken by the licensee be separately covered by a bond or bonds conditioned upon the performance of, and the payment of labor and material required by, the contract.

SEC. 3. Title 3 (commencing with Section 3448) of Part 2 of Division 4 of the Civil Code is repealed.

SEC. 4. Section 690.60 of the Code of Civil Procedure is amended to read:

690.60. In any general assignment for the benefit of creditors (as defined in Section 493.010), the assignor, if an individual, may choose to retain as exempt property either the property which is otherwise exempt under this chapter and Title 5 (commencing with Section 1237) of Part 4 of Division 2 of the Civil Code or, in the alternative, the following property:

(a) The assignor's aggregate interest, not to exceed seven thousand five hundred dollars ($7,500) in value, in real property or personal property that the assignor or a dependent of the assignor uses as a residence, in a cooperative that owns property that the assignor or a dependent of the assignor uses as a residence, or in a burial plot for the assignor or a dependent of the assignor.

(b) The assignor's interest, not to exceed one thousand two hundred dollars ($1,200) in value, in one motor vehicle.

(c) The assignor's interest, not to exceed two hundred dollars ($200) in value in any particular item, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal, family, or household use of the assignor or a dependent of the assignor.

(d) The assignor's aggregate interest, not to exceed five hundred dollars ($500) in value, in jewelry held primarily for the personal, family, or household use of the assignor or a dependent of the

assignor.

(e) The assignor's aggregate interest, not to exceed in value four hundred dollars ($400) plus any unused amount of the exemption provided under subdivision (a), in any property.

(f) The assignor's aggregate interest, not to exceed seven hundred fifty dollars ($750) in value, in any implements, professional books, or tools, of the trade of the assignor or the trade of a dependent of the assignor.

(g) Any unmatured life insurance contract owned by the assignor, other than a credit life insurance contract.

(h) The assignor's aggregate interest, not to exceed in value four thousand dollars ($4,000) in any accrued dividend or interest under, or loan value of, any unmatured life insurance contract owned by the assignor under which the insured is the assignor or an individual of whom the assignor is a dependent.

(i) Professionally prescribed health aids for the assignor or a dependent of the assignor.

(j) The assignor's right to receive—

(1) A social security benefit, unemployment compensation, or a local public assistance benefit;

(2) A veterans' benefit;

(3) A disability, illness, or unemployment benefit;

(4) Alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the assignor and any dependent of the assignor;

(5) A payment under a stock bonus, pension, profit sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the assignor and any dependent of the assignor, unless—

(i) Such plan or contract was established by or under the auspices of an employer of which the assignor was a partner, officer, director or controlling person at the time the assignor's rights under such plan or contract arose;

(ii) Such payment is on account of age or length of service; and

(iii) Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, or 409 of the Internal Revenue Code of 1954 (26 U.S.C. 401(a), 403(a), 403(b), 408, or 409).

(k) The assignor's right to receive, or property that is traceable to—

(1) An award under a crime victim's reparation law;

(2) A payment on account of the wrongful death of an individual of whom the assignor was a dependent, to the extent reasonably necessary for the support of the assignor and any dependent of the assignor;

(3) A payment under a life insurance contract that insured the life of an individual of whom the assignor was a dependent on the date of such individual's death, to the extent reasonably necessary for the support of the assignor and any dependent of the assignor;

(4) A payment, not to exceed seven thousand five hundred dollars ($7,500), on account of personal bodily injury, as compensation for pain and suffering or actual pecuniary loss (other than loss of future earnings), of the assignor or an individual of whom the assignor is a dependent; or

(5) A payment in compensation of loss of future earnings of the assignor or an individual of whom the assignor is or was a dependent, to the extent reasonably necessary for the support of the assignor and any dependent of the assignor.

In this section, "dependent" includes spouse, whether or not actually dependent, "assignor" means each spouse, if the assignment is made by a married couple, and "value" means fair market value as of the date of the making of the assignment.

SEC. 5. Section 1204.5 of the Code of Civil Procedure is amended to read:

1204.5. In any general assignment for the benefit of creditors, the following claims shall have priority, subordinate to the priorities for labor claims under Section 1204, but prior to all other unsecured claims: allowed unsecured claims of individuals, to the extent of nine hundred dollars ($900) for each such individual, arising from the deposit, before the commencement of the case, of money in connection with the purchase, lease, or rental of property, or the purchase of services, for the personal, family, or household use of such individuals, that were not delivered or provided. The priority granted by this section shall be subordinate to that granted by Sections 18933 and 26312 of the Revenue and Taxation Code.

SEC. 6. Section 1800 of the Code of Civil Procedure is amended to read:

1800. (a) In this section:

(1) The term "insolvent" means:

(A) With reference to a person other than a partnership, a financial condition such that the sum of such person's debts is greater than all of such person's property, at a fair valuation, exclusive of:

(i) Property transferred, concealed, or removed with intent to hinder, delay, or defraud such person's creditors; and

(ii) Property that may be exempted from property of the estate under Chapter 1 (commencing with Section 681) of Title 9 of Part 2; and

(B) With reference to a partnership, financial condition such that the sum of such partnership's debts are greater than the aggregate of, at a fair valuation—

(i) All of such partnership's property, exclusive of property of the kind specified in subparagraph (A) (i); and

(ii) The sum of the excess of the value of each general partner's separate property, exclusive of property of the kind specified in subparagraph (A) (ii), over such partner's separate debts.

(2) The term "inventory" means personal property leased or furnished, held for sale or lease, or to be furnished under a contract for service, raw materials, work in process, or materials used or

consumed in a business, including farm products such as crops or livestock, held for sale or lease.

(3) The term "judicial lien" means a lien obtained by judgment, levy, sequestration, or other legal or equitable process or proceeding.

(4) The term "new value" means money or money's worth in goods, services, or new credit, or release by a transferee of property previously transferred to such transferee in a transaction that is neither void nor voidable by the assignor or the assignee under any applicable law, but does not include an obligation substituted for an existing obligation.

(5) The term "receivable" means a right to payment, whether or not such right has been earned by performance.

(6) The term "security agreement" means an agreement that creates or provides for a security interest.

(7) The term "security interest" means a lien created by an agreement.

(8) The term "statutory lien" means a lien arising solely by force of a statute on specified circumstances or conditions, or lien of distress for rent, whether or not statutory, but does not include security interest or judicial lien, whether or not such interest or lien is provided by or is dependent on a statute and whether or not such interest or lien is made fully effective by statute.

(9) The term "transfer" means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, or disposing of or parting with property or with an interest in property, including retention of title as a security interest.

(b) Except as provided in subdivision (c), the assignee of any general assignment for the benefit of creditors (as defined in Section 493.010) may recover any transfer of property of the assignor:

(1) To or for the benefit of a creditor;

(2) For or on account of an antecedent debt owed by the assignor before such transfer was made;

(3) Made while the assignor was insolvent;

(4) Made on or within 90 days before the date of the making of the assignment; and

(5) That enables such creditor to receive more than another creditor of the same class.

(c) The assignee may not recover under this section a transfer:

(1) To the extent that such transfer was:

(A) Intended by the assignor and the creditor to or for whose benefit such transfer was made to be a contemporaneous exchange for new value given to the assignor; and

(B) In fact a substantially contemporaneous exchange;

(2) To the extent that such transfer was:

(A) In payment of a debt incurred in the ordinary course of business or financial affairs of the assignor and the transferee;

(B) Made not later than 45 days after such debt was incurred;

(C) Made in the ordinary course of business or financial affairs of the assignor and the transferee; and

(D) Made according to ordinary business terms;

(3) Of a security interest in property acquired by the assignor:

(A) To the extent such security interest secures new value that was:

(i) Given at or after the signing of a security agreement that contains a description of such property as collateral;

(ii) Given by or on behalf of the secured party under such agreement;

(iii) Given to enable the assignor to acquire such property; and

(iv) In fact used by the assignor to acquire such property; and

(B) That is perfected within 10 days after such security interest attaches;

(4) To or for the benefit of a creditor, to the extent that, after such transfer, such creditor gave new value to or for the benefit of the assignor:

(A) Not secured by an otherwise unavoidable security interest; and

(B) On account of which new value the assignor did not make an otherwise unavoidable transfer to or for the benefit of such creditor;

(5) Of a perfected security interest in inventory or a receivable or the proceeds of either, except to the extent that the aggregate of all such transfers to the transferee caused a reduction, as of the date of the making of the assignment and to the prejudice of other creditors holding unsecured claims, of any amount by which the debt secured by such security interest exceeded the value of all security interest for such debt on the later of:

(A) Ninety days before the date of the making of the assignment; and

(B) The date on which new value was first given under the security agreement creating such security interest; or

(6) That is the fixing of a statutory lien.

(d) An assignee of any general assignment for the benefit of creditors (as defined in Section 493.010), may avoid a transfer of property of the assignor transferred to secure reimbursement of a surety that furnished a bond or other obligation to dissolve a judicial lien that would have been avoidable by the assignee under subdivision (b) of this section. The liability of such surety under such bond or obligation shall be discharged to the extent of the value of such property recovered by the assignee or the amount paid to the assignee.

(e) (1) For the purposes of this section:

(A) A transfer of real property other than fixtures, but including the interest of a seller or purchaser under a contract for the sale of real property, is perfected when a bona fide purchaser of such property from the debtor against whom applicable law permits such transfer to be perfected cannot acquire an interest that is superior to the interest of the transferee; and

(B) A transfer of a fixture or property other than real property is perfected when a creditor on a simple contract cannot acquire a

judicial lien that is superior to the interest of the transferee.

(2) For the purposes of this section, except as provided in paragraph (3), a transfer is made:

(A) At the time such transfer takes effect between the transferor and the transferee, if such transfer is perfected at, or within 10 days after, such time;

(B) At the time such transfer is perfected, if such transfer is perfected after such 10 days; or

(C) Immediately before the date of the making of the assignment if such transfer is not perfected at the later of:

(i) The making of the assignment; and

(ii) Ten days after such transfer takes effect between the transferor and the transferee.

(3) For the purposes of this section, a transfer is not made until the assignor has acquired rights in the property transferred.

(f) For the purposes of this section, the assignor is presumed to have been insolvent on and during the 90 days immediately preceding the date of the making of the assignment.

(g) An action by an assignee under this section must be commenced within one year after the making of the assignment.

SEC. 7. Section 12100 of the Financial Code is amended to read:

12100. The provisions of this division do not apply to any of the following:

(a) Persons or their authorized agents doing business under license and authority of the Superintendent of Banks of the State of California, or under any law of this state or of the United States relating to banks, trust companies, building or savings and loan associations, industrial loan companies, personal property brokers, credit unions, title insurance companies or underwritten title companies (as defined in Section 12402 of the Insurance Code), escrow agents subject to Division 6 of the Financial Code, or California small loan companies.

(b) (1) Any person which is licensed under Chapter 14A (commencing with Section 1851) of Division 1 of this code or any agent of such person when selling any travelers check (as defined in Section 1852 of this code) which is issued by such person.

(2) Any person which is licensed under Division 16 (commencing with Section 33000) of this code or any agent of such person, when selling any payment instrument (as defined in Section 33059 of this code) which is issued by such person.

(c) The services of a person licensed to practice law in this state, when such person renders services in the course of his practice as an attorney at law, and the fees and disbursements of such person whether paid by the debtor or other person, are not charges or costs and expenses regulated by or subject to the limitations of this chapter; provided, such fees and disbursements shall not be shared, directly or indirectly with the prorater, check seller or casher.

(d) Any transaction in which money or other property is paid to a "joint control agent" for dispersal or use in payment of the cost of

labor, materials, services, permits, fees, or other items of expense incurred in construction of improvements upon real property.

(e) A merchant-owned credit or creditors association, or a member-owned or member-controlled or -directed association whose principal functions is that of servicing the community as a reporting agency.

(f) Any person licensed under Chapter 1 of Part 6, Division 2 of the Labor Code, when acting in any capacity for which he is licensed under such part.

(g) Any person licensed under Part 1, Division 4, of the Business and Professions Code, when acting in any capacity for which he is licensed under that part.

(h) An assignment for the benefit of creditors or the operation or liquidation of property or a business enterprise under supervision of a creditor's committee.

(i) The services of a person licensed as a certified public accountant or a public accountant in this state, when such person renders services in a course of his practice as a certified public accountant or a public accountant, and the fees and disbursements of such person whether paid by the debtor or other person, are not charges or costs and expenses regulated by or subject to the limitations of this chapter; provided, such fees and disbursements shall not be shared, directly or indirectly, with the prorater, check seller or casher.

(j) Nonprofit community service organizations that are subject to the Nonprofit Public Benefit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code) or are subject to the Nonprofit Mutual Benefit Corporation Law (Part 3 (commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code) and whose membership consists exclusively of retailers, lenders in the consumer credit field, educators, attorneys, social service organizations, employers or employees organizations, and related groups, if the principal functions of such organizations are: (1) consumer credit education; (2) counseling on consumer credit problems and family budgets; and (3) arranging, and in certain cases administering, debt settlement plans, for which a charge for administrative services only may be made of 5 percent of the money disbursed monthly, or ten dollars ($10) per month, whichever is the lesser, to offset expenses; provided essential records are kept in accordance with sound accounting practices, consumer funds are banked in a trust account and appropriate fidelity bond and insurance are maintained, that reports are made to debtors, and independent audits made; and further provided, however, that this subdivision shall exempt such organizations from this division only with respect to those activities described in Section 12002.1 and not with respect to those activities described in Section 12002.

(k) Any person licensed under Article 3 (commencing with Section 1800) of Chapter 14 of Division 1 or any agent of such person, when selling any check or draft which is drawn by such person and

which is of the type described in subdivision (b) of Section 1800.5.

(*l*) Any group of banks each of which is organized under the laws of a nation other than the United States and one or more of which are licensed by the Superintendent of Banks of the State of California under Article 1 (commencing with Section 1750), Chapter 14, Division 1, or any agent of such group, when selling any foreign currency travelers check (as defined in Section 1852) issued by such group, provided that each bank which is a member of the group is jointly and severally liable to pay such foreign currency travelers check.

(m) Any transaction of the type described in Section 1854.1.

SEC. 8. Section 27292 of the Government Code is repealed.

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## CHAPTER 136

An act to amend Section 229 of, and to repeal Section 228 of, the Probate Code, relating to decedents' estates.

[Approved by Governor May 28, 1980. Filed with Secretary of State May 29, 1980]

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

SECTION 1. Section 228 of the Probate Code is repealed.

SEC. 2. Section 229 of the Probate Code is amended to read:

229. (a) If the decedent leaves no living spouse or issue and there are issue of the decedent's predeceased spouse, the portion of the decedent's estate attributable to the decedent's predeceased spouse shall go in equal shares to the children of the predeceased spouse and to their descendants by right of representation, and if none, then to the parents of the predeceased spouse, in equal shares, or if either is dead to the survivor, or if both are dead, in equal shares to the brothers and sisters of the predeceased spouse and to their descendants by right of representation.

(b) For the purposes of this section, the "portion of the decedent's estate attributable to the decedent's predeceased spouse" shall mean:

(1) One-half of the community property in existence at the time of the death of the predeceased spouse.

(2) One-half of any community property, in existence at the time of death of the predeceased spouse, which was given to the decedent by the predeceased spouse by way of gift, descent, devise, or bequest.

(3) That portion of any community property in which the predeceased spouse had any incident of ownership and which vested in the decedent upon the death of the predeceased spouse by right of survivorship.

(4) That portion of any property which, because of the death of the predeceased spouse, became vested in the decedent and was set

aside as a probate homestead.

(5) Any separate property of the predeceased spouse which came to the decedent by gift, descent, devise, or bequest of the predeceased spouse or which vested in the decedent upon the death of the predeceased spouse by right of survivorship.

(c) Notwithstanding subdivision (a), if the decedent leaves neither issue nor spouse, that portion of the decedent's estate created by gift, descent, devise, or bequest from the separate property of a parent or grandparent shall go to the parent or grandparent who made such gift, devise, or bequest or from whom the property descended, or if such parent or grandparent is dead, such property shall go in equal shares to the heirs of such deceased parent or grandparent.

(d) That portion of the decedent's estate not otherwise subject to this section shall be distributed pursuant to the provisions of this article, except that if a portion of the decedent's estate would otherwise escheat to the state because there is no relative, including next of kin, such portion of the estate shall be distributed as provided by subdivision (a) along with any portion of the decedent's estate attributable to the decedent's predeceased spouse.

(e) If any of the property subject to the provisions of this section would otherwise escheat to this state because there is no relative, including next of kin, of one of the spouses to succeed to such portion of the estate, such property shall be distributed in accordance with the provisions of Section 296.4.

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## CHAPTER 137

An act to amend Sections 798.10 and 798.15 of the Civil Code, relating to mobilehome parks.

[Approved by Governor May 30, 1980. Filed with Secretary of State May 30, 1980 ]

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

SECTION 1. Section 798.10 of the Civil Code is amended to read:

798.10. "Change of use" means a use of the park for a purpose other than the rental, or the holding out for rent, of two or more mobilehome sites to accommodate mobilehomes used for human habitation, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A change of use may affect an entire park or any portion thereof. "Change of use" includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are to be sold.

SEC. 2. Section 798.15 of the Civil Code is amended to read:

798.15. The rental agreement shall be in writing and shall

contain, in addition to the provisions otherwise required by law to be included, all of the following:

(a) The term of the tenancy and the rent therefor.

(b) The rules and regulations of the park.

(c) The language of the provisions of this chapter.

(d) A provision specifying that it is the responsibility of the management to provide and maintain physical improvements in the common facilities in good working order and condition.

(e) A description of the physical improvements to be provided the tenant during his tenancy.

(f) A provision listing those services which will be provided at the time the rental agreement is executed and will continue to be offered for the term of tenancy and the fees, if any, to be charged for those services.

(g) A provision specifying that the management shall meet and consult with the tenants, upon written request, either individually, collectively, or with representatives of a group of tenants who have signed a request to be so represented on the following matters:

(1) Amendments to park rules and regulations.

(2) Standards for maintenance of physical improvements in the park.

(3) Addition, alteration, or deletion of service, equipment, or physical improvements.

The provision shall provide that any collective meeting shall be conducted only after notice thereof has been given to all the requesting tenants 10 days or more before the meeting.

(h) All other provisions governing the tenancy.

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## CHAPTER 138

An act to amend Sections 7065, 7068, 7151, 7152, 7159, 7167, 7170, 7171, 7172, and 7173 of, to add Section 7065.1 to, and to repeal the heading of Article 11 (commencing with Section 7165) of Chapter 9 of Division 3 of, the Business and Professions Code, relating to contractors, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 30, 1980 Filed with Secretary of State May 30, 1980 ]

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

SECTION 1. Section 7065 of the Business and Professions Code is amended to read:

7065. Under rules and regulations adopted by the board and approved by the director, the registrar shall investigate, classify and qualify applicants for contractors' licenses by written examination. Neither the board nor the registrar may waive an examination for a

contractor's license unless the applicant is a licensee who is applying for an additional license in the same classification. For the purposes of this section, the term "licensee" shall include, but not be limited to, a responsible managing individual.

SEC. 1.5. Section 7065.1 is added to the Business and Professions Code, to read:

7065.1. Notwithstanding Section 7065, under rules and regulations adopted by the board and approved by the director, the registrar may waive a written examination for an individual applying to qualify as a responsible managing individual on behalf of a licensee if the individual applying to qualify has been continually employed by the licensee in a supervisory capacity for not less than five years and the licensee has held a license in good standing for not less than five years in the same classification as the classification being applied for.

SEC. 2. Section 7068 of the Business and Professions Code is amended to read:

7068. The board shall require an applicant to show such degree of knowledge and experience in the classification applied for, and such general knowledge of the building, safety, health and lien laws of the state and of the administrative principles of the contracting business as the board deems necessary for the safety and protection of the public. An applicant shall qualify in regard to his experience and knowledge in one of the following ways:

(a) If an individual, he shall qualify by personal appearance or by the appearance of his responsible managing employee who is qualified for the same license classification as the classification being applied for.

(b) If a copartnership or a limited partnership, it shall qualify by the appearance of a general partner or by the appearance of a responsible managing employee who is qualified for the same license classification as the classification being applied for.

(c) If a corporation, or any other combination or organization, it shall qualify by the appearance of a responsible managing officer or responsible managing employee who is qualified for the same license classification as the classification being applied for.

A responsible managing employee for the purpose of this chapter shall mean an individual who is a bona fide employee of the applicant and is actively engaged in the classification of work for which such responsible managing employee is the qualifying person in behalf of the applicant.

The board shall, in addition, require an applicant who qualifies by means of a responsible managing employee under either subdivision (a) or (b) to show his general knowledge of the building, safety, health and lien laws of the state and of the administrative principles of the contracting business as the board deems necessary for the safety and protection of the public.

Except in accordance with Section 7068.1, no person qualifying on behalf of an individual or firm under subdivision (a), (b), or (c) shall

hold any other active contractor's license while acting in the capacity of a qualifying individual pursuant to this section.

At the time of application for renewal of a license, the responsible managing individual shall file a statement with the registrar, on a form prescribed by the registrar, verifying his capacity as a responsible managing individual to the licensee.

Statements made by or on behalf of an applicant as to the applicant's experience in the classification applied for shall be verified by a qualified and responsible person. In addition, the registrar shall, as specified by board regulation, randomly review a percentage of such statements for their veracity.

Any licensee who has qualified for a license prior to January 1, 1980, by means of a responsible managing employee or officer, shall be permitted to continue as a licensee until January 1, 1982, during which time such licensee shall convert his or her qualifying status to conform with the requirements of this section as amended at the 1979–80 Regular Session of the Legislature.

SEC. 3. Section 7151 of the Business and Professions Code is amended to read:

7151. "Home improvement" means the repairing, remodeling, altering, converting, or modernizing of, or adding to, residential property and shall include, but not be limited to, the construction, erection, replacement, or improvement of driveways, swimming pools not subject to the provisions of Section 7167, terraces, patios, landscaping, fences, porches, garages, fallout shelters, basements, and other improvements of the structures or land which is adjacent to a dwelling house. "Home improvement" shall also mean the installation of home improvement goods or the furnishing of home improvement services.

For purposes of this chapter, "home improvement goods or services" means goods and services, as defined in Section 1689.5 of the Civil Code, which are bought in connection with the improvement of real property. Such home improvement goods and services include, but are not limited to, burglar alarms, carpeting, texture coating, fencing, air conditioning or heating equipment, and termite extermination. Home improvement goods include goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part of real property whether or not severable therefrom.

SEC. 4. Section 7152 of the Business and Professions Code is amended to read:

7152. "Home improvement salesman" is a person employed by a contractor licensed under this chapter, to solicit, sell, negotiate or execute home improvement contracts under which home improvements may be performed by the contractor, or a swimming pool contract subject to Section 7167. "Home improvement salesman" is also a person who solicits, sells, negotiates or executes contracts for the sale, installation, or furnishing of home improvement goods or services. Officers of corporations licensed

pursuant to this chapter, persons who qualify under Section 7068.1, sales persons whose sales are all made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale, and sales persons whose sales are all made pursuant to negotiations between the parties initiated by the prospective buyer at or to such business establishment shall not be considered home improvement salesmen.

"Home improvement salesman" shall not include a seller of home improvement goods or services who does not utilize a contract which provides for a lien on real property.

SEC. 5. Section 7159 of the Business and Professions Code is amended to read:

7159. This section shall apply only to home improvement contracts, as defined in Section 7151.2, between a contractor, whether a general contractor or a specialty contractor, who is licensed or subject to be licensed pursuant to this chapter with regard to such transaction and who contracts with an owner or tenant for work upon a building or structure for proposed repairing, remodeling, altering, converting, or modernizing such building or structure and where the aggregate contract price specified in one or more improvement contracts, including all labor, services, and materials to be furnished by the contractor, exceeds five hundred dollars ($500).

Every home improvement contract and any changes in the contract subject to the provisions of this section shall be evidenced by a writing and shall be signed by all the parties to the contract thereto. The writing shall contain the following:

(a) The name, address, and license number of the contractor, and the name and registration number of any salesman who solicited or negotiated the contract.

(b) The approximate dates when the work will begin and be substantially completed.

(c) A description of the work to be done and description of the materials to be used and the equipment to be used or installed and the agreed consideration for the work.

(d) If the payment schedule contained in the contract provides for a downpayment to be paid to the contractor by the owner or the tenant before the commencement of work, such downpayment shall not exceed one thousand dollars ($1,000) or 10 percent of the contract price, excluding finance charges, whichever is the lesser.

(e) A schedule of payments showing the amount of each payment as a sum in dollars and cents. In no event shall the payment schedule provide for the contractor to receive, or shall the contractor actually receive, payments in excess of 100 percent of the value of the work performed on the project at any time, excluding finance charges, except that the contractor may receive an initial downpayment authorized by subdivision (d). A failure by the contractor without lawful excuse to substantially commence work within twenty (20) days of the approximate date specified in the contract when work

will begin shall postpone the next succeeding payment to the contractor for that period of time equivalent to the time between when substantial commencement was to have occurred and when it did occur. The schedule of payments shall be stated in dollars and cents, and shall be specifically referenced to the amount of work or services to be performed and to any materials and equipment to be supplied. With respect to a contract which provides for a schedule of monthly payments to be made by the owner or tenant and for a schedule of payments to be disbursed to the contractor by a person or entity to whom the contractor intends to assign the right to receive the owner's or tenant's monthly payments, the payments referred to in this subdivision mean the payments to be disbursed by the assignee and not those payments to be made by the owner or tenant.

(f) The requirements of subdivisions (d) and (e) pertaining to the payment schedule shall not apply when the contract provides for the contractor to furnish a performance and payment bond, lien and completion bond, bond equivalent, or joint control approved by the Registrar of Contractors covering full performance and completion of the contract and such bonds or joint control is or are furnished by the contractor, or when the parties agree for full payment to be made upon or for a schedule of payments to commence after satisfactory completion of the project. The contract shall contain in close proximity to the signatures of the owner and contractor a notice in at least 10-point type stating that such owner or tenant has the right to require the contractor to have a performance and payment bond.

(g) If the contract provides for a payment of a salesman's commission out of the contract price, such payment shall be made on a pro rata basis in proportion to the schedule of payments made to the contractor by the disbursing party in accordance with subdivision (e).

(h) The language of the notice required pursuant to Section 7018.5.

(i) What constitutes substantial commencement of work pursuant to the contract.

(j) A notice that failure by the contractor without lawful excuse to substantially commence work within twenty (20) days from the approximate date specified in the contract when work will begin is a violation of the Contractors License Law.

(k) If the contract provides for a contractor to furnish joint control, the contractor shall not have any financial or other interest in such joint control.

A failure by the contractor without lawful excuse to substantially commence work within twenty (20) days from the approximate date specified in the contract when work will begin is a violation of this section.

This section shall not be construed to prohibit the parties to a home improvement contract from agreeing to a contract or account subject to Chapter 1 (commencing with Section 1801) of Title 2 of

Part 4 of Division 3 of the Civil Code.

The writing may also contain other matters agreed to by the parties to the contract.

The writing shall be legible and shall be in such form as to clearly describe any other document which is to be incorporated into the contract, and before any work is done, the owner shall be furnished a copy of the written agreement, signed by the contractor.

For purposes of this section, the board shall, by regulation, determine what constitutes "without lawful excuse."

The provisions of this section are not exclusive and do not relieve the contractor or any contract subject to it from compliance with all other applicable provisions of law.

A violation of this section by a licensee, or a person subject to be licensed, under this chapter, his agent, or salesman is a misdemeanor punishable by a fine of not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 6. The heading of Article 11 (commencing with Section 7165) of Chapter 9 of Division 3 of the Business and Professions Code is repealed.

SEC. 7. Section 7167 of the Business and Professions Code is amended to read:

7167. Every contract the primary purpose of which is the construction of a swimming pool shall be subject to the provisions of this section. Every contract and any changes in the contract subject to the provisions of this section shall be in writing and shall be signed by all parties to the contract. The writing shall contain the following:

(a) The name, address, and license number of the contractor, and the name and registration number of any salesman who solicited or negotiated the contract.

(b) The approximate date when the work will begin and the date certain on which all construction is to be completed.

(c) A plan and scale drawing showing the shape, size, dimensions, and construction and equipment specifications, of the pool, as approved by the person contracting for construction, and a description of all work to be done, the materials and equipment to be used, and the agreed consideration for the work.

(d) If the payment schedule contained in the contract provides for a downpayment to be paid to the contractor by the owner before the commencement of work, such downpayment shall not exceed two hundred dollars ($200) or 2 percent of the contract price, excluding finance charges, whichever is the lesser.

(e) A schedule of payments showing the amount of each payment as a sum in dollars and cents. In no event shall the payment schedule provide for the contractor to receive, or shall the contractor actually receive, payments in excess of 100 percent of the value of the work performed on the project at any time, excluding finance charges, except that the contractor may receive an initial downpayment

authorized by subdivision (d) and final payment at the completion of the final plastering phase of construction provided that any installation or construction of equipment, decking, or fencing required by the contract is also completed. The schedule of payments shall be stated in dollars and cents, and shall be specifically referenced to the amount of work to be performed and to any materials and equipment to be supplied. With respect to a contract which provides for a schedule of monthly payments to be made by the owner and for a schedule of payments to be disbursed to the contractor by a person or entity to whom the contractor intends to assign the right to receive the owner's monthly payments, the payments referred to in this subdivision mean the payments to be disbursed by the assignee and not those payments to be made by the owner.

(f) The contract shall state that upon satisfactory payment being made for any portion of the work performed, the contractor shall, prior to any further payment being made, furnish to the person contracting for the swimming pool a full and unconditional release from any claim of mechanic's lien by the contractor, or by a person entitled to enforce a mechanic's lien pursuant to Section 3114 of the Civil Code, for that portion of the work for which payment has been made. With respect to a contract which provides for a schedule of monthly payments to be made by the owner and for a schedule of payments to be disbursed to the contractor by a person or entity to whom the contractor intends to assign the right to receive the owner's monthly payments, the payments referred to in this subdivision mean the payments to be disbursed by the assignee and not those payments to be made by the owner.

(g) The requirements of subdivisions (d), (e), and (f) shall not apply when the contract provides for the contractor to furnish a performance and payment bond, lien and completion bond, or a bond equivalent approved by the Registrar of Contractors covering full performance and completion of the contract and such bonds are furnished by the contractor, or when the parties agree for full payment to be made upon or for a schedule of payments to commence after satisfactory completion of the project. The contract shall contain in close proximity to the signature of the owner a notice in at least 10-point type stating that such owner has the right to require the contractor to have a performance and payment bond.

(h) No additional work shall be performed without prior written authorization of the person contracting for the construction of the swimming pool. Any such authorization shall be on a contract change-order form showing the agreed terms and reasons for such changes, and shall be approved by both parties in writing. Any such change-order forms shall be incorporated in, and become a part of, the contract.

The writing may also contain other matters agreed to by the parties to the contract.

The writing shall be legible and shall be in such form as to clearly

describe any other document which is to be incorporated into the contract, and before any work is done, the owner shall be furnished a copy of the written agreement, signed by the contractor.

(i) The language of the notice required pursuant to Section 7018.5.

SEC. 8. Section 7170 of the Business and Professions Code is amended to read:

7170. The provisions of Section 7167 shall not apply to contracts for the construction of swimming pools to be built for the use and enjoyment of other than a single-family unit upon or contiguous to premises occupied only by a single-family unit, nor shall they apply to the construction of swimming pools built as part of an original building plan by the same contractor who builds a single-family dwelling unit on the premises.

SEC. 9. Section 7171 of the Business and Professions Code is amended to read:

7171. The provisions of Section 7167 are not exclusive and do not relieve the contractor or any contract subject to them from compliance with all other applicable provisions of law, provided, however, that any contract subject to the provisions of Section 7167 shall not be subject to Section 7159.

SEC. 10. Section 7172 of the Business and Professions Code is amended to read:

7172. Any contract the primary purpose of which is the construction of a swimming pool which does not comply with the applicable provisions of Section 7167 shall be void and unenforceable by the contractor as contrary to public policy.

SEC. 11. Section 7173 of the Business and Professions Code is amended to read:

7173. A violation of the provisions of Section 7167 by a licensee under this chapter, his agent, or salesman, or by any person acting in the capacity of a contractor, is a misdemeanor punishable by a fine of not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 12. Notwithstanding Section 7065 of the Business and Professions Code, the Contractors' State License Board and the Registrar of Constractors may waive an examination for a contractor's license for any applicant who is otherwise qualified for a license and whose application was on file prior to January 1, 1980.

SEC. 13. Notwithstanding the provisos to Item 437 of the Budget Act of 1979, the sum of one million eighty-nine thousand eight hundred ninety-four dollars ($1,089,894), or so much thereof as may be necessary, is hereby appropriated from the unencumbered balance of the Contractors' License Fund for expenditure in accordance with the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code to meet contingencies and emergencies during the 1979–80 fiscal year.

SEC. 14. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

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

Certain ambiguities in the provisions of Chapters 747 and 1013 of the Statutes of 1979, have had a serious impact on the availability of financing for home improvement and swimming pool contracts and have caused serious and unreasonable delay, even up to eight months in some cases, in the licensing process for contractors, with the result that there presently are approximately 27,000 applications awaiting action by the Contractors' State License Board. These delays can seriously jeopardize careers and jobs in this state, to the ultimate detriment of the state's economy and the welfare of its residents.

In order to resolve these ambiguities at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 139

An act to add Chapter 6 (commencing with Section 3800) to Division 3 of the Public Resources Code, relating to geothermal revenues, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 30, 1980 Filed with Secretary of State May 30, 1980 ]

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

SECTION 1. Chapter 6 (commencing with Section 3800) is added to Division 3 of the Public Resources Code, to read:

### CHAPTER 6. DISPOSITION OF GEOTHERMAL REVENUES

#### Article 1. Purpose

3800. The purpose of this chapter is to provide for the allocation of revenues distributed to the state pursuant to Section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 191), with respect to activities of the United States Bureau of Land Management undertaken pursuant to the Geothermal Steam Act of 1970 (Chapter 23 (commencing with Section 1001) of Title 30 of the United States Code) in order to accomplish the following general objectives:

(a) Reduction of dependence on fossil fuels and stimulation of the state's economy through development of geothermal resources.

(b) Mitigation of the adverse social, economic, and environmental impacts of geothermal development.

(c) Financial assistance to cities, counties, and districts to offset the costs of providing public services and facilities necessitated by the development of geothermal resources within their jurisdictions.

(d) Maintenance of the productivity of renewable resources through the investment of the proceeds of a depleting resource.

## Article 2. Definitions

3805. The definitions set forth in this article shall govern the construction of this chapter.

3806. "County of origin" means any county in which the United States Bureau of Land Management has leased lands for geothermal development.

3807. "Local jurisdiction" means any city, county, or district, or any combination thereof formed for the joint exercise of any power.

3808. "Geothermal resources" means geothermal resources designated by the United States Geological Survey or the Department of Conservation, or by both.

The department shall periodically review, and revise as necessary, its designation of geothermal resource areas and shall transmit any changes to the State Energy Resources Conservation and Development Commission.

## Article 3. Allocation and Use of Revenues

3820. (a) The Geothermal Resources Development Account is hereby created in the General Fund.

(b) All revenues received by the state pursuant to Section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 191), with respect to activities of the United States Bureau of Land Management undertaken pursuant to the Geothermal Steam Act of 1970 (Chapter 23 (commencing with Section 1001) of Title 30 of the United States Code) shall be deposited in the Geothermal Resources Development Account immediately upon receipt, and are hereby continuously appropriated from the account for expenditure or transfer in the manner and at the times specified in this article.

(c) Commencing with the 1980–81 fiscal year, two million dollars ($2,000,000), or so much thereof as may be necessary, of the revenues received by the state pursuant to Section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 191), from sources other than activities undertaken pursuant to the Geothermal Steam Act of 1970 (Chapter 23 (commencing with Section 1001) of Title 30 of the United States Code) shall be deposited each fiscal year in the account until a total amount is deposited which is equal to the revenues that were received by the state on and after January 1, 1976, from activities undertaken pursuant to the Geothermal Steam Act of 1970, but which were not deposited in the account pursuant to subdivision (b). The revenues so deposited are hereby continuously appropriated from the account for expenditure or transfer in the manner and at the times specified in this article. The deposit of revenues required by this subdivision are in addition to the deposit of revenues required by subdivision (b).

3821. (a) Upon receipt and deposit of revenues in the Geothermal Resources Development Account, 40 percent of the revenues derived from the sale of a lease, and any bonus paid in connection therewith, shall be immediately disbursed by the State Controller to the county of origin; and 40 percent of the revenues consisting of royalties and rents shall be immediately disbursed to all counties of origin in proportion to the amounts of the revenues derived from existing leases within each county of origin. If a lease includes land in more than one county, each county's share shall be computed on the basis of the ratio that the acreage within each county bears to the total acreage in the lease.

(b) Each county of origin shall establish for deposit of such revenues an account or fund separate from the other accounts and funds of the county, and may expend such revenues only for the purposes specified in this chapter.

3822. (a) At the commencement of each fiscal year, 30 percent of the revenues received and deposited in the Geothermal Resources Development Account during the preceding fiscal year shall be available for expenditure by the State Energy Resources Conservation and Development Commission as grants to local jurisdictions having geothermal resources.

(b) No local jurisdiction shall be eligible to apply for a grant pursuant to this section unless its governing body approves the application by resolution.

(c) Each recipient of a grant made pursuant to this section shall establish for deposit of such revenues an account or fund separate from the other accounts and funds of the recipient, and may expend such revenues only for the purposes specified in this chapter.

(d) The State Energy Resources Conservation and Development Commission shall make grants pursuant to this section irrespective of whether a local jurisdiction is a county of origin.

(e) Any of the revenues that are not disbursed as grants pursuant to this section during the fiscal year following their receipt shall be retained in the account and may be disbursed as grants pursuant to this section in succeeding fiscal years.

3823. Revenues disbursed to counties of origin pursuant to Section 3821 and grants made to local jurisdictions pursuant to Section 3822 shall be expended by the county or recipient for the following purposes:

(a) With respect to any local jurisdiction in which development of geothermal resources is contemplated, the revenues shall be expended for the following planning activities:

(1) Resource assessment and exploration technology.

(2) Local and regional planning and policy development and implementation necessary for compliance with programs required by local, state, or federal laws and regulations.

(3) Identification of feasible measures that will mitigate the adverse impacts of the development of geothermal resources and the adoption of ordinances, regulations, and guidelines to implement

such measures.

(4) Collecting baseline data and conducting environmental monitoring.

(5) Preparation or revision of geothermal resource elements, or geothermal components of energy elements, for inclusion in the local general plan, zoning and other ordinances, and related planning and environmental documents.

(b) With respect to any local jurisdiction in which geothermal resources are being developed or are in production, the revenues shall be expended for the following activities:

(1) Administrative costs incurred by the local jurisdiction that are attributable to the development or production of geothermal resources.

(2) Monitoring and inspecting geothermal facilities and related activities to assure compliance with applicable laws, regulations, and ordinances.

(3) Identifying, researching, and implementing feasible measures that will mitigate the adverse impacts of such development or production.

(4) Planning, constructing, providing, operating, and maintaining those public services and facilities that are necessitated by and result from such development or production.

(5) Undertaking projects demonstrating the technical and economic feasibility of geothermal direct heat and electrical generation applications.

(6) Undertaking projects for the enhancement, restoration, or preservation of natural resources, including, but not limited to, water development, water quality improvement, fisheries enhancement, and park and recreation facilities and areas.

3824. At the commencement of each fiscal year, 30 percent of the revenues received and deposited in the Geothermal Resources Development Account shall be transferred to the Parklands and Renewable Resources Investment Fund and shall be available for appropriation by the Legislature in the manner set forth in Section 34015.

This section shall not become operative before July 1, 1980, and shall become operative July 1, 1980, only if Proposition 1 on the ballot for the statewide election on June 3, 1980, is adopted by the people of this state.

3825. At the commencement of each fiscal year, 30 percent of the revenues received and deposited in the Geothermal Resources Development Account shall be transferred to the Renewable Resources Investment Fund, which was created by former Section 7150.6 of the Fish and Game Code and is hereby continued in existence, and shall be available for appropriation by the Legislature for expenditure for the purposes of Section 34000 of the Public Resources Code, as added by Section 3 of Chapter 9 of the Statutes of 1980.

This section shall not become operative prior to July 1, 1980, and

shall become operative July 1, 1980, only if Proposition 1 on the ballot for the statewide election on June 3, 1980, is not adopted by the people of this state.

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:

Moneys have been received from the federal government from geothermal leases and, in order to provide for the prompt allocation thereof, it is essential that this act take effect immediately.

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## CHAPTER 140

An act to amend Section 22507 of the Vehicle Code, relating to parking.

[Approved by Governor May 30, 1980 Filed with Secretary of State May 30, 1980 ]

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

SECTION 1. Section 22507 of the Vehicle Code is amended to read:

22507. Local authorities may, by ordinance or resolution, prohibit or restrict the parking or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day. Such ordinance or resolution may include a designation of certain streets upon which preferential parking privileges shall be given to residents and merchants adjacent to such streets for their use and the use of their guests, under which such residents and merchants may be issued a permit or permits which exempt them from the prohibition or restriction of such ordinance or resolution. With the exception of alleys, no such ordinance or resolution shall apply until signs or markings giving adequate notice thereof have been placed. A local ordinance or resolution adopted pursuant to this section may contain provisions which are reasonable and necessary to insure the effectiveness of a preferential parking program.

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## CHAPTER 141

An act to amend Section 66 of the Military and Veterans Code, relating to veterans.

[Approved by Governor May 30, 1980 Filed with Secretary of State May 30, 1980.]

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

SECTION 1. Section 66 of the Military and Veterans Code is amended to read:

66. Six members of the board shall be veterans as the term "veteran" is defined in Section 980 of this code, and one member of the board may, in lieu thereof, be a veteran as the term "veteran" is defined in Section 18540.4 of the Government Code. In addition, one member shall be retired from the active or reserve forces of the United States military service.

SEC. 2. A veteran, as defined in Section 980 of the Military and Veterans Code, who is retired from United States military service shall be appointed to the next vacancy on the California Veterans Board occurring after January 1, 1981, for a four-year term.

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## CHAPTER 142

An act to amend Section 23010 of the Government Code, relating to counties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 30, 1980. Filed with Secretary of State May 30, 1980.]

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

SECTION 1. Section 23010 of the Government Code is amended to read:

23010. (a) Pursuant to a resolution adopted by its board of supervisors, a county may lend any of its available funds to any community services district, county waterworks district, mosquito abatement district, pest abatement district, fire protection district, flood control and water conservation district, recreation and park district, regional park district, regional park and open-space district, regional open-space district, or public cemetery district located wholly within the county, if its funds are or when available will be in the custody of the county or any officer of the county, in order to enable the district to perform its functions and meet its obligations. The loan shall not exceed 85 percent of the district's anticipated revenue for the fiscal year in which it is made or for the next ensuing fiscal year, and shall be repaid out of such revenue prior to the payment of any other obligation of the district.

(b) Pursuant to a resolution adopted by its board of supervisors, a county in which the majority of the assessed valuation of a special district is located may loan any of its available funds to such district, in order to enable the district to perform its functions and meet its obligations. The loan shall not exceed 85 percent of the special district's anticipated property tax revenue projected to be generated

for the fiscal year in which it is made or for the next ensuing fiscal year within that portion of the district's territory which is located within the county. Such loan shall be repaid out of any available revenue of the special district prior to the payment of any other obligation of the district.

For purposes of this subdivision, "special district" means a special district, as defined in Section 54775, which is located in more than one county.

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:

Presently some districts which are located within the boundaries of more than one county are experiencing short term cash flow problems. Existing law authorizes the board of supervisors of a county to make prescribed dry period loans to enumerated districts located wholly within the county. In order to authorize counties to make such loans to certain districts located in part within the county and to facilitate the making of these loans and the continuation of vital services provided by these districts, as soon as possible, it is necessary that this act take effect immediately.

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## CHAPTER 143

An act to amend Section 1047 of the Education Code, relating to county boards of education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 30, 1980 Filed with Secretary of State May 30, 1980 ]

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

SECTION 1. Section 1047 of the Education Code is amended to read:

1047. A county board of education, to which all of the duties and functions of the county board of supervisors have been transferred pursuant to Section 1080 may exercise the power of eminent domain to acquire any property necessary or convenient for carrying out the provisions of this article.

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 certain county boards of education throughout the state may exercise the power of eminent domain necessary to acquire property and to facilitate the financing of central services facilities construction, so as to assure at the earliest possible time the

least disruption of its administrative responsibilities, it is necessary that this act take effect immediately.

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## CHAPTER 144

An act making an appropriation to pay the claims of the Secretary of the State Board of Control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1980 Filed with Secretary of State June 4, 1980.]

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

SECTION 1. The sum of seven million six hundred sixty-eight thousand ninety-seven dollars and eighty cents ($7,668,097.80) is hereby appropriated from the funds indicated to the State Board of Control to pay the claims of the Secretary of the State Board of Control:

| | |
|---|---|
| General Fund | $7,577,896.54 |
| State Transportation Fund | |
| Motor Vehicle Account | 24,172.36 |
| Motor Vehicle License Fee Account | 3,760.00 |
| State Highway Account | 6,189.81 |
| Aeronautics Account | 57.51 |
| Real Estate Fund | 40.00 |
| Unemployment Administration Fund | 4,376.77 |
| Unemployment Insurance Fund | 150.00 |
| Unemployment Compensation Disability Insurance Fund | 15.14 |
| State Compensation Insurance Fund | 1,223.80 |
| Architectural Examiners Fund | 51.50 |
| Water Resources Revolving Fund | 3,033.14 |
| Fish and Game Preservation Fund | 14,782.64 |
| Strong Motion Instrumentation Fund | 19,575.34 |
| Item 301, Budget Act of 1979 | 6,259.00 |
| Item 150, Budget Act of 1979 | 6,514.25 |
| Total | $7,668,097.80 |

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 settle claims against the state and end a hardship to claimants as quickly as possible, it is necessary for this act to take effect immediately.

## CHAPTER 145

An act making an appropriation for construction, and in this connection amending and supplementing the Budget Act of 1979 by adding Section 2.25 thereto, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1980. Filed with Secretary of State June 4, 1980]

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

SECTION 1. Section 2.25 is added to Chapter 259 of the Statutes of 1979, to read:

Sec. 2.25. The following sums of money, or so much thereof as may be necessary, unless otherwise provided herein, are hereby appropriated for expenditure during the 1979–80, 1980–81, and 1981–82 fiscal years, except that appropriations for studies, planning, and working drawings, and minor capital outlay shall be available for expenditure only during the 1979–80 fiscal year. In addition, every appropriation made in this section for construction, or working drawings and construction, that has not been approved by the State Public Works Board on or before June 30, 1980, shall revert as of that date to the fund from which the appropriation was made. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

For capital outlay, Department of General Services.... 6,388,934

Schedule:

(a) Construction—

Department of Justice Building, phase II, Sacramento ..... 6,388,934

provided, that no expenditure from this section for landscaping shall be made unless the landscaping is low-maintenance, as determined by the Department of General Services.

The appropriation contained in this section is a reappropriation of the funds appropriated in Item 441, Budget Act of 1978, and is in addition to any other amounts heretofore appropriated and subject to all of the limitations applicable thereto.

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 benefits and savings which will result from this act to be maximized, it is necessary that this act become effective immediately.

## CHAPTER 146

An act to add Sections 26840.7 and 26840.8 to the Government Code, and to amend the heading of Chapter 5 (commencing with Section 18290) of Part 6 of Division 9 of, and to amend Sections 18290 and 18293 of, and to add Sections 18294, 18295, 18296, 18297, 18298, 18304 and 18305 to, and to repeal and add Section 18291 of, the Welfare and Institutions Code, and to repeal Sections 2 and 3 of Chapter 892 of the Statutes of 1977, relating to domestic violence, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1980. Filed with Secretary of State June 4, 1980.]

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

SECTION 1. Section 26840.7 is added to the Government Code, to read:

26840.7. In addition to the fee prescribed by Section 26840 and as authorized by Section 26840.3, the county clerk shall collect a fee of eight dollars ($8) at the time of issuance of the license. Such fee shall be disposed of by the clerk pursuant to the provisions of Chapter 5 (commencing with Section 18290) of Part 6 of Division 9 of the Welfare and Institutions Code.

SEC. 1.5. Section 26840.8 is added to the Government Code, to read:

26840.8. In addition to the fee prescribed by Section 26840.1 and as authorized by Section 26840.3, the county clerk shall collect a fee of eight dollars ($8) at the time of filing the certificate. Such fee shall be disposed of by the clerk pursuant to the provisions of Chapter 5 (commencing with Section 18920) of Part 6 of Division 9 of the Welfare and Institutions Code.

SEC. 2. The heading of Chapter 5 (commencing with Section 18290) of Part 6 of Division 9 of the Welfare and Institutions Code is amended to read:

### CHAPTER 5. THE DOMESTIC VIOLENCE CENTERS ACT

SEC. 3. Section 18290 of the Welfare and Institutions Code is amended to read:

18290. The Legislature hereby finds and declares that there is a present and growing need to develop innovative strategies and services which will ameliorate and reduce the trauma of domestic violence. There are hundreds of thousands of persons in this state who are regularly beaten. In many such cases, the acts of domestic violence lead to the death of one of the involved parties. Victims of domestic violence come from all socioeconomic classes and ethnic groups, though it is the poor who suffer most from marital violence, since they have no immediate access to private counseling and

shelter for themselves and their children. Children, even when they are not physically assaulted, very often suffer deep and lasting emotional effects, and it is most often the children of those parents who commit domestic violence that continue the cycle and abuse their spouses.

The Legislature further finds and declares that there is a high incidence of deaths and injuries sustained by law enforcement officers in the handling of domestic disturbances. Police arrests for domestic violence are low, and victims are reluctant to press charges or make citizens arrests. Furthermore, instances of domestic violence are considered to be the single most unreported crime in the state.

It is the intention of the Legislature to begin to explore and determine ways of achieving reductions in serious and fatal injuries to the victims of domestic violence and begin to clarify the problems, causes, and cures of domestic violence. In order to achieve these results, it is the intention of the Legislature that the state shall support projects in several areas throughout the state for the purpose of aiding victims of domestic violence by providing them a place to escape the destructive environment.

SEC. 4. Section 18291 of the Welfare and Institutions Code is repealed.

SEC. 5. Section 18291 is added to the Welfare and Institutions Code, to read:

18291. Definitions.

(a) "Domestic violence" means abuse perpetrated by and committed against a family or household member.

(b) "Family or household member" means spouse, former spouse, or any other adult person who regularly resides in the household and has sexual relations with another family or household member residing in the household, or who within the last six months regularly resided in the household during which time he or she had sexual relations with another family or household member presently residing in the household.

SEC. 6. Section 18293 of the Welfare and Institutions Code is amended to read:

18293. In order to be eligible for funding pursuant to this chapter, the programs shall demonstrate their ability to receive and make use of any funds available from governmental, voluntary, philanthropic, or other sources which may be used to augment any state or county funds appropriated for the purposes of this chapter. Each program shall make every attempt to qualify the program for any available federal funding.

No provision of this section is intended to prohibit programs receiving funds pursuant to this chapter, from receiving additional funds from any other public or private source. Funds provided pursuant to this chapter shall not be used to reduce the financial support from other public or private sources.

Proposed or existing programs which meet the requirements set

forth in Section 18294, shall receive funding pursuant to this chapter upon the approval of the local board of supervisors. Prior to approving a program or programs for such funding, the board shall consult with individuals and groups which have expertise in the problems of domestic violence and in the operation of domestic violence programs. Upon approving one or more programs for funding, the board shall direct the county treasurer to disburse moneys from the county's domestic violence program special fund and for funding, the board shall designate a local agency to monitor the program or programs. Such monitoring shall include information regarding the number of persons requesting services; the number of persons receiving services according to the type of services provided; and the need, if any, for additional services or staffing.

Programs which receive funding from the provisions of this chapter shall, to the extent feasible, provide services to physically handicapped victims of domestic violence. If the program cannot provide the services, then the program's staff, to the extent feasible, shall assist in referring the handicapped person to other programs and services in the community where assistance may be obtained.

SEC. 7. Section 18294 is added to the Welfare and Institutions Code, to read:

18294. Such programs shall be designed to provide the following basic services to victims of domestic violence and their children:

(a) Shelter on a 24 hours a day, seven days a week basis.

(b) A 24 hours a day, seven days a week switchboard for crisis calls.

(c) Temporary housing and food facilities.

(d) Psychological support and peer counseling.

(e) Referrals to existing services in the community and followup on the outcome of the referrals.

(f) A drop-in center to assist victims of domestic violence who have not yet made the decision to leave their homes, or who have found other shelter but who have a need for support services.

(g) Arrangements for school age children to continue their education during their stay at the center.

(h) Emergency transportation to the shelter, and when appropriate, arrangements with local law enforcement for assistance in providing such transportation.

SEC. 8. Section 18295 is added to the Welfare and Institutions Code, to read:

18295. In addition to the services required in Section 18294, to the extent possible, and in conjunction with already existing community services, the centers shall provide a method of obtaining the following services for the victims of domestic violence:

(a) Medical care.

(b) Legal assistance.

(c) Psychological support and counseling.

(d) Information regarding reeducation, marriage and family counseling, job counseling and training programs, housing referrals and other available social services.

SEC. 9. Section 18296 is added to the Welfare and Institutions Code, to read:

18296. The staff of the programs shall work with social service agencies, schools, and law enforcement agencies in an advocacy capacity for those served by the programs.

SEC. 10. Section 18297 is added to the Welfare and Institutions Code, to read:

18297. The staff of each program shall attempt to achieve community support and acceptance of the program by advocating the program to community representatives and groups within the community. Volunteers shall be trained and used to maximum capacity in the delivery of services.

SEC. 11. Section 18298 is added to the Welfare and Institutions Code, to read:

18298. Inasmuch as the programs are to serve a variety of cultural backgrounds, to the extent feasible, a portion of the program's personnel shall be bilingual. An effort shall be made to recruit formerly battered spouses as staff members.

SEC. 12. Section 18304 is added to the Welfare and Institutions Code, to read:

18304. Any county may establish a program for reducing the incidence of domestic violence in the county by establishing or funding domestic violence programs which meet the requirements of this chapter.

Geographically adjacent counties may combine their respective domestic violence program funds in order to establish one or more programs meeting the requirements of this chapter, in order to provide services to the clients of each county that combines its funds with another county.

SEC. 13. Section 18305 is added to the Welfare and Institutions Code, to read:

18305. At the time of issuance of a marriage license pursuant to Section 26840 of the Government Code, eight dollars ($8) of each fee paid shall be collected by the county clerk for deposit at the county's election into the county domestic violence programs special fund. The fees collected in this special fund shall be disbursed to approved programs on a yearly or more frequent basis commencing July 1, 1980.

The county clerk shall, at the request of the board of supervisors, deposit eight dollars ($8) of each fee into a county domestic violence programs special fund. The county domestic violence programs special fund shall fund programs established pursuant to Section 18304. No more than 10 percent of the funds shall be expended for the administrative costs associated with the collection and segregation of the additional marriage license fees, administration of the county special fund, monitoring of the programs, and meeting the other administrative requirements imposed by this chapter. Counties which do not participate in the establishing or funding of domestic violence programs pursuant to this chapter, shall be

entitled to retain up to 4 percent of the funds for the administrative costs associated with the collection and segregation of the additional marriage license fees and the deposit of these fees in the General Fund in the State Treasury. Any money not used by the county for programs described pursuant to this chapter, shall be deposited in the General Fund.

The State Controller shall ensure that the amount deposited in the General Fund pursuant to this section shall be obligated to repay any General Fund appropriation made in the 1980 Budget Act; and thereafter shall be used to finance domestic violence programs in those counties where the revenue generated pursuant to this chapter does not exceed two thousand dollars ($2,000) per year.

SEC. 14. Section 2 of Chapter 892 of the Statutes of 1977 is repealed.

SEC. 15. Section 3 of Chapter 892 of the Statutes of 1977 is repealed.

SEC. 15.5. It is the Legislature's intent that any appropriation made in the 1980 Budget Act for the continued support of the six domestic violence programs established in the state by Chapter 892 of the Statutes of 1977, shall be allocated equally among each of the respective boards of supervisors of the counties in which the domestic violence programs are located for disbursement by the boards of supervisors to the programs no later than July 1, 1980. The purpose of this provision is to continue General Fund support of the six pilot programs until the revenue is made available to them through other provisions of this bill.

SEC. 16. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because self-financing authority is provided in this act to cover costs that may be incurred in carrying on any program or performing any service required to be carried on or performed by this act.

SEC. 17. 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:

Public awareness of the physical and psychological repercussions of domestic violence continues to grow. As this awareness grows, the need becomes greater to achieve reductions in injuries to the victims of this violence and to clarify the problems, causes, and cures of domestic violence. It is imperative that innovative strategies and services be developed to ameliorate and reduce the trauma of domestic violence and that programs be available as safe havens for those suffering these traumas.

## CHAPTER 147

An act to amend Section 39831 of the Education Code, and to amend Sections 9102.5 and 9266.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 6, 1980. Filed with Secretary of State June 6, 1980 ]

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

SECTION 1. Section 39831 of the Education Code is amended to read:

39831. The State Board of Education shall adopt reasonable regulations relating to the use of schoolbuses by school districts and others. Such regulations shall not include the safe operation of schoolbuses which regulations shall be adopted instead by the Department of the California Highway Patrol pursuant to Section 34500 of the Vehicle Code.

The Department of the California Highway Patrol shall adopt regulations relating to the safe operation of schoolbuses which shall include requiring school district governing boards to include in their schoolbus driver training programs, the proper actions to be taken in the event that a schoolbus is hijacked.

SEC. 2. Section 9102.5 of the Vehicle is amended to read:

9102.5. (a) In lieu of all other fees which are specified in this code, except fees for duplicate plates, certificates, or cards, a fee of ten dollars ($10) shall be paid for the registration and licensing of any privately owned schoolbus, as defined in Section 545, 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 and the Department of California Highway Patrol 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 and the Department of California Highway Patrol 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 section 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.

(b) When a schoolbus under contract and registered pursuant to

subdivision (a) of this section is to be temporarily operated in such a manner that it becomes subject to full registration fees specified in this code, the owner may, prior to such operation, as an alternative to such full registration, secure a temporary permit to operate the vehicle in this state for any one or more calendar months. Such permit shall be posted upon the windshield or other prominent place upon the vehicle, and shall identify the vehicle to which it is affixed. When so affixed, such permit shall serve as indicia of full registration for the period designated thereon. Upon payment of the fees specified in Section 9266.5, the department may issue a temporary permit under this section.

SEC. 3. Section 9266.5 of the Vehicle Code is amended to read:

9266.5. The fee for a temporary permit issued under subdivision (b) of Section 9102.5 is one-tenth of the annual fees in Division 3 (commencing with Section 4000) of this code and Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code, for each calendar month that the vehicle is to be operated in this state. There shall be no proration of fees for any fraction of a calendar month.

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## CHAPTER 148

An act to add and repeal Section 5405.5 of the Business and Professions Code, relating to advertising.

[Approved by Governor June 6, 1980. Filed with Secretary of State June 6, 1980.]

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

SECTION 1. Section 5405.5 is added to the Business and Professions Code, to read:

5405.5. In addition to those displays permitted pursuant to Section 5405, directional displays erected and maintained pursuant to regulations of the director, which will not incur the penalty specified in subdivision (b) of Section 131 of Title 23 of the United States Code, and which identify the location of a farm produce outlet where farmers sell directly to the public only those farm or ranch products they have produced themselves, may be placed, on or maintained within 660 feet from the edge of, the right-of-way so that the copy of the display is visible from a primary, but not an interstate, highway. Such advertising displays shall indicate the location of the farm produce but not the price of any produce and shall not be larger than eight square feet.

This section shall remain in effect only until January 1, 1984, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1984, deletes or extends such date.

## CHAPTER 149

An act to amend Section 13110.7 of the Health and Safety Code, relating to burn and smoke inhalation injuries.

[Approved by Governor June 6, 1980 Filed with Secretary of State June 6, 1980]

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

SECTION 1. Section 13110.7 of the Health and Safety Code is amended to read:

13110.7. The State Fire Marshal shall establish and maintain a registry of burn injuries and deaths, and shall annually compile a statistical report of such injuries and deaths.

The director of every burn center which examines, treats, or admits a person with a burn or smoke inhalation injury or a person who suffers a burn-related death shall file a report with the State Fire Marshal describing the injury or death at the end of the examination or treatment or at the time the patient is discharged from the burn center or at the time of the patient's death.

As used in this section, the term "burn center" means an intensive care unit in which there are specially trained physicians, nursing and supportive personnel and the necessary monitoring and therapeutic equipment needed to provide specialized medical and nursing care to burned patients.

The State Fire Marshall shall, in cooperation with the burn centers, develop the form to be used in reporting information to the State Fire Marshal under this section.

SEC. 2. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections because the Legislature finds and declares that there are no new duties, obligations, or responsibilities imposed on local government by this act that require reimbursement. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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## CHAPTER 150

An act to amend Section 1482 of the Health and Safety Code, relating to emergency medical services.

[Approved by Governor June 11, 1980 Filed with Secretary of State June 11, 1980]

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

SECTION 1. 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 a participating 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 or other airway management techniques approved by the county health officer.

(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.

(h) Apply antishock trousers.

(i) Perform any other standard emergency medical treatment practice approved by the county health officer.

(4) In accordance with written protocols approved by the county health officer and defining the specific circumstances under which it may occur, a mobile intensive care paramedic may initiate the following forms of emergency treatment prior to voice or telemetry contact with a qualified physician or certified mobile intensive care

nurse.

(a) Administer intravenous saline, glucose, or volume expanding agents or solutions when it is reasonably determined that the patient has sustained cardiac or pulmonary arrest or is in extremes from hypovolemic shock.

(b) Perform pulmonary ventilation by use of airway management techniques approved by the county health officer when it is reasonably determined that a patient has sustained a pulmonary arrest.

(c) Apply antishock trousers when it is reasonably determined that the condition of the patient necessitates such action.

(5) When a mobile intensive care paramedic who, at the scene of an emergency, reasonably determines that voice contact or a telemetered electrocardiogram for monitoring by a physician or certified mobile intensive care nurse cannot be established or maintained and that a delay in treatment may jeopardize the life of a patient, and when authorized by protocols approved by the county health officer, the mobile intensive care paramedic may initiate any paramedic procedure specified in this section in which such mobile intensive care paramedic has received training until such direct communication may be established and maintained or until the patient is brought to the participating general acute care hospital.

(6) When a mobile intensive care paramedic takes action pursuant to local protocols implementing subdivision (4) or (5), the mobile intensive care paramedic shall, when possible, immediately file a written report of such incident with the participating general acute care hospital. In no event shall the filing of such report be delayed for more than 24 hours.

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## CHAPTER 151

An act to amend Section 11346.8 of the Government Code, relating to administrative regulations.

[Approved by Governor June 11, 1980. Filed with Secretary of State June 11, 1980.]

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

SECTION 1. Section 11346.8 of the Government Code is amended to read:

11346.8. On the date and at the time and place designated in the notice the state agency shall afford any interested person or his or her duly authorized representative, the opportunity to present statements, arguments, or contentions in writing. If a public hearing is scheduled, an oral presentation shall also be permitted if, no later than 15 days prior to the hearing, an interested person or duly authorized representative submits in writing to the state agency, a

request to make an oral presentation. The state agency shall consider all relevant matter presented to it before adopting, amending or repealing any regulation.

In any hearing under this section the state agency or its duly authorized representative shall have authority to administer oaths or affirmations, and may continue or postpone such hearing from time to time to such time and at such place as it shall determine.

The state agency shall make no substantial change or modification to a proposed adoption, amendment, or repeal of a regulation unless such change or modification is related directly to the same subject or issue noticed pursuant to Section 11346.4.

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## CHAPTER 152

An act to amend Section 34.7 of the Civil Code, relating to minors.

[Approved by Governor June 11, 1980. Filed with Secretary of State June 11, 1980 ]

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

SECTION 1. Section 34.7 of the Civil Code is amended to read:

34.7. Notwithstanding any other provision of law, a minor 12 years of age or older who may have come into contact with any infectious, contagious, or communicable disease may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease, if the disease or condition is one which is required by law or regulation adopted pursuant to law to be reported to the local health officer, or a related sexually transmitted disease, as may be determined by the State Director of Health Services. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents, or legal guardian of such minor shall not be necessary to authorize hospital, medical and surgical care related to such disease and such parent, parents, or legal guardian shall not be liable for payment for any care rendered pursuant to this section.

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## CHAPTER 153

An act to amend Section 50904 of the Water Code, relating to reclamation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1980 Filed with Secretary of State June 11, 1980.]

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

SECTION 1. Section 50904 of the Water Code is amended to read:

50904. A district may, by resolution of the board, provide a procedure for and collect charges and fees, by way of the tax bills of the county or counties in which such district is located. A district may also collect assessments levied under Part 7 (commencing with Section 51200) of the division by way of the tax bills of the county or counties in which such district is located. Such charges and fees or assessments shall appear as a separate item on the tax bill, shall be collected at the same time and in the same manner as county ad valorem property taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. The district shall, on or before August 1st of each year, certify to the county auditor the charges and fees or assessments to be collected. The county may deduct from the revenue so collected for the district an appropriate amount for the billing and collection services rendered to the district.

SEC. 2. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections because self-financing authority is provided in this act to cover 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. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation 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 permit reclamation districts to collect assessments by way of the county tax bills during the current year and to thereby provide vital services to lands within the district at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 154

An act to amend Section 21681 of the Public Utilities Code, relating to aviation.

[Approved by Governor June 11, 1980. Filed with Secretary of State June 11, 1980.]

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

SECTION 1. Section 21681 of the Public Utilities Code is amended to read:

21681. For the purposes of this article:

(a) "Own and operate" means that the public entity must own property in fee simple or by a long-term lease of a minimum of 20 years, unless otherwise approved by the department, and must maintain dominion and control of the property. Operations of the airport will be for and on behalf of the public entity. All leases to the public entity of property must be approved by the department. A lease of the property to an agent or agency other than the public entity does not meet the criteria for participation in airport assistance funds.

(b) "Matching funds" means money provided by the public entity and which does not consist of funds previously received from state or federal agencies or public entity funds previously used to match federal or state funds. This definition shall be retroactive to July 1, 1967.

(c) "General aviation" means all aviation with the exception of air carrier and military aviation.

(d) "Public entity" means any city, county, airport district, airport authority, port district, port authority, public district, public authority, political subdivision or public corporation and the University of California.

(e) "Public agency" means the various agencies of the State of California and the federal government.

(f) "Airport and aviation purposes" means expenditures of a capital improvement nature, including the repair or replacement of a capital improvement, for any of the following purposes:

(1) Land acquisition for development and improvement of general aviation aircraft landing facilities.

(2) Grading and drainage necessary for the construction or reconstruction of runways or taxiways.

(3) Construction or reconstruction of runways or taxiways.

(4) Acquisition of "runway clear zones" as defined in current regulations of the Federal Aviation Administration.

(5) Acquisition of easements through, or other interests in, airspace as may be reasonably required for safeguarding aircraft operations in the vicinity of an aircraft landing facility.

(6) Removal of natural obstructions from runway clear zones.

(7) Original installation of "segmented circle airport marker systems" as defined in current regulations of the Federal Aviation Administration.

(8) Original installation of runway, taxiway, boundary, or obstruction lights, together with directly related electrical equipment.

(9) Original erection of minimum security fencing around the perimeter of an aircraft landing facility.

(10) Grading and drainage necessary to provide for parking of transient general aviation aircraft.

(11) Construction or reconstruction of transient general aviation aircraft parking areas.

(12) Servicing of revenue or general obligation bonds issued to finance capital improvements for airport and aviation purposes.

(13) Air navigational facilities.

(14) Engineering and preliminary engineering related directly to a project funded under this article.

(15) Such other capital improvements as may from time to time be designated in rules and regulations promulgated by the department.

Expenditures which cannot be clearly identified as capital improvements must be submitted to the department for consideration and approval.

(g) "Operation and maintenance" means expenditures for wages or salaries, utilities, service vehicles, and all other noncapital expenditures which are included in insurance, professional services, supplies, construction equipment, upkeep and landscaping, and such other items of expenditure which may be designated as "operation and maintenance" in rules and regulations promulgated by the department.

(h) "Enplanement" means the boarding of an aircraft by a revenue passenger, including an original, stopover, or transfer boarding thereof. For purposes of this subdivision, a stopover is a deliberate and intentional interruption of a journey by a passenger scheduled to exceed four hours in the case of an intrastate or interstate passenger or not to exceed 24 hours in the case of an international passenger at a point between the point of departure and the point of destination, and a transfer is an occurrence at an intermediate point in an itinerary whereby a passenger or shipment changes from a flight of one carrier to another flight either of the same or a different carrier with or without a stopover.

SEC. 2. The Department of Transportation shall authorize the expenditure of eight thousand eight hundred thirty-six dollars and sixty-four cents ($8,836.64) allocated from the Aeronautics Account in the State Transportation Fund to the County of Yolo for airport and aviation purposes pursuant to Section 21681 of the Public Utilities Code when such funds were encumbered by the county prior to January 1, 1976.

SEC. 3. The Legislature finds and declares that Section 2 of this act is necessary since special facts and circumstances applicable to the County of Yolo and not generally applicable make the accomplishment of this purpose impossible by any general law. The Department of Transportation has unreasonably interpreted the law relating to state allocations for airport and aviation purposes with respect to certain bona fide expenditures by the County of Yolo thus depriving the county of state reimbursement for funds which were expended for legitimate purposes under the law. The Legislature

further finds and declares that this is the only such expenditure of funds involved, that the purpose of this act is impossible to accomplish by any general law, and that special legislation applicable to the County of Yolo is therefore necessary.

## CHAPTER 155

An act relating to aviation.

[Approved by Governor June 11, 1980 Filed with Secretary of State June 11, 1980.]

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

SECTION 1. Allocations totaling thirty-one thousand eight hundred sixty-eight dollars ($31,868) made from the Aeronautics Account in the State Transportation Fund by the Division of Aeronautics of the Department of Transportation to the County of Siskiyou and expended by the county for airport purposes are hereby ratified, validated, confirmed, and declared legally effective for all purposes.

SEC. 2. The Legislature finds and declares that Section 1 of this act is necessary since special facts and circumstances applicable to the County of Siskiyou, and not generally applicable, make the accomplishment of this purpose impossible by any general law. There exists a dispute as to the validity of an allocation made by the Division of Aeronautics of the Department of Transportation to the County of Siskiyou from the Aeronautics Account in the State Transportation Fund for airport purposes based on a good faith expenditure of these funds. The Legislature further finds and declares that this is the only such acquisition of property involved, that the purpose of this act is impossible to accomplish by any general law within the meaning of Section 16 of Article IV of the California Constitution, and that special legislation applicable only to the County of Siskiyou is therefore necessary.

## CHAPTER 156

An act to amend Section 52053 of the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1980 Filed with Secretary of State June 11, 1980 ]

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

SECTION 1. Section 52053 of the Health and Safety Code is amended to read:

52053. (a) Except as provided in subdivision (b), the powers conferred by this part are in addition and supplemental to, and the limitations imposed by this part shall not affect the powers conferred by, any other law.

(b) The Legislature finds and declares that the market for municipal home mortgage revenue bonds is limited and that, as a matter of overriding state policy, issuances of such bonds should be limited to financing housing for persons whose housing needs are least satisfied by conventional mortgage financing and other governmental home ownership assistance programs. This part contains appropriate limitations with respect to mortgagor income and also contains provisions which will assist in assuring that no bond issuance under this part will result in any impairment of the public credit in this state.

Therefore, this part shall be the exclusive authority for issuance of revenue bonds by any city, including any charter city, county, or city and county for the purpose of providing long-term mortgage financing for the construction or acquisition of housing, excluding multifamily rental housing; provided, that nothing in this subdivision shall supersede any other provision of state law authorizing the provision of long-term mortgage financing by any state agency or local public entity; and provided further, that nothing in this subdivision shall affect, or be in any way applicable to, revenue bonds issued (and loans made with the proceeds thereof) by the Cities of San Bernardino, Burbank, or Pasadena on or before July 1, 1980, the interest on which would be excludable from the gross income of the recipients by reason of the applicable laws of the United States and the regulations promulgated thereunder in effect at the time such revenue bonds are issued, or by any other charter city on or before February 1, 1980, the interest on which would be excludable from the gross income of the recipients by reason of Section 4(b) of the proposed Mortgage Subsidy Bond Tax Act of 1979, as reported by the Committee on Ways and Means of the United States House of Representatives on August 31, 1979. Furthermore, nothing in this subdivision shall affect the authority conferred upon a charter city by its charter to issue revenue bonds to undertake a program of long-term mortgage financing of multifamily rental housing.

(c) Home mortgages may be acquired, purchased, and financed, and bonds may be issued under this part for purposes of this part, notwithstanding that any other law or resolution may provide for the acquisition, purchase, and financing of like home mortgages, or the issuance of bonds for like purposes, and without regard to the requirements, restrictions, limitations, or other provisions contained in any other law or resolution.

SEC. 2. The Legislature finds and declares that, in amending

Section 52053 of the Health and Safety Code as provided in this act, conditions unique to the Cities of San Bernardino, Burbank, or Pasadena justify extending the time within which those cities may issue revenue bonds to finance housing without being subject to the limitations enacted by Chapter 1069 of the Statutes of 1979. A severe housing shortage has been projected for those cities over the next several years. Each city's planned program will greatly assist in alleviating the housing shortage and the shortage of conventional mortgage financing and other governmental home ownership assistance programs. The proposed programs will provide employment and, in the case of the City of San Bernardino, the opportunity to utilize already committed federal subsidies. In view of the above considerations, the Legislature hereby determines that adequate reasons exist for granting a special extension of time within which the Cities of San Bernardino, Burbank, and Pasadena may issue bonds to implement its housing finance program.

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:

Chapter 1069 of the Statutes of 1979 (AB 1355) established a cutoff date of February 1, 1980, after which charter cities are prohibited from issuing revenue bonds for local housing finance programs involving the construction or acquisition of housing, other than multifamily rental housing. In order to extend such cutoff date to July 1, 1980, for the Cities of San Bernardino, Burbank, and Pasadena for the reasons specified in Section 2 of this act, it is necessary that this act go into immediate effect as an urgency statute.

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## CHAPTER 157

An act making an appropriation in augmentation of Item 154 of the Budget Act of 1979, relating to the Department of Real Estate, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1980. Filed with Secretary of State June 11, 1980.]

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

SECTION 1. The sum of eight hundred three thousand eight hundred forty-two dollars ($803,842) is hereby appropriated from the Real Estate Fund to the State Controller in augmentation of Item 154 of the Budget Act of 1979 (Ch. 259, Stats. 1979) for support of personal services and operating expenses and equipment within the Department of Real Estate necessary to process subdivision applications.

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:

Delays in the processing of subdivision applications are contributing to an already critical housing shortage. In order to eliminate those delays, it is necessary that this act take effect immediately.

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## CHAPTER 158

An act to amend Section 22501 of, and to add Section 22507.2 to, the Vehicle Code, relating to parking, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1980 Filed with Secretary of State June 11, 1980.]

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

SECTION 1. Section 22501 of the Vehicle Code is amended to read:

22501. No ordinance enacted by local authorities pursuant to subdivisions (e) and (k) of Section 22500 or Section 22507.2 shall become effective as to any state highway without prior submission to and approval by the Department of Transportation in the same manner as required by Section 21104. Nothing contained in this section and Section 22500 shall be construed as authorizing local authorities to enact legislation which is contrary to the provisions of Sections 22512 and 25301.

SEC. 2. Section 22507.2 is added to the Vehicle Code, to read:

22507.2. Notwithstanding subdivision (e) of Section 22500, a local authority may, by ordinance, authorize the owner or lessee of property to park a vehicle in front of the owner's or lessee's private driveway when the vehicle displays a permit issued pursuant to the ordinance authorizing such parking. The ordinance shall include, but not be limited to, the following requirements:

(a) The name and address of the owner or lessee of the private property is on the permit.

(b) The permit is effective for a period of one year from the date of issuance, but may be revoked without notice or hearing if the local authority determines that parking authorized by the permit creates traffic safety or other public health and safety problems.

(c) The permit is prominently displayed in the front windshield of any vehicle parked in front of the private driveway.

The local authority may charge a nonrefundable fee to defray the costs of issuing and administering the permits.

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 this act may become operative at the earliest possible time, thereby relieving severe parking problems in beach communities during the summer months, it is necessary that this act take effect immediately.

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## CHAPTER 159

An act to amend Section 40802 of the Health and Safety Code, relating to air pollution.

[Approved by Governor June 11, 1980 Filed with Secretary of State June 11, 1980 ]

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

SECTION 1. Section 40802 of the Health and Safety Code is amended to read:

40802. If the county district board, in the case of a county district with a population of less than 500,000, is unable to appoint a person with the qualifications specified in Section 40801 who is willing and able to serve, and for that reason a vacancy exists on the hearing board, the county district board may, in order to fill that vacancy, appoint any person to the hearing board.

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## CHAPTER 160

An act to amend Section 70045.5 of, and to add Section 68536 to, the Government Code, relating to court reporters.

[Became law without Governor's signature. Filed with Secretary of State June 12, 1980.]

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

SECTION 1. Section 68536 is added to the Government Code, to read:

68536. (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 Imperial County. 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.

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

SEC. 2. Section 70045.5 of the Government Code is amended to read:

70045.5. In a county with a population of 74,492 and not over 76,000 as determined by the 1970 federal census, each regular official reporter shall be paid an annual salary of twenty-one thousand seven hundred dollars ($21,700) and each pro tempore official court reporter shall be paid seventy dollars ($70) a day for the days he is actually on duty under order of the court.

Notwithstanding any other provision to the contrary, one year after the operative date of this section and thereafter, the salary range of official court reporters may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the superior court. Such changes in compensation made pursuant to these provisions shall be on an interim basis and shall expire on January 1 of the second year after the calendar year in which the change occurs, unless ratified by the Legislature.

The presiding judge of the superior court may, upon request of the presiding judge of the municipal court, assign an official superior court reporter to the municipal court during such times as the business of the municipal court requires. Official superior court reporters who are so assigned shall receive no additional compensation for such service.

Regular official reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave and other benefits allowed to employees of the county.

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

SEC. 3. If any provision of Section 1 or 2 of this act, or the application thereof, is enjoined, restrained, or otherwise held invalid, then every other provision or application of Section 1 or 2 of this act shall be void, and to this end the provisions of Sections 1 and 2 of this act are inseverable.

SEC. 4. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections because this act is in accordance with the request of a local governmental entity or entities which desired legislative authority to

carry out the program specified in this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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## CHAPTER 161

An act to add Section 8137 to the Health and Safety Code, relating to cemeteries.

[Became law without Governor's signature. Filed with Secretary of State June 12, 1980 ]

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

SECTION 1. Section 8137 is added to the Health and Safety Code, to read:

8137. A cemetery owned and operated by a city, county, or city and county shall not engage in the business of selling monuments or markers, and its officers and employees who manage, operate, or otherwise maintain such cemetery on a day-to-day basis shall not engage in the private business of selling monuments or markers.

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## CHAPTER 162

An act relating to the University of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1980 Filed with Secretary of State June 12, 1980.]

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

SECTION 1. The Legislature recognizes that there has been a significant decline in the writing skills of students in California. A variety of factors contribute to this decline, but a primary cause has been the lack of adequate teacher preparation in writing instruction. While some colleges and universities are adding courses in the teaching of writing to the required teaching curriculum, this will not solve the problem, since the number of new teachers to be hired in the future will be relatively small. Therefore, the Legislature recognizes that the retraining of tenured teachers to be better able to teach writing is of the highest priority. The Legislature further recognizes that the writing problem is shared by all segments and levels of California education, and that it can best be addressed by cooperatively planned and funded efforts.

The Legislature finds that an appropriate model for a cooperative,

intersegmental approach to solving the writing skills problem shall be the California Writing Project. This project shall be based on the successful model of the Bay Area Writing Project, which has earned national acclaim since 1974. The California Writing Project shall consist of writing centers modeled after the Bay Area Writing Project at college campuses throughout the state.

SEC. 2. With funds appropriated therefor, the Regents of the University of California shall establish the California Writing Project to be administered by the University of Calfornia. Writing projects shall be distributed throughout the state so that school and college personnel located in rural, urban, and suburban areas may avail themselves of writing skills training.

An advisory committee shall be established to assist in selecting proposals to be funded and establishing criteria for project evaluation. The composition of the advisory committee shall be as follows:

(a) One representative selected by the California Postsecondary Education Commission.

(b) One teacher of writing and one representative selected by the President of the University of California.

(c) One teacher of writing and one representative selected by the Chancellor of the California State University and Colleges.

(d) One teacher of writing and one representative selected by the Chancellor of the California Community Colleges.

(e) One teacher of writing and one representative selected by the Superintendent of Public Instruction.

(f) One teacher of writing and one representative of an independent postsecondary institution selected by the Association of Independent California Colleges and Universities.

SEC. 3. Criteria established for approval of any local writing project shall include, but not be limited to, the extent to which:

(a) The writing project proposed is modeled after the Bay Area Writing Project and is designed to improve systematically the writing skills of project participants, the teachers to be trained by participants, and ultimately, students attending public elementary, secondary and postsecondary schools.

(b) Participating districts, colleges, and universities intend to integrate the writing project with any staff development programs provided by regional resource centers established in the same geographic area pursuant to Chapter 3.1 (commencing with Section 44670) of Part 25 of the Education Code.

(c) Participating districts, colleges, and universities intend to provide financial and personnel support for the writing project.

(d) The project involves various levels and segments of education in a cooperative approach.

(e) The project uses participants as writing skills trainers in school districts, colleges, and universities.

(f) The project provides continuing writing skills training to project participants.

SEC. 4. The resource center policy board of each resource center established pursuant to Article 2 (commencing with Section 44680) of Chapter 3.1 of Part 25 of the Education Code shall have the opportunity to review and comment on any application submitted by a writing project applicant located within the geographic region of such center.

SEC. 5. The Legislature recognizes some measurement devices are available to provide an evaluation of limited scope of the California Writing Project, including, but not limited to, teacher attitude surveys and pretesting and posttesting of the writing skills of those students reached by the program. Such evaluation can serve as a useful tool for ongoing self-assessment and improvement of local writing projects.

Therefore, each local writing project shall conduct an ongoing evaluation intended to provide some measure of the writing skills of students reached by the site program, project site participants' attitudes toward the effectiveness of the local writing project, and other information the advisory committee and site directors deem appropriate.

SEC. 6. This act shall be operative, and shall apply to the University of California, only for such times as the Legislature has appropriated funds therefor and the Regents of the University of California have accepted such funds.

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 implement this necessary and cost effective program before the 1980–81 school year, it is necessary that this act take effect immediately.

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## CHAPTER 163

An act to amend Sections 409 and 430.10 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor June 12, 1980 Filed with Secretary of State June 12, 1980 ]

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

SECTION 1. Section 409 of the Code of Civil Procedure is amended to read:

409. In an action concerning real property or affecting the title or the right of possession of real property, the plaintiff, at the time of filing the complaint, and the defendant, at the time of filing a cross-complaint, or at any time afterwards, may record in the office of the recorder of the county in which the property is situated, a

notice of the pendency of the action, containing the names of the parties, and the object of the action or cross-action, and a description of the property in that county affected thereby. This section authorizes a notice of an action concerning real property pending in any United States district court to be recorded and indexed in the same manner and in the same place as herein provided with respect to notices of action pending in courts of this state. From the time of filing such notice for record only, shall a purchaser or encumbrancer of the property affected thereby be deemed to have constructive notice of the pendency of the action as it relates to the real property and only of its pendency against parties designated by their real names.

SEC. 2. Section 430.10 of the Code of Civil Procedure is amended to read:

430.10. The party against whom a complaint or cross-complaint has been filed may object, by demurrer or answer as provided in Section 430.30, to the pleading on any one or more of the following grounds:

(a) The court has no jurisdiction of the subject of the cause of action alleged in the pleading.

(b) The person who filed the pleading does not have the legal capacity to sue.

(c) There is another action pending between the same parties on the same cause of action.

(d) There is a defect or misjoinder of parties.

(e) The pleading does not state facts sufficient to constitute a cause of action.

(f) The pleading is uncertain. As used in this subdivision, "uncertain" includes ambiguous and unintelligible.

(g) In an action founded upon a contract, it cannot be ascertained from the pleading whether the contract is written, or whether it is oral, or whether it is implied by conduct.

(h) No certificate was filed as required by Section 411.30.

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## CHAPTER 164

An act to add Sections 4128 and 4129 to, the Health and Safety Code, relating to garbage and refuse, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1980 Filed with Secretary of State June 12, 1980 ]

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

SECTION 1. Section 4128 is added to the Health and Safety Code, to read:

4128. For any district in a county with a population of six million

or more, the board of supervisors may prescribe and collect garbage and refuse collection and disposal service fees for the purpose of defraying the cost of the disposal of garbage and refuse in the district, maintaining the district, and meeting other expenditures authorized by this chapter. Subject to the additional requirements of Section 4129, fees and charges prescribed, revised, and collected pursuant to this section shall be prescribed, revised, and collected pursuant to the provisions of Article 4 (commencing with Section 5470) of Chapter 6 of Part 3.

SEC. 2. Section 4129 is added to the Health and Safety Code, to read:

4129. (a) Prior to adoption of the initial ordinances prescribing the fees provided for in Section 4128, the board of supervisors shall place before the voters of the district the question whether the district shall be authorized to prescribe fees. If the voters do not approve such authorization, a subsequent election or elections to secure such approval shall not be held within one year of the date of the prior authorization election.

(b) The approval of the voters may be secured at a district or countywide election or by a ballot mailed to each registered voter of the district.

(c) The board of supervisors shall determine what majority of the voters voting on the proposition shall be required to approve the proposition.

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

A dissolution of garbage disposal districts may result in the accumulation of garbage in public and private areas to the detriment of the environment and the health of the people. In order to alleviate this critical public health and environmental problem at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 165

An act to amend Sections 39384 and 39470 of, and to add Sections 39530 and 60316 to, the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1980. Filed with Secretary of State June 12, 1980 ]

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

SECTION 1. Section 39384 of the Education Code is amended to read:

39384. (a) It is the intent of the Legislature that school districts

be authorized under specified procedures to make vacant classrooms in operating schools available for rent or lease to other school districts, educational agencies, governmental units, nonprofit organizations, community agencies, professional agencies, commercial and noncommercial firms, corporations, partnerships, businesses and individuals. This will place students in close relationship to the world of work, thus facilitating career education opportunities.

(b) It is the intent of the Legislature that priority in leasing or renting vacant classroom space be given to educational agencies, particularly those conducting special education programs.

It is the intent of the Legislature that such procedures provide for community involvement by attendance area and at the district level. This community involvement should facilitate making the best possible judgments about the use of excess school facilities in each individual situation.

It is the intent of the Legislature to have the community involved before decisions are made about school closure or the use of surplus space, thus avoiding community conflict and assuring building use that is compatible with the community's needs and desires.

(c) The governing board of any school district may, and the governing board of each school district, prior to the sale, lease, or rental of any excess real property, except rentals not exceeding 30 days, shall, appoint a district advisory committee to advise the governing board in the development of districtwide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes.

(d) A district advisory committee shall consist of not less than 7 nor more than 11 members, and shall be representative of the following:

(1) The ethnic, age group and socioeconomic composition of the district.

(2) The business community, such as store owners, managers or supervisors.

(3) Landowners and renters.

(4) Teachers and administrators.

(5) Parents of students.

(6) Persons with expertise in environmental impact, legal contracts, building codes, and land use planning.

(e) The district advisory committee shall:

(1) Review the projected school enrollment and other data as provided by the district to determine the amount of surplus space.

(2) Establish a priority list of use of surplus space that will be acceptable to the community.

(3) Cause to have circulated throughout the attendance area a priority list of surplus space and provide for hearings of community input to the committee on acceptable uses of space.

(4) Make a final determination of limits of tolerance for use of space.

(5) Forward to the district governing board a report recommending uses of surplus space.

(f) An existing district advisory committee having the representation specified in subdivision (c), may be designated as the district advisory committee for the purposes of this section.

(g) In the case of a lease or rental to a private educational institution for the purpose of offering summer school in a facility of the district used under a lease or agreement entered into pursuant to Section 39470, the governing board of any school district may elect not to appoint an advisory committee pursuant to subdivision (c).

SEC. 2. Section 39470 of the Education Code is amended to read:

39470. Any school district may enter into a lease or agreement with a city, county, or city and county for the joint occupancy, or a private education institution for its joint or sole occupancy, of the real property and buildings of the school district. No such occupancy of school buildings and grounds shall occur during normal school hours when the school is in session, except that such occupancy may occur during normal school hours during summer session if a private educational institution is offering a summer school program in kindergarten or grades 1 to 12, inclusive.

SEC. 3. Section 39530 is added to the Education Code, to read:

39530. Notwithstanding any other provision of this article, the governing board of any school district may sell or lease any personal property belonging to the district to any private educational institution for use in any summer school which such institution offers in a facility of the district used under a lease or agreement entered into pursuant to Section 39470.

SEC. 4. Section 60316 is added to the Education Code, to read:

60316. The governing board of any school district may sell or lease instructional materials belonging to the district to any private educational institution for use in any summer school which such institution offers in a facility of the district used under a lease or agreement entered into pursuant to Section 39470.

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:

Since school districts may be unable financially to provide summer school in the 1980–81 school year, it is necessary that this act take effect immediately so that obstacles to permitting private educational institutions to offer summer school may be removed before the commencement of the 1980 summer session.

## CHAPTER 166

An act to amend Sections 40652, 40667, 40675, 40676, 40691, 40694, 40698, 40702.5, 40750, and 40752 of the Vehicle Code, relating to administrative adjudication of traffic infractions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1980 Filed with Secretary of State June 12, 1980.]

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

SECTION 1. Section 40652 of the Vehicle Code is amended to read:

40652. For the purpose of this chapter, the following terms shall have the following meanings, unless the context clearly requires otherwise:

(a) "Admission" means that the party charged with a traffic safety violation admits to having committed the traffic safety violation.

(b) "Admission with explanation" means that the party charged with a traffic safety violation admits to having committed the traffic safety violation, but demands an informal hearing in order to explain the surrounding circumstances so as to mitigate the sanctions that may be imposed pursuant to this chapter.

(c) "Board" means the Traffic Adjudication Board.

(d) "Denial" means that the person charged with a traffic safety violation denies all or part of the traffic safety violation alleged in the notice to appear and demands a full hearing.

(e) "Denial with waiver of full hearing" means that the person charged with a traffic safety violation denies all or part of the traffic safety violation alleged in the notice to appear and demands an informal hearing.

(f) "Full hearing" is a hearing at which the person charged with a traffic safety violation, the citing officer, and any witnesses are present.

(g) "Hearing officer" means a person authorized by the board to conduct hearings pursuant to this chapter.

(h) "Informal hearing" means that the person charged with a traffic safety violation waives the right to confront the citing officer and any witnesses. The waiver shall include a stipulation by the person charged that the information appearing on the notice to appear, or on the complaint in the event of an arrest by a private person, may be received as evidence with the same effect as if the officer or such private person were present to testify.

(i) "Monetary sanction" is a sanction imposed for the purpose of modifying and improving driver behavior and traffic safety. "Monetary sanction" does not include moneys collected as a penalty assessment.

(j) "No contest" means the person charged with a traffic safety

violation neither admits nor denies the traffic safety violation alleged in the notice to appear. For procedural purposes, a no contest answer shall have the same effect as an admission. The no contest answer may not be used as an admission in any subsequent civil action.

(k) "Penalty assessments" are moneys collected as provided in Section 42050.

(*l*) "Traffic adjudication office" is a location designated by the board for the conduct of administrative hearings pursuant to this chapter.

(m) "Traffic safety violation" includes any act or omission which constitutes an infraction, as specified in this code or under any local ordinance or resolution adopted pursuant to this code. A finding that a traffic safety violation has occurred is an administrative violation and shall not be deemed an adjudication of a crime. Nothing in this chapter shall be construed to mean that an act which constitutes a traffic safety violation is not also a crime.

SEC. 2. Section 40667 of the Vehicle Code is amended to read:

40667. Notwithstanding any other provision of this chapter, the processing of parking violations shall continue to be administered by the courts unless a county participating in the demonstration program pursuant to Article 8 (commencing with Section 40750) enters into an agreement with the board for the processing of all parking violations for any judicial district within the county. The board shall study and make recommendations concerning the processing of parking violations by the board and include the analysis in its January 1, 1982, annual report to the Governor and the Legislature. The results of this study shall be considered by the Legislature in enacting any legislation to provide for the statewide administrative adjudication of traffic infractions.

SEC. 3. Section 40675 of the Vehicle Code is amended to read:

40675. (a) Except as provided in Section 40752, whenever any person is arrested for any violation which is both an infraction and a traffic safety violation pursuant to this chapter, the citing officer shall issue a notice to appear before a hearing officer for the adjudication of the traffic safety violation if the violation was committed within a municipal court district. The notice to appear shall contain, when available, the name, address, and driver's license number of the person to whom the notice to appear is issued, the license number of any vehicle involved, and the name and address of the registered owner or lessee of the vehicle. The notice shall specify the traffic safety violation alleged to have been violated and the circumstances surrounding such violation. The notice may specify the time and place the cited person is required to appear before a hearing officer, if the person desires a full hearing. The consequences for failing to appear or answer, and the various answer options available, shall be set forth either on the notice or on a form accompanying the notice. The schedule of monetary sanctions, and penalty assessments, may be set forth either on the notice or may be set forth on a form accompanying the notice. The notice or the form

accompanying the notice shall also state that, when additional nonmonetary sanctions may be imposed, a personal appearance will be required. The notice or the form accompanying the notice shall also state that a person cited may request that the matter be adjudicated as an infraction by a court.

(b) Every notice to appear alleging a speeding violation that is a traffic safety violation shall specify the approximate speed at which the driver is alleged to have driven, the maximum or prima facie speed limit applicable to the highway at the time and place of the alleged violation, and any other speed limit alleged to have been exceeded that is applicable to the particular type of vehicle or combination of vehicles operated by the cited person.

(c) If the cited person refuses to sign the notice to appear before a hearing officer pursuant to this chapter, the citing officer shall proceed in the manner provided pursuant to Chapter 2 (commencing with Section 40300) relating to the arrest of a person for a traffic infraction.

SEC. 4. Section 40676 of the Vehicle Code is amended to read:

40676. The time for a hearing shall be least 14 calendar days after the notice to appear is issued.

SEC. 5. Section 40691 of the Vehicle Code is amended to read:

40691. (a) Any person who receives a notice to appear for a traffic safety violation shall answer such notice by mail postmarked within 14 days of the date of the alleged violation or by personal appearance at a traffic adjudication office within 14 days of the date of the alleged violation, in the manner provided in subdivisions (b), (c), (d), and (e).

(b) A person alleged to have committed a traffic safety violation shall have the following answer options:

(1) Admission.

(2) Admission with explanation.

(3) Denial.

(4) Denial with waiver of full hearing.

(5) No contest.

The terms and conditions under which a person may amend an answer shall be prescribed by rules and regulations of the board.

(c) If the person admits to the traffic safety violation alleged in the notice to appear, the person shall complete an appropriate answer form, as prescribed by the board, and forward the form to the local traffic adjudication area processing center specified in the notice to appear. A check or money order in the amount of the monetary sanction and penalty assessment for the traffic safety violation alleged shall be submitted with each such answer. Such answer may not be accepted by mail if the admission will result in the assignment of a point or points pursuant to Section 12810, with the result that the person's driving record will show three or more points within a 12-month period, four or more points within a 24-month period, or five or more points within a 36-month period unless the board determines otherwise based on traffic safety implications or

geographical considerations.

(d) If the person denies part or all of the traffic safety violation alleged in the notice to appear, the person shall complete an appropriate answer form, as prescribed by the board, and forward the form to the local traffic adjudication area processing center specified in the notice to appear. A check or money order in the amount of the monetary sanction and penalty assessment for the traffic safety violation alleged may be submitted with such answer. Upon receipt, such answer shall be recorded. The board may change the date, time, and place of appearance in the interests of justice. The local traffic adjudication area processing center shall notify such person by mail of the new date, time, and place of such hearing.

(e) If the person desires to answer with either an admission with explanation or a denial with waiver of full hearing, such answer shall be made within 14 days. The informal hearing may be heard on the day of the answer.

(f) If the person desires to neither admit nor deny the traffic safety violation alleged in the notice to appear, the person shall complete an appropriate answer form, indicating no contest, as prescribed by the board, and forward such form to the local traffic adjudication area processing center specified in the notice to appear. A check or money order in the amount of the monetary sanction, and penalty assessments, for the traffic safety violation alleged shall be submitted with such answer. This answer shall be treated the same as an admission and shall be recorded in the same manner in the person's driving record. Such answer may be accepted by mail but is subject to the exception set forth in subdivision (c). Such answer shall constitute a waiver of the right to a full hearing.

SEC. 6. Section 40694 of the Vehicle Code is amended to read:

40694. (a) Every hearing for the adjudication of a traffic safety violation shall be held by a hearing officer.

(b) All full hearings shall be held at the traffic adjudication office specified in the notice to appear or any subsequent notice.

(c) An informal hearing may be held at any traffic adjudication office selected by the cited person.

SEC. 7. Section 40698 of the Vehicle Code is amended to read:

40698. (a) Whenever the person answers by an admission or no contest and pays the appropriate monetary sanction and penalty assessment, a record of the person's response shall be entered in the records of the department and shall be considered a conviction for purposes of Division 6 (commencing with Section 12500).

(b) When a hearing is conducted, the finding of the hearing officer shall be entered in the records of the department; except that no information in the department's driving record relating to issuance of a notice to appear and the resulting adjudication of the traffic safety violation shall be entered upon a determination that the traffic safety violation was not committed. A finding indicating the traffic safety violation was committed shall have the same effect as a conviction for purposes of Division 6 (commencing with Section

12500).

SEC. 8. Section 40702.5 of the Vehicle Code is amended to read:

40702.5. All other money received by the board during January 1, 1979, through June 30, 1979, shall be deposited into the Traffic Adjudication Fund and is hereby appropriated for the administrative costs of the Traffic Adjudication Board.

On and after July 1, 1979, all other money received shall be deposited into the General Fund.

SEC. 9. Section 40750 of the Vehicle Code is amended to read:

40750. In order to establish the practical application of the administrative adjudication of traffic safety violations, this chapter shall be implemented during the period from January 1, 1979, through July 1, 1984, on a demonstration basis in the Counties of Placer, Sacramento, and Yolo. If, however, the director, on January 1, 1979, determines that anticipated federal funding is either unavailable or insufficient, this chapter shall not be implemented until July 1, 1979. Article 5 (commencing with Section 40675), Article 6 (commencing with Section 40690), and Article 7 (commencing with Section 40710) of this chapter shall become operative October 1, 1980.

At the request of the board of supervisors, and with the approval of the Traffic Adjudication Board, any county shall be allowed to participate in the demonstration program. At the request of the board of supervisors, and with the approval of the Traffic Adjudication Board, any participating county may withdraw from the demonstration program.

SEC. 10. Section 40752 of the Vehicle Code is amended to read:

40752. The board shall submit a report on the progress of the demonstration program to the Governor and the Legislature on January 1 of each year in which the program is in effect. An evaluation prepared by a consultant who is retained by the board and is independent of the state and any state agency shall be submitted with this report. The evaluation shall include, but not be limited to, an analysis of the costs and benefits of administrative adjudication, both quantifiable and nonquantifiable, as they relate to the judicial system, law enforcement, local government, the defendant, the general public, public and private driver improvement programs and services and the department. Affected agencies shall develop and provide the data required to conduct such evaluation. The evaluation shall include recommendations relative to maximizing the efficiency and effectiveness of the administrative adjudication program in terms of the preceding identified categories.

The evaluation shall also include an analysis of the traffic safety impacts of administrative adjudication, as compared to the court system.

The analysis of traffic safety impacts shall be based upon a monitoring of accident records or violation records, or both, of two groups of drivers: one group which shall be composed of drivers whose cases are adjudicated in the administrative adjudication

system and one group which shall be a sample of drivers in the demonstration area with driver's license numbers ending in "3", who shall be cited into the municipal court system for a period of two years, or as long as is necessary to achieve a statistically valid analysis, beginning on October 1, 1980. When there is an adequate sample of drivers, the effectiveness of postconviction traffic safety education treatments shall be scientifically evaluated. The evaluation shall utilize randomized treatment assignment and any other control procedures deemed necessary to assure the statistical validity of the study. The study shall include a sufficient sample of drivers who shall be assigned to a minimum of three groups: (1) traffic violator schools accredited pursuant to Sections 1660 and 1661, (2) the department's group educational meeting or experimental home study program, and (3) a no-treatment control group. Drivers subject to the study shall be assigned to the treatment categories when they have at least one prior conviction but no more than four prior convictions, except those drivers subject to Section 12810.5 shall have no more than six prior convictions in the 12 months preceding the assigned treatment. The evaluation shall examine the effectiveness of each treatment category in terms of costs and accident or violation reduction. This section shall not be construed as a limitation on the board's authority to establish a uniform sanction model.

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:

In order that this act may become operative prior to July 1, 1980, the date the pilot program is to commence, to postpone its commencement, and to facilitate its orderly implementation, it is necessary that this act take effect immediately.

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## CHAPTER 167

An act relating to school facilities.

[Approved by Governor June 12, 1980. Filed with Secretary of State June 12, 1980 ]

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

SECTION 1. The Lodi Unified School District may lease for an additional 2½-year period, commencing January 1, 1981, and terminating June 30, 1983, residential houses constructed after January 1, 1978, to house elementary school pupils, provided that such facilities meet all applicable provisions of state and local building standards for residential houses existing at the time of construction of such houses. Residential houses meeting these requirements shall be exempt from the provisions of Article 3

(commencing with Section 39140) and Article 6 (commencing with Section 39210) of Chapter 2 of Part 23 of the Education Code, notwithstanding the provisions of Article 7 (commencing with Section 39240) of Chapter 2 of Part 23 of the Education Code, that temporary use buildings which are leased for a total time in excess of three years are subject to Article 3 (commencing with Section 39140) and Article 6 (commencing with Section 39210) of Chapter 2 of Part 23 of the Education Code. This section shall remain in effect only until June 30, 1983, unless a later enacted statute which is chaptered before June 30, 1983, deletes or extends such date.

SEC. 2. The Lodi Unified School District may lease for a five-year period, commencing January 1, 1981, and terminating December 31, 1986, residential houses constructed after January 1, 1978, to house elementary school pupils, provided that such facilities meet all applicable provisions of state and local building standards for residential houses existing at the time of construction of such houses. Residential houses meeting these requirements shall be exempt from the provisions of Article 3 (commencing with Section 39140) and Article 6 (commencing with Section 39210) of Chapter 2 of Part 23 of the Education Code, notwithstanding the provisions of Article 7 (commencing with Section 39240) of Chapter 2 of Part 23 of the Education Code, which provide that temporary use buildings which are leased for a total time in excess of three years are subject to Article 3 (commencing with Section 39140) and Article 6 (commencing with Section 39210) of Chapter 2 of Part 6 of the Education Code. This section shall remain in effect only until December 31, 1986, unless a later enacted statute which is chaptered before December 31, 1986, deletes or extends such date.

SEC. 4. Due to the unique circumstances concerning the school facilities in the Lodi Unified School District, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

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## CHAPTER 168

An act to amend Section 69845 of, and to add Section 69845.6 to, the Government Code, relating to courts.

[Approved by Governor June 12, 1980 Filed with Secretary of State June 12, 1980 ]

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

SECTION 1. Section 69845 of the Government Code is amended to read:

69845. Except as provided in Sections 69845.5 and 69845.6, the clerk of the superior court shall keep a register of actions in which shall be entered the title of each cause, with the date of its

commencement and a memorandum of every subsequent proceeding in the action with its date.

SEC. 2. Section 69845.6 is added to the Government Code, to read:

69845.6. As a three-year pilot project, the Placer County Board of Supervisors may direct the clerk of the Superior Court in Placer County to suspend the maintenance of a register of actions from January 1, 1981, to January 1, 1984. After January 1, 1984, the clerk of the Superior Court in Placer County shall keep a register of actions pursuant to Section 69845 or 69845.5, unless a statute enacted prior to January 1, 1984, extends such pilot project.

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## CHAPTER 169

An act to add Sections 3.1 and 3.2 to Chapter 1326 of the Statutes of 1976, relating to the state park system, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1980 Filed with Secretary of State June 12, 1980 ]

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

SECTION 1. The Legislature hereby finds and declares as follows:

(a) The state acquired property situated in the County of Contra Costa near Danville known as "Tao House" for the state park system contingent upon an agreement that development, improvement, restoration, care, maintenance, and control of the property would be done at no cost to the state.

(b) Federal legislation (Pub. L. 94-539) enacted in 1976 proclaimed the Tao House to be a national historic site and authorized the Secretary of the Interior to acquire, administer, restore, and interpret the property for public use as a memorial to Eugene O'Neill, a nationally prominent literary figure, and as a park for the performing arts.

(c) All parties to the existing operating agreement (the Department of Parks and Recreation, the Eugene O'Neill Foundation, Tao House, and the County of Contra Costa) support transferring title and full operational responsibility, consistent with the provisions of Chapter 1326 of the Statutes of 1976, to the federal government.

(d) The National Park Service has stated in a letter to the Department of Parks and Recreation that federal administration can best be accomplished by federal ownership of the property involved.

SEC. 2. Section 3.1 is added to Chapter 1326 of the Statutes of 1976, to read:

Sec. 3.1. Notwithstanding Section 1 of this act, the Director of

Parks and Recreation, with the approval of the Director of General Services, may transfer in the name of and on behalf of the state all right, title, and interest belonging to the state in and to the property referred to in Section 1 to the United States of America, without monetary consideration, but otherwise upon such terms and conditions, if any, as the Director of Parks and Recreation, with the approval of the Director of General Services, shall determine to be in the best interests of the state.

SEC. 3. Section 3.2 is added to Chapter 1326 of the Statutes of 1976, to read:

Sec. 3.2. Notwithstanding Section 1 of this act, the Director of Parks and Recreation, with the approval of the Director of General Services, may enter into an amendment to the agreement referred to in Section 1, if necessary to effect the transfer authorized under Section 3.1, to provide that the term of such agreement shall terminate at the end of the term specified in such agreement or on the date of the acceptance of such transfer, by the United States of America, whichever date shall first occur. The amendment shall provide for a waiver of rights, if any, to relocation assistance from the state, notwithstanding other provisions of law.

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:

Inasmuch as there is pending before Congress an agreement to enable the federal government to assume full operational responsibility for Tao House, it is imperative that California demonstrate its support for federal ownership and operational control of Tao House, consistent with the provisions of Chapter 1326 of the Statutes of 1976. This act will expedite and facilitate the preservation, restoration, and public use of Tao House as provided by federal legislation. It is, therefore, necessary that this act take effect immediately.

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## CHAPTER 170

An act to amend Section 30160 of, and to add Sections 30168, 30171, and 30172 to, the Public Resources Code, relating to the California coastal zone, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1980. Filed with Secretary of State June 12, 1980 ]

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

SECTION 1. Section 30160 of the Public Resources Code is amended to read:

30160. In Monterey County:

(a) In the City of Marina, approximately 400 acres between Del Monte Boulevard and the new alignment of State Highway Route 1 are excluded as specifically shown on map 9.

(b) In the City of Sand City approximately 125 acres landward of a 200-foot buffer along the new alignment of State Highway Route 1 are excluded as specifically shown on map 10; provided, however, a buffer of 100 feet along either side of the railroad right-of-way through the city together with such right-of-way are not excluded.

(c) In the City of Seaside approximately 29 acres northeast of Laguna del Rey are excluded as specifically shown on map 10; provided, however, a 125-foot buffer along the edge of Laguna Grande, a 100-foot buffer along each side of the channel connecting Roberts Lake and Laguna Grande, and a 100-foot buffer along either side of the railroad right-of-way together with such right-of-way are not excluded.

(d) In the City of Monterey, the downtown area, and the Cannery Row area between Lighthouse Avenue and the extreme edge of the railroad right-of-way, are excluded as specifically shown on map 11; provided, however, that the one block area bounded by Foam Street and Wave Street, and Prescott Avenue and Hoffman Avenue, is not excluded.

Notwithstanding any map referenced by Section 30150, dated September 12, 1979, and filed on September 14, 1979, with the office of the Secretary of State, the inland coastal zone boundary described in this subdivision shall be as prescribed by the amendments to this section made during the second year of the 1979–80 Regular Session of the Legislature.

(e) In the City of Pacific Grove approximately 300 acres are excluded as specifically shown on map 11; provided, however, that the railroad right-of-way is not excluded.

(f) In the Del Monte Forest, approximately 90 acres known as the Navaho Tract are added as specifically shown on map 11.

(g) In the area between the intersection of the boundary and the easterly line of Section 26, T. 17 S., R. 1 E., M.D.M. and the intersection of the boundary and the northeasterly corner of Section 1, T. 19 S., R. 1 E., M.D.M., and in the vicinity of the head of the Middle Fork of Devil's Canyon and the head of the South Fork of Devil's Canyon the boundary is moved seaward to the five-mile limit described in Section 30103 and as specifically shown on maps 12, 13, and 14.

SEC. 2. Section 30168 is added to the Public Resources Code, to read:

30168. (a) The Legislature hereby finds and declares that a dispute exists as to the proper location of the inland boundary of the coastal zone in the area commonly known as Aliso Viejo and that, after extensive review of the history of this boundary segment, the

criteria utilized to establish the boundary in 1976, and the relevant topographical information, it is possible to reach differing conclusions of equal validity regarding the proper location of the coastal zone boundary. The Legislature further finds that it is not possible to determine objectively which ridgeline feature in the Aliso Viejo area most closely approximates the boundary criteria utilized by the Legislature in 1976, and that it is in the best public interest to resolve the current boundary dispute in order to avoid further delay in the completion of the local coastal program for Orange County. The legislature further finds that a timely resolution of this boundary dispute can best be accomplished by adjusting the coastal zone boundary in the manner set forth in this section and within the general framework of Section 30103 and consistent with the need to protect the coastal resources of the Aliso Viejo area and to carry out the requirements of Section 30213.

(b) In the Aliso Creek area of Orange County approximately 286 acres are added and approximately 1,020 acres are excluded as specifically shown on maps 28A and 28B dated April 15, 1980, and filed on April 22, 1980, with the office of the Secretary of State and which are on file in the office of the commission. Such maps are hereby adopted by reference. The changes made in the inland boundary of the coastal zone by this section are in addition to any changes made by any map referenced in Section 30150, except to the extent that the changes made by this section affect a segment of the boundary previously changed by any such map, in which case the changes made by this section shall supercede any such previous changes.

(c) The executive director of the commission may adjust the precise location of the inland boundary of the coastal zone not more than 100 yards in either a seaward or landward direction in order to conform the precise boundary location to the specific limits of development adjacent to the coastal zone boundary as shown on maps 28A and 28B; provided, however, that in any subdivided area, the executive director may adjust the precise location of the inland boundary of the coastal zone not more than 100 feet in a landward direction in order to include any development of the first row of lots immediately adjacent to the boundary as shown on such maps, where the executive director determines that such an adjustment is necessary to ensure that adequate controls will be applied to such development in order to minimize any potential adverse effects on the coastal zone resources. The executive director shall prepare a detailed map showing any such changes and shall file a copy of such map with the county clerk.

(d) Prior to the adoption and approval of a drainage control plan by the County of Orange for the Aliso Viejo Planned Community (as designated by Amendment No. L. U. 79-1 to the Land Use Element of the Orange County General Plan), the county shall consult with the executive director of the commission to ensure that any drainage control facilities located outside the coastal zone are adequate to

provide for no increase in peak runoff, by virtue of the development of the Aliso Viejo Planned Community, which would result in adverse impacts on coastal zone resources.

(e) On or before January 31, 1981, the commission shall, after public hearing and in consultation with the County of Orange, certify or reject a local coastal program segment prepared and submitted by the county on or before August 1, 1980, for the following parcel in the Aliso Creek area: land owned by the Aliso Viejo Company, a California corporation, as of April 22, 1980, within the coastal zone as amended by this section. The local coastal program required by this subdivision shall for all purposes of this division constitute a certified local coastal program segment for such parcel in the County of Orange. The segment of the county's local coastal program for such parcel may be amended pursuant to the provisions of this division relating to the amendment of local coastal programs. If the commission neither certifies nor rejects such submitted local coastal program within the time limit specified in this subdivision, the land added to the coastal zone by this section shall no longer be subject to the provisions of this division. It is the intent of the Legislature in enacting this subdivision that a procedure to expedite the preparation and adoption of a local coastal program for such land be established so that the public and the affected property owner know as soon as possible what uses are permissible.

(f) The commission, through its executive director, shall enter into a binding and enforceable agreement with Aliso Viejo Company, and such agreement shall be recorded as a covenant to run with the land with no prior liens other than tax and assessment liens restricting such Aliso Viejo Planned Community. Such agreement shall provide for the following:

(1) The Aliso Viejo Company shall provide at least 1,000 units of for-sale housing to moderate-income persons at prices affordable to a range of households earning from 81 to 120 percent of the median income for Orange County as adjusted for family size pursuant to the commission's housing guidelines on affordable housing dated January 22, 1980, and July 16, 1979, and such additional provisions as agreed to between the commission and the Aliso Viejo Company as referred to in this subdivision.

For purposes of this subdivision, median income shall constitute the figure most recently established by the Department of Housing and Urban Development at the time the public report for the units, or any portion thereof, is issued by the California Department of Real Estate. The affordable units required by this subdivision shall be priced equally over the moderate-income range and shall reflect a reasonable mix as to size and number of bedrooms.

(2) The 1,000 units provided pursuant to this subdivision shall be sold subject to controls on resale substantially as provided in the commission's housing guidelines on affordable housing, dated January 22, 1980, and July 16, 1979, and such additional provisions as agreed to between the commission and the Aliso Viejo Company as

referred to in this subdivision. On or before entering the agreement provided for herein, the Aliso Viejo Company shall enter into an agreement, approved by the executive director of the commission, with the Orange County Housing Authority or any other appropriate housing agency acceptable to the executive director of the commission to provide for the administration of such resale controls including the qualification of purchasers.

(3) The 1,000 units provided pursuant to this subdivision may be dispersed throughout the Aliso Viejo Planned Community, and shall be completed and offered for sale prior to or simultaneously with other units in the overall project, so that at any time at least 7½ percent of the units constructed shall be resale-controlled until the 1,000 units are completed.

(4) The Department of Housing and Community Development and the County of Orange shall be third party beneficiaries to the agreement provided in this subdivision and shall have the power to enforce any and all provisions of such agreement.

(5) This agreement may only be amended upon the determination of the Aliso Viejo Company or its successors or assigns, the commission, the Department of Housing and Community Development, and the County of Orange that such change is necessary in order to prevent adverse effects on the supply of low- and moderate-income housing opportunities and to improve the methods of providing such housing at continually affordable prices.

The Legislature hereby finds and declares that, because the Aliso Viejo Company, in addition to the 1,000 units of controlled housing provided in this subdivision, will provide for 2,000 units of subsidized affordable housing for low income persons and 2,000 affordable housing units for moderate income persons pursuant to the company's housing program, the purposes of Section 30213 will be met by enactment of this subdivision. The Legislature further finds and declares that the general provisions of this subdivision are specifically described and set forth in letters by Aliso Viejo Company and the executive director of the commission published in the Journals of the Senate and the Assembly of the 1979–80 Regular Session, and it is the intent of the Legislature that the commission and Aliso Viejo Company conform the agreement provided in this subdivision to the specific provisions described in such letters.

(g) Notwithstanding any other provision of law, the application of the provisions of this division by the commission to the development or use of any infrastructure necessary and appropriate to serve development within the portions of such Aliso Viejo Planned Community located inland of the coastal zone as amended by this section, shall be strictly limited to addressing direct impacts on coastal zone resources and shall be carried out in a manner that assures that such infrastructure will be provided. Further, the commission shall amend without conditions its prior permit No. A-61-76 to provide for its release of sewer outfall flow limitations necessary and appropriate to serve such Aliso Viejo Planned

Community located inland of the coastal zone as amended by this subdivision. For purposes of this subdivision, "infrastructure" means those facilities and improvements necessary and appropriate to develop, construct, and serve urban communities, including but not limited to, streets, roads, and highways; transportation systems and facilities; schools; parks; water and sewage systems and facilities; electric, gas, and communications systems and facilities; and drainage and flood control systems and facilities. Notwithstanding the provisions of this subdivision, the commission may limit, or reasonably condition, the use of the transit corridor in Aliso Creek Valley to transit uses, uses approved by the commission that will serve the Aliso Greenbelt Project prepared by the State Coastal Conservancy, the provision of access to and from the sewage treatment works in Aliso Creek Valley, emergency uses, and drainage and flood control systems and facilities and other services approved pursuant to this subdivision.

(h) The provisions of this section shall become operative only at such time as the commission and Aliso Viejo Company have entered into the binding and enforceable agreement provided for in this section, and such agreement has been duly recorded with the county recorder of Orange County.

SEC. 3. Section 30171 is added to the Public Resources Code, to read:

30171. (a) On or before October 1, 1980, the commission shall submit to the City of Carlsbad an initial draft of the land use portion of the local coastal program for the area specifically delineated on maps 154 and 155 which have been placed on file with the Secretary of State on April 22, 1980.

(b) On or before July 1, 1981, the commission shall, after public hearing and consultation with the City of Carlsbad, adopt a local coastal program for that area within the City of Carlsbad which is specifically delineated on maps 154 and 155 which have been placed on file with the Secretary of State on April 22, 1980. The local coastal program for such area shall, after adoption by the commission, be deemed certified, and shall, for all purposes of this division, constitute the certified local coastal program for such area. The local coastal program for such area may be amended pursuant to the provisions of this division relating to the amendment of local coastal programs.

(c) If the commission fails to adopt such local coastal program within the time limits specified in this subdivision, such area shall be excluded from the coastal zone and shall no longer be subject to the provisions of this division. It is the intent of the Legislature, in enacting this section, that a procedure to expedite the preparation and adoption of a local coastal program in this specified area be established so that the public and affected property owners know as soon as possible what the permissible uses of such lands are.

(d) This section is not intended and shall not be construed as authorizing any modification, extension, or alteration in any deadline

or other provisions of any contract between the commission or any regional coastal commission and any person, business, or corporation with respect to planning services for the area delineated on maps 154 and 155.

SEC. 4. Section 30172 is added to the Public Resources Code, to read:

30172. In the San Diego County, an area consisting of approximately 180 acres lying west and south of Palomar Airport as shown on Map 155, which has been placed on file with the Secretary of State on April 22, 1980, shall be excluded from the coastal zone after the City Engineer of the City of Carlsbad approves and the commission certifies a drainage plan for the area, pursuant to the commission's interim permit authority, which plan the city shall implement and enforce.

SEC. 5. Local governments shall be reimbursed pursuant to Sections 30340.5 and 30340.6 of the Public Resources Code for any costs that may be incurred by them in carrying out any program or performing any service required to be carried on or performed by them by 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 ensure proper planning for, and development of, the areas provided for in this act, it is necessary that the provisions of this act become effective immediately.

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## CHAPTER 171

An act to amend Section 12100 of the Financial Code, relating to financial transactions.

[Approved by Governor June 12, 1980. Filed with Secretary of State June 12, 1980.]

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

SECTION 1. Section 12100 of the Financial Code is amended to read:

12100. The provisions of this division do not apply to any of the following:

(a) Persons or their authorized agents doing business under license and authority of the Superintendent of Banks of the State of California, or under any law of this state or of the United States relating to banks, trust companies, building or savings and loan associations, industrial loan companies, personal property brokers, credit unions, title insurance companies or underwritten title companies (as defined in Section 12402 of the Insurance Code),

escrow agents subject to Division 6 of the Financial Code, or California small loan companies.

(b) (1) Any person which is licensed under Chapter 14A (commencing with Section 1851) of Division 1 of this code or any agent of such person when selling any travelers check (as defined in Section 1852 of this code) which is issued by such person.

(2) Any person which is licensed under Division 16 (commencing with Section 33000) of this code or any agent of such person, when selling any payment instrument (as defined in Section 33059 of this code) which is issued by such person.

(c) The services of a person licensed to practice law in this state, when such person renders services in the course of his practice as an attorney at law, and the fees and disbursements of such person whether paid by the debtor or other person, are not charges or costs and expenses regulated by or subject to the limitations of this chapter; provided, such fees and disbursements shall not be shared, directly or indirectly with the prorater, check seller or casher.

(d) Any transaction in which money or other property is paid to a "joint control agent" for dispersal or use in payment of the cost of labor, materials, services, permits, fees, or other items of expense incurred in construction of improvements upon real property.

(e) A merchant-owned credit or creditors association, or a member-owned or member-controlled or member-directed association whose principal functions is that of servicing the community as a reporting agency.

(f) Any person licensed under Chapter 1 of Part 6, Division 2 of the Labor Code, when acting in any capacity for which he is licensed under such part.

(g) Any person licensed under Part 1, Division 4, of the Business and Professions Code, when acting in any capacity for which he is licensed under that part.

(h) A common law or statutory assignment for the benefit of creditors or the operation or liquidation of property or a business enterprise under supervision of a creditor's committee.

(i) The services of a person licensed as a certified public accountant or a public accountant in this state, when such person renders services in a course of his practice as a certified public accountant or a public accountant, and the fees and disbursements of such person whether paid by the debtor or other person, are not charges or costs and expenses regulated by or subject to the limitations of this chapter; provided, such fees and disbursements shall not be shared, directly or indirectly, with the prorater, check seller or casher.

(j) Nonprofit community service organizations that are subject to the Nonprofit Public Benefit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code) or are subject to the Nonprofit Mutual Benefit Corporation Law (Part 3 (commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code) and whose membership consists exclusively

of retailers, lenders in the consumer credit field, educators, attorneys, social service organizations, employers' or employees' organizations, and related groups, if the principal functions of such organizations are: (1) consumer credit education; (2) counseling on consumer credit problems and family budgets; and (3) arranging, and in certain cases administering, debt settlement plans, for which a charge for administrative services only may be made of 6.5 percent of the money disbursed monthly, or twelve dollars ($12) per month, whichever is the lesser, to offset expenses; provided essential records are kept in accordance with sound accounting practices, consumer funds are banked in a trust account and appropriate fidelity bond and insurance are maintained, that reports are made to debtors, and independent audits made; and further provided, however, that this subdivision shall exempt such organizations from this division only with respect to those activities described in Section 12002.1 and not with respect to those activities described in Section 12002.

(k) Any person licensed under Article 3 (commencing with Section 1800) of Chapter 14 of Division 1 or any agent of such person, when selling any check or draft which is drawn by such person and which is of the type described in subdivision (b) of Section 1800.5.

(*l*) Any group of banks each of which is organized under the laws of a nation other than the United States and one or more of which are licensed by the Superintendent of Banks of the State of California under Article 1 (commencing with Section 1750), Chapter 14, Division 1, or any agent of such group, when selling any foreign currency travelers check (as defined in Section 1852) issued by such group, provided that each bank which is a member of the group is jointly and severally liable to pay such foreign currency travelers check.

(m) Any transaction of the type described in Section 1854.1.

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## CHAPTER 172

An act to amend Section 276 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1980 Filed with Secretary of State June 12, 1980.]

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

SECTION 1. Section 276 of the Revenue and Taxation Code, as added by Section 2 of Chapter 662 of the Statutes of 1975, is amended to read:

276. (a) A claimant for the disabled veterans' property tax exemption for the 1976–77 fiscal year or any year thereafter may qualify for a partial exemption if such claimant fails to file the

required affidavit with the assessor by 5:00 p.m. on April 15 of the calendar year in which the fiscal year begins, but files such claims on or before the following December 1. Commencing with the 1979–80 assessment year, late-filed claims for the ten thousand dollar ($10,000) exemption provided in Section 205.5 shall receive the lesser of eight thousand dollars ($8,000) or 80 percent of the assessed value of the dwelling. Late-filed claims for the fifteen thousand dollar ($15,000) exemption provided in Section 205.5, when filed in conjunction with a late-filed claim for the ten thousand dollar ($10,000) exemption, shall receive the lesser of twelve thousand dollars ($12,000) or 80 percent of the assessed value of the dwelling. Late-filed claims for the fifteen thousand dollar ($15,000) exemption, filed in conjunction with timely filed claims for the ten thousand dollar ($10,000) exemption, shall receive the lesser of fourteen thousand dollars ($14,000) or 80 percent of the assessed value of the dwelling.

(b) On such claims filed pursuant to subdivision (a) after November 15, this exemption may be applied to the second installment, and if applied to the second installment, the first installment will still become delinquent on December 10, and a 6-percent penalty will attach if the tax amount due is not paid.

If this exemption is applied to the second installment and if both installments are paid on or before December 10, or if the reduction in taxes from this exemption exceeds the amount of taxes due on the second installment, a refund shall be made to the taxpayer upon a claim submitted by the taxpayer to the auditor.

SEC. 2. Section 276 of the Revenue and Taxation Code, as amended by Section 14 of Chapter 1207 of the Statutes of 1978, is amended to read:

276. (a) A claimant for the disabled veterans' property tax exemption for the 1976–77 fiscal year or any year thereafter may qualify for a partial exemption if such claimant fails to file the required affidavit with the assessor by 5:00 p.m. on April 15 of the calendar year in which the fiscal year begins, but files such claims on or before the following December 1. Commencing with the 1979–80 assessment year, late-filed claims for the forty thousand dollar ($40,000) exemption provided in Section 205.5 shall receive the lesser of thirty-two thousand dollars ($32,000) or 80 percent of the full value of the dwelling. Late-filed claims for the sixty thousand dollar ($60,000) exemption provided in Section 205.5, when filed in conjunction with the late-filed claim for the forty thousand dollar ($40,000) exemption, shall receive the lesser of forty-eight thousand dollars ($48,000) or 80 percent of the full value of the dwelling. Late-filed claims for the sixty thousand dollar ($60,000) exemption, when filed in conjunction with timely filed claims for the forty thousand dollar ($40,000) exemption, shall receive the lesser of fifty-six thousand dollars ($56,000) or 80 percent of the full value of the dwelling.

(b) On such claims filed pursuant to subdivision (a) after

November 15, this exemption may be applied to the second installment, and if applied to the second installment, the first installment will still become delinquent on December 10, and a 6-percent penalty will attach if the tax amount due is not paid.

If this exemption is applied to the second installment and if both installments are paid on or before December 10, or if the reduction in taxes from this exemption exceeds the amount of taxes due on the second installment, a refund shall be made to the taxpayer upon a claim submitted by the taxpayer to the auditor.

SEC. 3. Section 1 of this act shall be operative for the 1979–80 and the 1980–81 assessment years and shall be repealed as of December 31, 1981. Section 2 of this act shall become operative on January 1, 1981 and shall be applied with regard to the 1981–82 fiscal year and fiscal years thereafter.

SEC. 4. The Controller shall report to the Legislature on the amount of claims made by county auditors under Section 16113 of the Government Code for compensation for property tax revenues lost by reason of the classification or exemption of property by this act. The report shall be made on or before the first day of October next following the operative date of this act for claims made under subdivision (a) of Section 16113 and shall be made on or before the first day of December next following the operative date of this act for claims made under subdivision (b) of Section 16113. The report shall be made in order that the Legislature may appropriate funds for the subventions required by Section 2229 of the Revenue and Taxation Code.

SEC. 5. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections because the duties, obligations, or responsibilities imposed on local agencies or school districts by this act are such that related costs are incurred as part of their normal operating procedures. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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 that disabled veterans be able to take advantage of the increased property tax exemption provided by the Legislature on their homes for the 1979–80 fiscal year, and to correct an oversight that would prevent some otherwise eligible disabled veteran from receiving the exemption in 1979–80, it is necessary that this act take effect immediately.

## CHAPTER 173

An act to amend Section 4701 of the Civil Code, to amend Section 690.18 of the Code of Civil Procedure, to amend Section 22005 of the Education Code, and to amend Section 21201 of the Government Code, relating to remedies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 13, 1980. Filed with Secretary of State June 13, 1980 ]

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

SECTION 1. Section 4701 of the Civil Code is amended to read:

4701. (a) In any proceeding where the court has ordered either or both parents to pay any amount for the support of a minor child, the court may order either parent or both parents to assign to the county clerk, probation officer, or other officer of the court or county officer designated by the court to receive such payment, that portion of salary or wages of either parent due or to be due in the future as will be sufficient to pay the amount ordered by the court for the support, maintenance and education of the minor child. Such order shall operate as an assignment and shall be binding upon any existing or future employer of the defaulting parent upon whom a copy of such order is served. The Judicial Council shall prescribe forms for such orders. The employer may deduct the sum of one dollar ($1) for each payment made pursuant to such order. Any such order may be modified or revoked at any time by the court. Any such assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court. The employer shall cooperate with and provide relevant employment information to the district attorney for the purpose of enforcing the child support obligation.

(b) Notwithstanding the provisions of subdivision (a), in any proceeding where the court has ordered either or both parents to pay any amount for the support of a minor child, upon both a petition by the person to whom support has been ordered to have been paid and a finding by the court that the parent so ordered is in arrears in payment in a sum equal to the amount of two months of such payments within the 24-month period immediately preceding submission of such petition, the court shall order the defaulting parent to assign either to the person to whom support has been ordered to have been paid or to a county officer designated by the court to receive such payment, that portion of the salary or wages of the parent due or to be due in the future as will be sufficient to pay the amount ordered by the court for the support, maintenance, and education of the minor child. Such an order shall operate as an assignment and shall be binding upon any existing or future employer of the defaulting parent upon whom a copy of such order

is served. The Judicial Council shall prescribe forms for such orders. The employer may deduct the sum of one dollar ($1) for each payment made pursuant to the order. Any such assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court.

The parent to whom support has been ordered to be paid shall notify the court and the employer of the parent ordered to pay support, by any form of mail requiring a return receipt, of any change of address within a reasonable period of time after any such change. In instances in which payments have been ordered to be made to a county officer designated by the court, the parent to whom support has been ordered to be paid shall notify the court and such county officer, by any form of mail requiring a return receipt, of any address change within a reasonable period of time after any such change. If the employer or county officer is unable to deliver payments under the assignment for a period of three months due to the failure of the person to whom support has been ordered to be paid to notify the employer or county officer of a change of address, the employer or county officer shall not make any further payments under the assignment and shall return all undeliverable payments to the employee.

For purposes of this subdivision, arrearages in payment shall be computed on the basis of the payments owed and unpaid on the date that the defaulting parent has been given notice pursuant to law of the application for the order of assignment, and the fact that the defaulting parent may have subsequently paid such arrearages shall not relieve the court of its duty under this subdivision to order the assignment.

Upon a petition by the defaulting parent, the court shall terminate such order of assignment entered pursuant to this subdivision if (1) there has been 18 continuous and uninterrupted months of full payment under the wage assignment or (2) the employer or county officer has been unable to deliver payments under the assignment for a period of three months due to the failure of the person to whom support has been ordered to be paid to notify the employer or county officer of a change of address.

(c) No employer shall use any assignment authorized by this section as grounds for the dismissal of such employee.

(d) As used in this section "employer" includes the United States government and any public entity as defined in Section 811.2 of the Government Code.

(e) On declaration or affidavit of the parent to whom support has been ordered to be paid to the court that: (1) the parent ordered to make support payments is in default in such payment in the amount specified in subdivision (b), and (2) the whereabouts of such defaulting parent or the identity of his employer are unknown to the parent to whom support has been ordered to be paid, the district attorney shall contact the central registry maintained by the

Department of Justice in the manner prescribed in Section 11478.5 of the Welfare and Institutions Code, and upon receiving the requested information, notify the court of the last known address of the absent parent and the name and address of the absent parent's last known employer. The court shall then order the parent obligated to make suppport payments to show cause why an order for assignment pursuant to subdivision (b) should not issue. The county may charge a reasonable fee not to exceed two dollars and fifty cents ($2.50) for the services of the district attorney under this subdivision.

(f) Nothing in this section shall limit the authority of the district attorney to utilize any and all civil and criminal remedies to enforce child suppport obligations regardless of whether or not the custodial parent receives welfare moneys.

(g) Notwithstanding any other provision of law, the provisions of this section shall be applicable to any of the following:

(1) All money received by any person as a pension, or as an annuity or retirement or disability or death or other benefit, or as a return of contributions and interest thereon from the United States government, or from the state, or any county, city, or city and county, or other political subdivision of the state, or any public trust, or public corporation, or from the governing body of any of them, or from any public board or boards, or from any retirement, disability, or annuity system established by any of them pursuant to statute.

(2) All money held, controlled, or in process of distribution by the state, or a city, city and county, county, or other political subdivision of the state, or any public trust or public corporation, or the governing body of any of them, or by any public board or boards, derived from the contributions by the state or such city, county, city and county, or other political subdivision, or such public trust, public corporation, governing body, or public board or boards, or by any officer or employee thereof, for retirement or pension purposes or the payment of disability, death, or other benefits, and all rights and benefits accrued or accruing to any person under any system established pursuant to statute by the state, city, city and county, county, or other political subdivision of the state, or any public trust or public corporation for retirement, annuity, or pension purposes or payment of disability or death benefits, and all vacation credits accumulated by a state employee pursuant to the provisions of Section 18050 of the Government Code, or any other public employee pursuant to any law for the accumulation of vacation credits applicable to such employee where money, a benefit, or vacation credit has become payable under such program; provided, however, the paying authority may deduct a sum reflecting the actual cost of administration of the court-ordered child or spousal support payment up to one dollar ($1) for each payment made pursuant to court order.

This subdivision shall not apply to any money held, controlled, or in process of distribution by any such entity pursuant to the statutory provisions of the Unemployment Insurance Code, or of Division 4

(commencing with Section 3201) or Division 4.5 (commencing with Section 6100) of the Labor Code pertaining to workers' compensation and insurance.

(h) Notwithstanding any other provision of law, when a certified copy of any order of assignment is served on any public entity described in subdivision (g), other than the United States government, such entity shall comply with any request for a return of employee contributions by an employee named in such order by delivering such contributions to the clerk of the court from which such order issued, unless the entity has received a certified copy of an order terminating the order of assignment. Upon receipt of moneys pursuant to this section, the clerk of the court, within 10 days, shall send written notice of such fact to the parties, and any agency through whom payments have been ordered under Section 4702. Such moneys shall be subject to any procedure available to enforce an order for child support, but if no enforcement procedure is commenced after 30 days have elapsed from the date the notice of receipt is sent, the clerk shall, upon request, release the moneys to the defaulting parent. A court shall not directly or indirectly condition the issuance, modification, or termination of, or condition the terms or conditions of, any order for the support of a minor child upon the issuance of such a request by such an employee.

SEC. 2. Section 690.18 of the Code of Civil Procedure is amended to read:

690.18. (a) Except with regard to court-ordered child or spousal support payments, all money received by any person, a resident of the state, as a pension, or as an annuity or retirement or disability or death or other benefit, or as a return of contributions and interest thereon, from the United States government, or from the state, or any county, city, or city and county, or other political subdivision of the state, or any public trust, or public corporation, or from the governing body of any of them, or from any public board or boards, or from any retirement, disability, or annuity system established by any of them pursuant to statute, whether the same shall be in the actual possession of such pensioner or beneficiary, or deposited by him.

(b) All money held, controlled, or in process of distribution by the state, or a city, city and county, county, or other political subdivision of the state, or any public trust or public corporation, or the governing body of any of them, or by any public board or boards, derived from the contributions by the state or such city, county, city and county, or other political subdivision, or such public trust, public corporation, governing body, or public board or boards, or by any officer or employee thereof, for retirement or pension purposes or the payment of disability, death, or other benefits, and all rights and benefits accrued or accruing to any person under any system established pursuant to statute by the state, city, city and county, county, or other political subdivision of the state, or any public trust or public corporation for retirement, annuity, or pension purposes or

payment of disability or death benefits, and all vacation credits accumulated by a state employee pursuant to the provisions of Section 18050 of the Government Code, or any other public employee pursuant to any law for the accumulation of vacation credits applicable to such employee. Such moneys, benefits, and credits shall be exempt without filing a claim of exemption as provided in Section 690.50. The exemption provided by this subdivision shall not apply to court-ordered child or spousal support payments where money, a benefit, or vacation credit is payable under the program; provided that the execution, garnishment, attachment, or any other process whatsoever, does not exceed the limitations as specified in Section 723.052 of the Code of Civil Procedure; and provided further that the paying authority may deduct a sum reflecting the actual cost of administration of the court-ordered child or spousal support payments up to one dollar ($1) for each payment made pursuant to such order.

(c) All money held, controlled, or in process of distribution by the state, or a city, city and county, county, or other political subdivision of the state, or any public trust or public corporation, or the governing body of any of them, or by any public board or boards, derived from the contributions by the state or such city, county, city and county, or other political subdivision, or such public trust, public corporation, governing body, or public board or boards, or by any officer or employee thereof, for the payment of benefits payable to, or the reimbursement of benefits paid to, employees thereof under the provisions of the Unemployment Insurance Code. Such moneys, benefits, and credits shall be exempt without filing a claim of exemption as provided in Section 690.50.

(d) Except with regard to court-ordered child or spousal support payments, money held, controlled, or in process of distribution by any private retirement plan, including, but not limited to, union retirement plans, or any profit-sharing plan designed and used for retirement purposes, or the payment of benefits as an annuity, pension, retirement allowance, disability payment or death benefit from such retirement or profit-sharing plans, and all contributions and interest thereon returned to any member of any such retirement or profit-sharing plan, whether the same shall be in the actual possession of such pensioner or beneficiary, or deposited by him, are exempt from execution, attachment, or garnishment. Except with regard to moneys withheld from employees' wages and contributions based on wages in employment under provisions of the Unemployment Insurance Code, the exemption given by this subdivision shall apply to any moneys held in self-employed retirement plans and individual retirement annuities or accounts provided for in the Internal Revenue Code of 1954 as amended by the federal "Employee Retirement Income Security Act of 1974" (P.L. 93-406, 29 U.S.C. 1001 et seq.) and by the "Tax Reform Act of 1976" (P.L. 94-455), provided that such moneys do not exceed the maximum amounts exempt from federal income taxation under

these acts.

SEC. 3. Section 22005 of the Education Code is amended to read:

22005. The right of a person to an annuity, a retirement salary, or a retirement allowance, to the return of contributions, the annuity, retirement salary, or retirement allowance itself, any optional benefit, any other right or benefit accrued or accruing to any person under this part, and the moneys in the fund created under this part are not subject to execution, garnishment, attachment, or any other process whatsoever, and are unassignable except as specifically provided in this part.

This section does not apply to court-ordered child or spousal support payments when the benefit is payable to such person.

SEC. 4. Section 21201 of the Government Code is amended to read:

21201. (a) The right of a person to any benefit or other right under this part and the money in the retirement fund is not subject to execution, garnishment, attachment, or any process whatsoever, and are unassignable, except as specifically provided in this part.

(b) Notwithstanding the provisions of subdivision (a), this section does not apply to court-ordered child or spousal support payments when such benefit is payable to the person, provided that such execution, garnishment, attachment, or any other process whatsoever, does not exceed the limitations specified in Section 723.052 of the Code of Civil Procedure.

(c) The retirement board may deduct a sum reflecting the actual cost of administration of the court-ordered child or spousal payment up to two dollars ($2) for each payment pursuant to such order.

SEC. 5. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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 enable certain spouses and children to obtain spousal or child support as soon as possible, consistent with court order; and to reduce the number of persons who are receiving welfare payments by enforcing spousal or child support payments, it is necessary that this act go into immediate effect.

## CHAPTER 174

An act to amend Section 1798.3 of the Civil Code, relating to information.

[Approved by Governor June 13, 1980. Filed with Secretary of State June 13, 1980.]

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

SECTION 1. Section 1798.3 of the Civil Code is amended to read:

1798.3. As used in this chapter:

(a) The term "confidential information" means any of the following:

(1) Any information in any record maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including efforts of the Department of Justice to prevent, control, or reduce crime or to apprehend criminals if the information is (i) compiled for the purpose of identifying individual criminal offenders and alleged offenders and consists only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; or (ii) compiled for the purpose of a criminal investigation of suspected criminal activities, including reports of informants and investigators, and associated with an identifiable individual; or (iii) contained in any record which could identify an individual and which is compiled at any stage of the process of enforcement of the criminal laws, from the arrest or indictment stage through release from supervision and including the process of extradition or the exercise of executive clemency.

(2) Information consisting solely of written testing or examination material, or scoring keys used solely to determine individual qualifications for appointment or promotion in public service, or used to administer a licensing examination, or academic examination, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(3) Information containing medical, psychiatric or psychological material, if the holder of the record determines that disclosure of the information would be medically or psychologically detrimental to the individual. Such information shall, upon written authorization, be disclosed to a physician, psychiatrist or other licensed medical or psychological personnel designated by the data subject.

(4) Information, other than that maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal law, including the Department of Justice, consisting solely of investigative materials maintained by an agency for the purpose of investigating a specific violation of state law, but only so long as an investigation is in

progress and such investigative information has not been maintained for a period longer than is necessary to complete a criminal, civil, or administrative prosecution or initiate other remedial action. An agency may keep the source or sources of information used for an investigation under this section confidential so long as it determines that confidentiality is necessary to protect its law enforcement activities.

(5) Records consisting of information used solely for the purpose of verifying and paying government health care service claims made pursuant to Division 9 (commencing with Section 10000) of the Welfare and Institutions Code.

(6) Any information which is required by statute to be withheld from the individual to whom it pertains.

(b) The term "personal information" means any information in any record about an individual that is maintained by an agency, including, but not limited to, his or her education, financial transactions, medical or employment history. It does not mean information found to be confidential or nonpersonal under subdivision (a) or (c) of Section 1798.3.

(c) The term "nonpersonal information" means all of the following:

(1) Information consisting only of names, addresses, telephone numbers and other limited factual data, which could not, in any reasonable way (i) reflect or convey anything detrimental, disparaging, or threatening to an individual's reputation, rights, benefits, privileges, or qualifications or (ii) be used by an agency to make a determination that would affect an individual's rights, benefits, privileges, or qualifications.

(2) An agency telephone book or directory which is used exclusively for telephone and directory information.

(3) Any card catalog of any library, or the contents of any book listed within such card catalog.

(4) Any mailing list which is used exclusively for the purpose of mailing agency information.

(5) Records required by law to be maintained and used solely as a system of statistical records, but only if such records are maintained for statistical research or reporting purposes only and are not used in whole or in part in making any determination about an identifiable individual.

(6) Records to which an individual has the right of examination pursuant to Article 5 (commencing with Section 11120) of Chapter 1 of Title 1 of Part 4 of the Penal Code.

(d) The term "agency" means every state office, officer, department, division, bureau, board, commission, or other state agency, except that the term agency shall not include:

(1) The California Legislature.

(2) Any agency established under Article VI of the California Constitution.

(3) The State Compensation Insurance Fund, except as to any

records which contain personal information about the employees of the State Compensation Insurance Fund.

(e) The term "disclose" means to disclose, release, transfer, disseminate, or otherwise communicate all or any part of any record orally, in writing, or by electronic or any other means to any person or entity.

(f) The term "individual" means a natural person.

(g) The term "maintain" includes maintain, acquire, use, or disclose.

(h) The term "person" means any natural person, corporation, partnership, firm, or association.

(i) The term "record" means any file or grouping of information about an individual that is maintained by an agency, including, but not limited to, his or her education, financial transactions, medical or employment history and that contains his or her name, identifying number, symbol, or other identifying particular assigned to the individual, including, but not limited to, a finger or voice print or photograph and is maintained by reference to such an identifying particular.

(j) The term "system of records" means one or more records, which pertain to one or more individuals, which is maintained by any agency, from which information is retrieved by the name of an individual or by some identifying number, symbol or other identifying particular assigned to the individual.

(k) The term "governmental entity," except as used in Section 1798.26, means any branch of the federal government or of the local government.

(*l*) The term "commercial purpose" means any purpose which has financial gain as a major objective. It does not include the gathering or dissemination of newsworthy facts by a publisher or broadcaster.

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## CHAPTER 175

An act to amend Sections 488.5, 557.5, and 669.5 of the Insurance Code, relating to peace officers.

[Approved by Governor June 13, 1980 Filed with Secretary of State June 13, 1980 ]

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

SECTION 1. Section 488.5 of the Insurance Code is amended to read:

488.5. No insurer shall, in issuing or renewing a private automobile insurance policy to a peace officer, member of the California Highway Patrol, or fireman, with respect to his operation of a private motor vehicle, increase the premium on such policy for

the reason that the insured or applicant for insurance has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in performance of his duty during the hours of his employment.

As used in this section:

(a) "Peace officer" shall have the same meaning as defined in Section 830.1 of the Penal Code.

(b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.

SEC. 2. Section 557.5 of the Insurance Code is amended to read:

557.5. No peace officer, member of the California Highway Patrol, or fireman shall be required to report any accident in which he is involved while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in performance of his duty during the hours of his employment, to any person who has issued such peace officer, member of the California Highway Patrol, or fireman a private automobile insurance policy.

As used in this section:

(a) "Peace officer" shall have the same meaning as defined in Section 830.1 of the Penal Code.

(b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.

SEC. 3. Section 669.5 of the Insurance Code is amended to read:

669.5. No insurer shall fail to renew any private automobile insurance policy of a peace officer, member of the California Highway Patrol, or fireman, with respect to his operation of a private motor vehicle, for the reason that the insured has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in performance of his duty during the hours of his employment. As used in this section, "peace officer" shall have the same meaning as defined in Section 830.1 of the Penal Code.

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## CHAPTER 176

An act to amend Sections 39806 and 39808 of the Health and Safety Code, relating to air pollution.

[Approved by Governor June 13, 1980. Filed with Secretary of State June 13, 1980.]

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

SECTION 1. Section 39806 of the Health and Safety Code is amended to read:

39806. Money shall be subvened pursuant to this chapter to districts engaged in the reduction of air contaminants pursuant to the basinwide air pollution control plan and related implementation programs.

When the state board finds, pursuant to a resolution from the district board, or upon completion of proceedings conducted by the state board pursuant to Sections 41500 and 41502, that the district is not so engaged in the reduction of air contaminants, the subvention, or a portion thereof, which would have been allocated to such district pursuant to Section 39802, 39803, or 39804, plus such additional sum as may be necessary, if moneys are available from appropriations for the purposes of this chapter, shall be allocated to the state board itself to carry out the approved plan or program.

The findings of the state board shall be based on criteria established by the state board jointly with the districts for the evaluation of such plans and programs. The criteria shall be less stringent for rural districts, shall be based upon the differences in urban and rural air quality problems, population, and available resources, and shall recognize the transport of air pollutants from metropolitan areas to rural areas.

If the state board acts under this section pursuant to a resolution of the district board, it may do so without proceeding under Sections 41500 and 41502.

SEC. 2. Section 39808 of the Health and Safety Code is amended to read:

39808. The state board may review, as it deems necessary, the programs and expenditures by each district receiving a subvention under this chapter to ascertain that the funds budgeted from nonstate sources are in fact being expended substantially in accordance with the budget on which the subvention was based. If the state board finds that such funds are not being so expended, the state board may, after a public hearing held pursuant to Section 41502 do any of the following:

(a) Cease any further payments under the subvention.

(b) Withhold future subventions.

(c) Bring an action against the district, or the counties or cities supporting the district, to recover the subvention paid that fiscal year.

(d) Assume the powers of the district after it has held a public hearing upon a 30-day written notice given to the basinwide air pollution control council, if there is such a council, and to the affected districts.

# CHAPTER 177

An act to add Article 1.5 (commencing with Section 26630) to Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code, relating to public officers and employees.

[Approved by Governor June 13, 1980 Filed with Secretary of State June 13, 1980.]

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

SECTION 1. Article 1.5 (commencing with Section 26630) is added to Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code, to read:

## Article 1.5. Court Services Officer

26630. This article shall apply only to a county of the 13th class. It shall be known as the Ventura County Court Services Consolidation Act of 1980.

26631. There is hereby created a court services officer within the office of the sheriff to serve the superior and municipal courts.

26632. There is hereby created a Court Services Oversight Committee consisting of the presiding judge of the Superior Court of the County of Ventura or his designee, the presiding judge of the Ventura County municipal court or his designee, and the Sheriff of Ventura County or his designee. The duties of the committee shall be those prescribed by this article.

26633. The court services officer shall be appointed by, and may be removed only upon a vote by, any two of the three members of the Court Services Oversight Committee.

26634. Notwithstanding Sections 26603, 26608, 26665, and 71260 to 71265, inclusive, and any other provision of law, the sheriff through the court services officer shall provide bailiffing and court security, prisoner holding and movement in the hall of justice, processing and service of civil and criminal process, including subpoenas and warrants, and such investigations and other services as directed by any court.

26635. (a) To render prompt and efficient service to the public, the municipal court may authorize personnel of the clerk of the municipal court or of the court services officer to be cross-deputized to perform without additional compensation such functions of the other office as may be delegated.

(b) The clerk of the superior court may cross-deputize personnel of the clerk of the municipal court or of the court services officer to perform without additional compensation specified functions of the clerk of the superior court. The clerk of the superior court may permit personnel of his office to be cross-deputized to perform without additional compensation specified functions of the clerk of

the municipal court or of the court services officer.

26636. Notwithstanding Section 26633, the incumbent Marshal of the Ventura County Municipal Court shall automatically become the court services officer upon the effective date of this section, and until December 31, 1985, may not be removed except by unanimous vote of all three members of the Court Services Oversight Committee.

26637. (a) All personnel of the sheriff's office assigned to court services on the effective date of this section shall automatically become members of the court services office at their existing classifications, salaries and benefits.

(b) All personnel of the marshal's office on the effective date of this section shall automatically become members of the court services office at the equivalent classification of the county service having their existing salary and benefits. If the county service does not have an equivalent classification with the same rate of pay that a member of the marshal's office receives, the member shall continue to be entitled to receive the same percentage above the next lower county service classification as he receives on the effective date of this section.

(c) Clerical personnel described in subdivisions (a) and (b) may become members of the court services office, may be transferred to a position in the sheriff's office, or may be transferred to a position in county service other than the sheriff's office, at the same or an equivalent classification, but shall not be involuntarily terminated before December 31, 1985, except by unanimous vote of all three members of the Court Services Oversight Committee. All other personnel of the sheriff's office assigned to court services on the effective date of this section and all other personnel of the marshal's office on the effective date of this section shall not be involuntarily terminated or transferred out of the court services office before December 31, 1985, except by unanimous vote of all three members of the Court Services Oversight Committee.

(d) Permanent employees of the sheriff's office assigned to court services on the effective date of this section and permanent employees of the marshal's office on the effective date of this section shall be deemed qualified, and no other qualifications shall be required for employment or retention. Probationary employees of the sheriff's office assigned to court services on the effective date of this section and probationary employees of the marshal's office on the effective date of this section shall retain their probationary status and rights, and shall not be deemed to have transferred so as to require serving a new probationary period.

(e) For personnel of the sheriff's office assigned to court services on the effective date of this section and personnel of the marshal's office on the effective date of this section, all county service shall be counted toward county seniority, and all time spent in the same classification, and all time spent in an equivalent or higher classification shall be counted toward classification seniority.

(f) No employee of the sheriff's office assigned to court services

on the effective date of this section or employee of the marshal's office on the effective date of this section shall lose peace officer status, or be demoted or otherwise adversely affected by the consolidation of court services accomplished by this section.

SEC. 2. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Furthermore, this act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of this act.

SEC. 3. The provisions of this act are necessary because the County of Ventura is the only county where the judges of the municipal court and judges of the superior court and the board of supervisors, the sheriff, the marshal, and the county clerk have all accepted the terms of consolidation of the offices of marshal and sheriff. It is hereby declared that a general law cannot be made applicable because the County of Ventura is the only county where all the parties of interest have agreed to such consolidation, and the county needs legislative authorization to implement consolidation of these offices. Accordingly, it is necessary that this special act be adopted.

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## CHAPTER 178

An act to add Sections 429.97, 429.98, 429.981, 429.982, 429.983, 429.99, 429.991, 429.992, and 429.993 to the Health and Safety Code, relating to health planning.

[Approved by Governor June 13, 1980. Filed with Secretary of State June 13, 1980.]

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

SECTION 1. Section 429.97 is added to the Health and Safety Code, to read:

429.97. The Legislature finds and declares that:

(a) Planning for appropriate supplies and distribution of health care personnel is essential to assure the continued health and well-being of the people of the state and also to contain excess costs that may result from unnecessary training and underutilization of health care personnel.

(b) The information on physicians and surgeons collected by the Board of Medical Quality Assurance, in cooperation with the Office of Statewide Health Planning and Development, and under the authority of Sections 921 and 923 of the Business and Professions Code has proven to be valuable for health manpower planning

purposes. It is the intent of the Legislature, through this article, to provide for the efficient collection and analysis of similar information on other major categories of healing arts licentiates, in order to facilitate the development of the biennial health manpower plan and other reports and program activities of the office.

(c) It is the intent of the Legislature that the data transmitted to the Office of Statewide Health Planning and Development by the various boards be processed by the boards in such a manner that licentiates are not identified by name or license number.

SEC. 2. Section 429.98 is added to the Health and Safety Code, to read:

429.98. The Office of Statewide Health Planning and Development is authorized and directed to receive, with the cooperation of the respective healing arts licensing boards and licentiates, basic data on each licentiate in the following categories of health personnel: registered nurses, licensed vocational nurses, pharmacists, dentists, and optometrists.

The Office of Statewide Health Planning and Development shall develop a suggested format for data collection to be utilized by the various boards. However, the methods by which this information is collected and tabulated, including the format and content of questionnaires and other survey instruments, shall be determined by each respective healing arts licensing board after consultation with the Director of the Office of Statewide Health Planning and Development.

SEC. 3. Section 429.981 is added to the Health and Safety Code, to read:

429.981. The basic data to be collected on each licentiate in accordance with Section 429.98 shall include at least all of the following: principal and other practice locations, practice specialty or specialties for appropriate categories, time spent in direct patient-care/patient-contact and other professional activities, race or ethnicity, age, sex, and educational background.

SEC. 4. Section 429.982 is added to the Health and Safety Code, to read:

429.982. Notwithstanding Sections 922 and 925 of the Business and Professions Code, the office may receive, and the Board of Medical Quality Assurance may provide, information respecting individual licentiates collected pursuant to Sections 921 and 923 of the Business and Professions Code.

Information provided to the office pursuant to this section shall be transmitted in such a form that the name or license number of an individual licensee are not identifiable. However, an encoding procedure shall be used to assign a unique identifying number to the other information provided upon the questionnaire so as to allow the office to track the geographical movements of physicians for planning purposes.

SEC. 5. Section 429.983 is added to the Health and Safety Code, to read:

429.983. The office shall maintain the confidentiality of the information it receives respecting individual licentiates under this article and shall only release information in a form that cannot be used to identify individuals.

SEC. 6. Section 429.99 is added to the Health and Safety Code, to read:

429.99. The California Postsecondary Education Commission shall furnish to the Office of Statewide Health Planning and Development, at least biennially, all information which the commission has compiled pursuant to Section 66903.2 of the Education Code, which constitutes basic data as to enrollees in public and private educational institutions and programs preparing or training health personnel. The office may request additional data from licensing boards and agencies to supplement the data received from the commission, as necessary to carry out the health personnel planning and development activities of the office.

SEC. 7. Section 429.991 is added to the Health and Safety Code, to read:

429.991. The basic data to be provided to the office pursuant to Section 429.99 shall include all of the following, by training year or class: numbers enrolled, numbers in the various discipline or specialty categories, and numbers in age, sex, and race or ethnic categories.

SEC. 8. Section 429.992 is added to the Health and Safety Code, to read:

429.992. The Office of Statewide Health Planning and Development shall implement the authority granted to the office by Sections 429.98, 429.982, 429.99, on a phased basis, consistent with respective relicensure intervals and with the availability of resources for the effective utilization of the data and information obtained under such authority.

SEC. 9. Section 429.993 is added to the Health and Safety Code, to read:

429.993. The respective licensing boards for registered nurses, licensed vocational nurses, pharmacists, optometrists, and dentists may adopt regulations which require licentiates to provide the information included in Section 429.981 as a condition of relicensure.

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## CHAPTER 179

An act to amend Section 43830 of the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 13, 1980. Filed with Secretary of State June 13, 1980 ]

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

SECTION 1. Section 43830 of the Health and Safety Code is amended to read:

43830. The state board shall establish, by regulation, maximum standards for the volatility of gasoline at nine pounds per square inch Reid vapor pressure as determined by the American Society for Testing and Materials test D 323-58, or by an appropriate test determined by the state board, for gasoline sold in this state.

The state board, in adopting such regulations, shall give full consideration to climatic conditions and may provide that the maximum standards imposed thereby shall be applicable only during those periods of time and only in those areas which the state board determines necessary in order to carry out the purposes of this division.

Notwithstanding any other law or regulation, for the three-year period commencing with the effective date of the act amending this section at the 1979–80 Regular Session of the Legislature, any blend of gasoline of at least 10 percent ethyl alcohol shall be considered a legal fuel in California if the gasoline used in the blend meets the standard of nine pounds per square inch Reid vapor pressure.

SEC. 2. Two years after the effective date of this act, the Legislative Analyst shall report to the Legislature on the impacts of gasohol on the ambient air quality in California. The report shall be limited to a review of available literature and shall not include any original analysis of data.

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 the face of decreasing supplies of gasoline, the immediate widespread use of blends of alcohol and gasoline could reduce gasoline consumption by 10 percent. In order that this be encouraged at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 180

An act to amend Section 39363 of the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 13, 1980 Filed with Secretary of State June 13, 1980 ]

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

SECTION 1. Section 39363 of the Education Code, is amended to read:

39363. The funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay or for costs of maintenance of school district property that the governing board of the school district determines will not recur within a five-year period. In addition, the proceeds may be deposited in the general fund of the district for any general fund purpose if the school district governing board and the State Allocation Board have determined that the district has no anticipated need for additional sites or building construction for the five-year period following such sale or lease, and the district has no major deferred maintenance requirements.

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 school districts may complete maintenance work that has been started, it is necessary that this act take effect immediately.

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## CHAPTER 181

An act to amend Section 54957.1 of the Government Code, relating to public meetings.

[Approved by Governor June 13, 1980 Filed with Secretary of State June 13, 1980.]

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

SECTION 1. Section 54957.1 of the Government Code is amended to read:

54957.1. The legislative body of any local agency shall publicly report at the public meeting during which the executive session is held or at its next public meeting any action taken, and the rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any executive session of the legislative body.

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## CHAPTER 182

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

[Approved by Governor June 16, 1980 Filed with Secretary of State June 16, 1980.]

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

SECTION 1. Any provision of a will or codicil executed by a testator who died on December 21, 1979, and for which a petition for letters testamentary has been submitted to the court on or before March 1, 1980, whereby the testator sought to compel or require the destruction of a pet dog is invalid and unenforceable. Such invalidity shall not affect the validity of any other provision of the will or codicil.

SEC. 2. Section 1 of this act is necessary since special facts and circumstances applicable to a will and codicil as described therein and not generally applicable, make the accomplishment of the purpose of this act impossible by any general law. Special legislation is therefore necessary and applicable to such a will and codicil only. The special facts are as follows:

The Legislature hereby finds that under the facts meeting the description set forth in Section 1 of this act, the testator, having the best interests of her pet dog in mind, would not wish her instructions for the destruction of the pet dog carried out were she cognizant of the present circumstances assuring the well being and happy future for the dog, occurring as the result of unexpected developments following her death.

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 prevent the unnecessary and undesirable killing of animals, pursuant to the requirements of decedents' wills, it is necessary that this act go into immediate effect.

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## CHAPTER 183

An act to amend Sections 82030, 87103, and 87206 of the Government Code, relating to the Political Reform Act of 1974.

[Approved by Governor June 14, 1980. Filed with Secretary of State June 17, 1980.]

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

SECTION 1. Section 82030 of the Government Code is amended to read:

82030. (a) "Income" means, except as provided in subsection (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment

of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater. "Income," other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.

(b) "Income" also does not include:

(1) Campaign contributions required to be reported under Chapter 4 of this title.

(2) Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic or charitable organization.

(3) Any devise or inheritance.

(4) Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.

(5) Dividends, interest or any other return on a security which is registered with the Securities and Exchange Commission of the United States government.

(6) Redemption of a mutual fund.

(7) Alimony or child support payments.

(8) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status if:

(A) Used to purchase the principal residence of filer; or

(B) The balance owed does not exceed ten thousand dollars ($10,000).

(9) Any loan from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan from any such person shall be considered income if the lender is acting as an agent or intermediary for any person not covered by this paragraph.

(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status, so long as the balance owed to the creditor does not exceed ten thousand dollars ($10,000).

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

SEC. 2. Section 87103 of the Government Code is amended to read:

87103. An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on:

(a) Any business entity in which the public official has a direct or indirect investment worth more than one thousand dollars ($1,000).

(b) Any real property in which the public official has a direct or indirect interest worth more than one thousand dollars ($1,000).

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars ($250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

SEC. 3. Section 87206 of the Government Code is amended to read:

87206. When an investment or an interest in real property is required to be disclosed under this article, the statement shall contain:

(a) A statement of the nature of the investment or interest.

(b) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged.

(c) The address or other precise location of the real property.

(d) A statement whether the fair market value of the investment or interest in real property exceeds ten thousand dollars ($10,000), and whether it exceeds one hundred thousand dollars ($100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

(e) In the case of a statement filed under Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

SEC. 4. The Legislature finds and declares that the provisions of this act further the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the

Government Code.

SEC. 5. The amendments effected by this act shall not be construed to deprive any person or public agency of any substantial right which would have existed or hereafter exists had such amendments not been effected.

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## CHAPTER 184

An act to add and repeal Section 44987.5 of the Education Code, relating to school employees, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature June 16, 1980.
Filed with Secretary of State June 17, 1980.]

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

SECTION 1. Section 44987.5 is added to the Education Code, to read:

44987.5. Any retirant of the State Teachers' Retirement System, who between October 1, 1974, and June 30, 1978, was employed by, or on leave of absence from, a school district and who was serving as an elected officer of any local, state, or national educational organization shall receive full service credit for the period, not to exceed four calendar years, of any such leave of absence provided all other requirements for the granting of full service credit are met and provided that the retirant, upon receipt of such benefit, waives any claim against the state for any additional benefits accrued under this section or Section 44987.

This section shall remain in effect only until January 2, 1981, and as of such date is repealed, unless a later enacted statute, which becomes operative prior to that date, deletes or extends such date.

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 must take effect immediately in order that individuals may receive retirement credit as soon as possible so that they may retire.

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## CHAPTER 185

An act to amend Section 12034 of the Food and Agricultural Code, relating to pesticides.

[Approved by Governor June 17, 1980. Filed with Secretary of State June 17, 1980.]

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

SECTION 1. Section 12034 of the Food and Agricultural Code is amended to read:

12034. County boards of supervisors may set fees for registration to cover the cost of registering pest control advisers, but in no case shall such fee total more than ten dollars ($10) per year for a pest control adviser to register in person in one county in which he intends to work, and five dollars ($5) per year for an adviser already registered in another county and who is now registering in an additional county by mail as provided in Section 12031. No charge shall be made for registering in person in additional counties.

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## CHAPTER 186

An act to amend Section 2030 of the Code of Civil Procedure, relating to discovery.

[Approved by Governor June 17, 1980. Filed with Secretary of State June 17, 1980 ]

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

SECTION 1. Section 2030 of the Code of Civil Procedure is amended to read:

2030. (a) Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, or body politic, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served upon any other party at any time after service of the summons or the appearance of such other party and without leave of court except that, if service of interrogatories is made by the plaintiff within 10 days after such service of summons or appearance, leave of court granted with or without notice must first be obtained. The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall serve the answers on the party submitting the interrogatories within 30 days after the service of the interrogatories, unless the court, on motion and notice and for good cause shown, enlarges or shortens the time. For good cause and without notice, the court may enlarge the time not to exceed 15 days. Such answers shall respond to the written interrogatories; or, if any interrogatory be deemed objectionable, the objections thereto may be stated by the party addressed in lieu of response. If the party who has submitted the interrogatories deems

that further response is required, he may move the court for an order requiring further response. Such motion must be upon notice given within 30 days from date of service of the answers or objections unless the court, on motion and notice, and for good cause shown, enlarges the time. Otherwise, the party submitting the interrogatories shall be deemed to have waived the right to compel answer pursuant to this section. Copies of all interrogatories and of all answers thereto shall be served upon all other parties to the action who have appeared; but the court on motion with or without notice may waive this requirement if the court determines that enforcement thereof would be unduly expensive, oppressive or burdensome. At any time prior to final judgment and upon written request, the party originating interrogatories or responses thereto shall provide within 30 days of such request a copy thereof to any other party for any reason not previously served.

The party serving the interrogatories shall retain the original thereof with the original proof of service affixed thereto. The party responding to the interrogatories shall serve the original responses made under oath upon the party serving the interrogatories. The original responses shall be retained by the party serving the interrogatories.

(b) The written interrogatories and any responses thereto shall not be filed unless the court, on motion and notice and for good cause shown, so orders. Notwithstanding subdivision (a), any party may lodge with the court the original or a copy of any written interrogatories or responses thereto, but these shall not be filed unless the court determines that their contents have become relevant to an issue in a trial or other proceeding.

(c) Interrogatories may relate to any matters which can be inquired into under subdivision (b) of Section 2016 of this code, and the answers may be used to the same extent as provided in subdivision (d) of Section 2016 of this code for the use of the deposition of a party. Interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered, but the court, on motion of the deponent or the party interrogated, may make such protective order as justice may require. The number of interrogatories or of sets of interrogatories to be served is not limited except as above provided and except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 of this code are applicable for the protection of the party from whom answers to interrogatories are sought under this section.

(d) When in order to answer an interrogatory it is necessary to make a compilation, abstract, audit or summary of the business records of a party, and such a compilation, abstract, audit or summary does not exist, or if it does exist, it is not in the possession or under control of such party, it shall be a sufficient answer to such interrogatory to so state and to specify the records from which the

answer may be derived or ascertained and to afford to the party by whom the interrogatory was proposed reasonable opportunity to examine, audit or inspect such records and to make copies thereof or compilations, abstracts or summaries therefrom.

(e) Service of interrogatories and responses under this section may be made upon any party or his attorney in the manner provided in Chapter 5 (commencing with Section 1010) of Title 14 of Part 2.

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## CHAPTER 187

An act to amend Sections 581c and 631.8 of the Code of Civil Procedure, relating to actions.

[Approved by Governor June 17, 1980 Filed with Secretary of State June 17, 1980 ]

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

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

581c. (a) After the plaintiff has completed his opening statement, or the presentation of his evidence in a trial by jury, the defendant, without waiving his right to offer evidence in the event the motion is not granted, may move for a judgment of nonsuit.

(b) If it appears that the evidence presented, or to be presented, supports the granting of the motion as to some but not all the issues involved in the action, the court shall grant the motion as to those issues and the action shall proceed as to the issues remaining. Despite the granting of such a motion, no final judgment shall be entered prior to the termination of the action, but the final judgment in such action shall, in addition to any matters determined in the trial, award judgment as determined by the motion herein provided for.

(c) If the motion is granted, unless the court in its order for judgment otherwise specifies, such judgment of nonsuit operates as an adjudication upon the merits.

SEC. 2. Section 631.8 of the Code of Civil Procedure is amended to read:

631.8. (a) After a party has completed his presentation of evidence in a trial by the court, the other party, without waiving his right to offer evidence in support of his defense or in rebuttal in the event the motion is not granted, may move for a judgment. The court as trier of the facts shall weigh the evidence and may render a judgment in favor of the moving party, in which case the court shall make findings as provided in Sections 632 and 634, or may decline to render any judgment until the close of all the evidence. The court may consider all evidence received, provided, however, that the party against whom the motion for judgment has been made shall have had an opportunity to present additional evidence to rebut

evidence received during the presentation of evidence deemed by the presenting party to have been adverse to him, and to rehabilitate the testimony of a witness whose credibility has been attacked by the moving party. Such motion may also be made and granted as to any cross-complaint.

(b) If it appears that the evidence presented supports the granting of the motion as to some but not all the issues involved in the action, the court shall grant the motion as to those issues and the action shall proceed as to the issues remaining. Despite the granting of such a motion, no final judgment shall be entered prior to the termination of the action, but the final judgment in such action shall, in addition to any matters determined in the trial, award judgment as determined by the motion herein provided for.

(c) If the motion is granted, unless the court in its order for judgment otherwise specifies, such judgment operates as an adjudication upon the merits.

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## CHAPTER 188

An act to amend Section 1189 of the Civil Code, relating to certificates of acknowledgment.

[Approved by Governor June 17, 1980. Filed with Secretary of State June 17, 1980 ]

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

SECTION 1. Section 1189 of the Civil Code is amended to read:

1189. The certificate of acknowledgment, unless it is otherwise in this article provided, must be substantially in the following form: "State of _____, County of _____, ss. On this _____ day of _____, in the year _____, before me (here insert name and quality of the officer), personally appeared _____, known to me (or proved to me on the oath of _____) to be the person whose name is subscribed to the within instrument, and acknowledged that he (she or they) executed the same." Provided, however, that any acknowledgment taken without this state in accordance with the laws of the place where the acknowledgment is made, shall be sufficient in this state.

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## CHAPTER 189

An act to amend Section 17213.1 of the Financial Code, relating to escrow agents.

[Approved by Governor June 17, 1980. Filed with Secretary of State June 17, 1980.]

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

SECTION 1. Section 17213.1 of the Financial Code is amended to read:

17213.1. An escrow agent's business shall not be removed from the premises or address shown on the license without the prior approval of the commissioner, and notice of any intended change shall be transmitted to the commissioner not less than 30 days prior to the date of the intended change of location; provided, however, that the commissioner may waive the 30-day notice requirement when the move is occasioned by fire, emergency, or other catastrophe. When the licensed business is to be moved less than five miles, the commissioner's approval shall be granted or denied within 30 days from the date of the commissioner's receipt of the licensee's request containing such information as the commissioner may require. When a licensed business is to be moved a distance of five or more miles, a licensee shall file an application for authorization to change location on a form furnished by the commissioner and the commissioner shall: (1) give notice as required by Section 17209.1, (2) treat the matter as an application for a new license by invoking the provisions of Sections 17209, 17209.1, 17209.2, and 17209.3, and (3) require the payment of such fees as are applicable under Section 17207.

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## CHAPTER 190

An act to amend Section 240 of the Welfare and Institutions Code, relating to juvenile court law.

[Approved by Governor June 17, 1980 Filed with Secretary of State June 17, 1980.]

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

SECTION 1. Section 240 of the Welfare and Institutions Code is amended to read:

240. In counties having a population in excess of 6,000,000 in lieu of a county juvenile justice commission, there shall be a probation committee consisting of not less than seven members who shall be appointed by the same authority as that authorized to appoint the probation officer in such county.

## CHAPTER 191

An act to amend Section 125.6 of the Business and Professions Code, relating to discrimination.

[Approved by Governor June 17, 1980. Filed with Secretary of State June 17, 1980 ]

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

SECTION 1. Section 125.6 of the Business and Professions Code is amended 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 such person if, because of the applicant's race, color, sex, religion, ancestry, physical handicap, marital status, or national origin, he or she refuses to perform the 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, physical handicap, marital status, or national origin, he or she makes any discrimination, or restriction in the performance of the 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. The presence of architectural barriers to the physically handicapped person which conform to applicable state or local building codes and regulations shall not constitute discrimination under this section.

It shall not constitute discrimination under this section for a person licensed pursuant to Division 2 (commencing with Section 500) to refuse to perform a licensed activity if the licensee determines that because of the relation between the licensed activity sought and the physical handicap, the licensed activity sought is beyond the licensee's skill, or could better be performed by another licensee.

"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.

"Physical handicap" as used in this section includes impairment of sight, hearing or speech, or impairment of physical ability because of amputation or loss of function or coordination, or any other health impairment which requires special education or related services.

# CHAPTER 192

An act to amend Section 89300 of the Education Code, relating to the California State University and Colleges.

[Approved by Governor June 17, 1980. Filed with Secretary of State June 17, 1980 ]

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

SECTION 1. Section 89300 of the Education Code is amended to read:

89300. A student body organization may be established at any state college or university under the supervision of the college or university officials for the purpose of providing essential activities closely related to, but not normally included as a part of, the regular instructional program of the college or university. Such an organization may also operate a campus store, a cafeteria, and other projects not inconsistent with the purposes of the college or university, and property of the college or university may be leased to such an organization for such purposes.

The trustees may fix fees for voluntary membership in such organization established at a state college or university.

Notwithstanding any provisions of law to the contrary, if a student body organization is established at any state college or university, upon the favorable vote of two-thirds of the students voting in an election held for this purpose, in such manner as the trustees shall prescribe, and open to all regular students enrolled in such college or university, the trustees shall fix a membership fee which shall be required of all regular, limited and special session students attending such college or university. No fees shall be charged to students registering solely in extension classes.

The trustees may approve an increase in the student body fee only after such a fee increase has been approved by a majority of students voting in a referendum established for that purpose.

Such required fee shall be subject to referendum at any time upon the presentation of a petition to the president of the college or university containing the signatures of 10 percent of the regularly enrolled students at such college or university. A successful referendum shall take effect with the beginning of the academic year following that in which the election was held.

Payment of membership fees pursuant to this section shall be a prerequisite to enrollment in the college or university, except that if sufficient funds are available any state college or university student may at his option and subject to the regulations of the trustees establishing standards in that regard, agree to work off the amount of the fee at the prevailing rate of the college or university for student assistants. The trustees may adopt regulations setting standards for determining which students shall be eligible to work off

the amount of the fee.

The revenues raised pursuant to this section may, in addition to expenditures for other lawful purposes involved in the operations of the student body organization, be expended to provide for the support of governmental affairs representatives who may be attending upon the State Legislature or upon offices and agencies in the executive branch of the state government.

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## CHAPTER 193

An act to amend Sections 1235, 1290, and 25942 of, and to add Sections 1234 and 1286 to, the Health and Safety Code, relating to smoking.

[Approved by Governor June 17, 1980. Filed with Secretary of State June 17, 1980.]

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

SECTION 1. The Legislature finds and declares that smoke is detrimental to nonsmokers' health, welfare, and comfort, especially to those who have allergies or who have cardiovascular or respiratory disease; that smoke may cause discomfort and physical irritation; and that regulation of smoking in health facilities and clinics is, therefore, necessary.

SEC. 2. Section 1234 is added to the Health and Safety Code, to read:

1234. (a) Smoking shall not be permitted in patient areas of a clinic except those rooms designated for occupancy exclusively by smokers.

(b) Clearly legible signs shall either:

(1) State that smoking is unlawful and be conspicuously posted by, or on behalf of, the owner or manager of such clinic, in all areas of a clinic where smoking is unlawful.

(2) Identify "smoking permitted" areas, and be posted by, or on behalf of, the owner or manager of such clinic, only in areas of a clinic where smoking is lawfully permitted.

If "smoking permitted" signs are posted, there shall also be conspicuously posted, near all major entrances, clearly legible signs stating that smoking is unlawful except in areas designated "smoking permitted."

(c) This section shall not apply to skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the developmentally disabled.

SEC. 3. Section 1235 of the Health and Safety Code is amended to read:

1235. (a) Except as provided in subdivision (b), any person who violates any of the provisions of this chapter or who willfully or

repeatedly violates any rule or regulation promulgated under this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars ($500) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.

(b) Any person who violates the provisions of Section 1234 is guilty of an infraction and shall be punished by a fine of not more than fifty dollars ($50).

SEC. 4. Section 1286 is added to the Health and Safety Code, to read:

1286. (a) Smoking shall be prohibited in patient care areas, waiting rooms, and visiting rooms of a health facility, except those areas specifically designated as smoking areas, and in patient rooms as specified in subdivision (b).

(b) Smoking shall not be permitted in a patient room unless all persons assigned to such room have requested a room where smoking is permitted. In the event that the health facility occupancy has reached capacity, the health facility shall have reasonable time to reassign patients to appropriate rooms.

(c) Clearly legible signs shall either:

(1) State that smoking is unlawful and be conspicuously posted by, or on behalf of, the owner or manager of such health facility, in all areas of a health facility where smoking is unlawful, or

(2) Identify "smoking permitted" areas, and be posted by, or on behalf of, the owner or manager of such health facility, only in areas of the health facility where smoking is lawfully permitted.

If "smoking permitted" signs are posted, there shall also be conspicuously posted, near all major entrances, clearly legible signs stating that smoking is unlawful except in areas designated "smoking permitted."

(d) No signs pertaining to smoking are required to be posted in patient rooms.

(e) This section shall not apply to skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the developmentally disabled.

SEC. 5. Section 1290 of the Health and Safety Code is amended to read:

1290. (a) Except as provided in subdivision (b), any person who violates any of the provisions of this chapter or who willfully or repeatedly violates any rule or regulation promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars ($500) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.

(b) Any person who violates the provisions of Section 1286 is guilty of an infraction and shall be punished by a fine of not more than fifty dollars ($50).

SEC. 6. Section 25942 of the Health and Safety Code is amended to read:

25942. Every health facility, as defined in Section 1250, and clinic, as defined in Section 1200, shall comply with the following:

(a) Shall make every reasonable effort to assign patients to rooms according to the patient's individual nonsmoking or smoking preference.

(b) Shall designate and post by signs of sufficient number and posted in such locations as to be readily seen by persons within such area, a contiguous area of not less than 20 percent of every cafeteria or other dining area whose occupied capacity is 50 or more persons as a nonsmoking section.

(c) This section shall not prevent any health facility or clinic from banning smoking in any area which it may designate and post by sign or in all areas of the facility or clinic.

SEC. 7. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be because this act creates a new crime or infraction, changes the definition of a crime or infraction, or eliminates a crime or infraction. Furthermore, this act does not create any present or future obligation to reimburse any local agency or school district for any costs incurred because of this act.

SEC. 8. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections 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. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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## CHAPTER 194

An act to amend Section 5091 of the Education Code, relating to elections.

[Approved by Governor June 17, 1980. Filed with Secretary of State June 17, 1980.]

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

SECTION 1. Section 5091 of the Education Code is amended to read:

5091. (a) Whenever a vacancy occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall, within 30 days of the vacancy or the filing of the deferred resignation, either order an election or make

a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of his or her resignation for more than 30 days after he or she files the resignation with the county superintendent of schools.

In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 30-day period as required by this section, the county superintendent of schools shall call an election to fill the vacancy.

(b) When an election is ordered, it shall be held on the next regular election date provided pursuant to Chapter 1 (commencing with Section 2500) of Division 4 of the Elections Code not less than 98 days after the occurrence of the vacancy or after the written resignation is filed with the county superintendent of schools.

(c) If a provisional appointment is made within the 30-day period, the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the district equal to 1½ percent of the number of registered voters of the district at the time of the last regular election for governing board members.

The petition shall be submitted to the county superintendent of schools having jurisdiction who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is terminated, and the county superintendent of schools shall call a special election to be conducted no later than the 120th day after the determination; provided, however, if a regular election date, as defined in Section 2500 of the Elections Code, occurs between the 120th day and the 150th day following the determination, the county superintendent of schools may call such election to be conducted on the regular election date.

(d) A provisional appointment made pursuant to subdivision (a) confers no powers or duties of a governing board member upon the appointee during the 30-day period following his appointment and within which a petition calling for special election may be filed. If a petition is not filed within the 30-day period, the appointee shall thereafter have all the powers and perform all the duties of a governing board member.

(e) A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

(f) Whenever a petition calling for a special election is circulated, the petition shall contain the clerk's estimate of the cost of conducting the special election.

(g) Elections held pursuant to subdivisions (b) and (c) shall be

conducted in as nearly the same manner as practicable as other governing board member elections.

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## CHAPTER 195

An act to amend Section 21800 of the Vehicle Code, relating to right-of-way.

[Approved by Governor June 17, 1980. Filed with Secretary of State June 17, 1980 ]

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

SECTION 1. Section 21800 of the Vehicle Code is amended to read:

21800. (a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(b) When two vehicles enter an intersection from different highways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on his right.

(c) When two vehicles enter an intersection, controlled from all directions by stop signs, from different highways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on his immediate right.

(d) This section shall not apply at an intersection controlled by an official traffic control signal or yield right-of-way sign or controlled by stop signs but not from all directions, or to vehicles approaching each other from opposite directions when the driver of one of the vehicles is intending to or is making a left turn.

SEC. 2. The amendments to Section 21800 of the Vehicle Code enacted at the 1979–80 Regular Session of the Legislature shall not apply to any act or omission occurring prior to January 1, 1980.

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## CHAPTER 196

An act to amend Sections 1004, 1013, and 1013a of the Code of Civil Procedure, relating to notices.

[Approved by Governor June 17, 1980 Filed with Secretary of State June 17, 1980 ]

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

SECTION 1. Section 1005 of the Code of Civil Procedure is amended to read:

1005. When a written notice of a motion is necessary, it must be

given at least 10 days before the time appointed for the hearing; provided that if such notice is served by mail, the required 10-day period of notice before the time appointed for the hearing shall be increased by five days if the place of address is within the State of California, 10 days if the place of address is outside the State of California but within the United States, and 20 days if the place of address is outside the United States. The provisions of subdivision (a) of Section 1013, extending the time within which a right may be exercised or an act may be done, do not apply to a notice of motion governed by this section.

The court, or a judge thereof, may prescribe a shorter time.

SEC. 2. Section 1013 of the Code of Civil Procedure is amended to read:

1013. (a) In case of service by mail, the notice or other paper must be deposited in a post office, mailbox, sub-post office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service, in a sealed envelope, with postage paid, addressed to the person on whom it is to be served, at his office address as last given by him on any document which he has filed in the cause and served on the party making service by mail; otherwise at his place of residence. The service is complete at the time of the deposit, but any prescribed period of notice and any right or duty to do any act or make any response within any prescribed period or on a date certain after the service of such document served by mail shall be extended five days if the place of address is within the State of California, 10 days if the place of address is outside the State of California but within the United States, and 20 days if the place of address is outside the United States, but such extension shall not apply to extend the time for filing notice of intention to move for new trial, notice of intention to move to vacate judgment pursuant to Section 663a of this code or notice of appeal.

(b) The copy of the notice or other paper served by mail pursuant to this chapter shall bear a notation of the date and place of mailing or be accompanied by an unsigned copy of the affidavit or certificate of mailing. The provisions of this subdivision are directory.

SEC. 3. Section 1013a of the Code of Civil Procedure is amended to read:

1013a. Proof of service by mail may be made by one of the following methods:

(1) An affidavit setting forth the exact title of the document served and filed in the cause, showing the name and residence or business address of the person making the service, showing that he or she is a resident of or employed in the county where the mailing occurs, that he or she is over the age of 18 years and not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(2) A certificate setting forth the exact title of the document

served and filed in the cause, showing the name and business address of the person making the service, showing that he or she is an active member of the State Bar of California and is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(3) In case of service by the clerk of a court of record, a certificate by that clerk setting forth the exact title of the document served and filed in the cause, showing the name of the clerk and the name of the court of which he or she is the clerk, and that he or she is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

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## CHAPTER 197

An act to amend Section 23125 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 17, 1980. Filed with Secretary of State June 17, 1980 ]

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

SECTION 1. Section 23125 of the Vehicle Code is amended to read:

23125. (a) The provisions of Sections 23121.5 and 23122.5 shall not apply to passengers in any bus, taxicab, or limousine for hire licensed to transport passengers pursuant to the Public Utilities Code or proper local authority, or the living quarters of a housecar or camper, nor shall Section 23123 apply to the driver or owner of a bus, taxicab, or limousine for hire licensed to transport passengers pursuant to the Public Utilities Code or proper local authority.

(b) The provisions of Sections 23121, 23121.5, 23122, 23122.5, 23123, and 23123.6 shall not apply to any person who, upon the recommendation of a doctor, carries alcoholic beverages in his motor vehicle for medicinal purposes. Such sections shall also not apply to any clergyman who carries alcoholic beverages in his motor vehicle for religious purposes.

## CHAPTER 198

An act to amend Sections 2533 and 2534 of the Streets and Highways Code, relating to roads, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 19, 1980 Filed with Secretary of State June 20, 1980.]

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

SECTION 1. Section 2533 of the Streets and Highways Code is amended to read:

2533. The county or city responsible for the construction of a safer off-system road project shall prepare the plans, specifications, and estimates of costs for the construction of the project in conformance with federal requirements for off-system roads, shall certify the necessary right-of-way, and shall submit such documents to the department in order to qualify for federal funds.

SEC. 2. Section 2534 of the Streets and Highways Code is amended to read:

2534. All funds not claimed pursuant to Section 2532 shall lapse.

The lapsed funds of a county may be reallocated for expenditure upon safer off-system road projects of counties and cities within the other counties of the county group, as specified in Section 187, which included that county, based upon their proportional share of the original apportionment within that county group.

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

In order that federal funds for construction projects will not lapse on October 1, 1980, it is necessary that this act take effect immediately.

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## CHAPTER 199

An act to add Section 1019 to the Code of Civil Procedure, relating to notices.

[Approved by Governor June 19, 1980. Filed with Secretary of State June 20, 1980.]

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

SECTION 1. Section 1019 is added to the Code of Civil Procedure, to read:

1019. Whenever any notice or publication is required by a

provision in this code or any other code or statute of this state to be provided in a specified size of type or printing which is to be measured by points, the size required, unless otherwise specifically defined, shall be determined by the conventional customs and practices of the printing industry and within the tolerances permitted by conventional custom and practice in that industry, except that the provisions of this section shall not be used for purposes of evasion of any requirement for notice or publication.

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## CHAPTER 200

An act to add Section 11523.6 to the Insurance Code, relating to insurance.

[Approved by Governor June 19, 1980. Filed with Secretary of State June 20, 1980.]

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

SECTION 1. Section 11523.6 is added to the Insurance Code, to read:

11523.6. No grants and annuities society applying for admission to this state, or transacting in this state, the business described in this chapter shall transact or be authorized to transact a variable annuity business as described in Section 10506.

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## CHAPTER 201

An act to amend Section 11580.2 of the Insurance Code, relating to insurance.

[Approved by Governor June 19, 1980. Filed with Secretary of State June 20, 1980.]

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

SECTION 1. 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, except for policies which provide insurance in the Republic of Mexico issued or delivered in this state by nonadmitted Mexican insurers, 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, while residents of the same household, relatives of either 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 automobile for which liability coverage is provided in the policy 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. As used in this section, 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:

(A) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying.

(B) 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 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. As used in this section, 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 crawler treads 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.

As used in this section, 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 either as primary or as excess coverage to:

(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 workers' compensation carrier or to any person qualified as a self-insurer under any workers' 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 (2) of subdivision (c), 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 workers' 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 workers' 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 such 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 such 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 paragraph (4) of subdivision (a) 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 paragraph (2) of subdivision (b) 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 of the Code of Civil Procedure 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 of 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, his executor, administrator, heirs, or legal representative under any workers' compensation law, exclusive of nonoccupational disability benefits.

(2) 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.

(*l*) As used in subdivision (b), "public or livery conveyance," or terms of similar import, shall not include the operation or use of a motor vehicle by the named insured in the performance of volunteer services for a nonprofit charitable organization or governmental agency by providing transportation to senior citizens or physically or mentally handicapped persons. This subdivision shall not apply in any case in which the named insured receives any remuneration of any kind other than reimbursement for actual mileage driven in the performance of such services at a rate not to exceed fifteen cents ($0.15) per mile actually driven. As used in this section, "senior citizen" means a person 60 years of age or older. This subdivision shall apply only to policies of insurance issued, amended, or renewed on or after January 1, 1976.

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## CHAPTER 202

An act to amend Section 26906.1 of the Government Code, and to amend Sections 3659.6, 5456, and 5801 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor June 19, 1980. Filed with Secretary of State June 20, 1980 ]

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

SECTION 1. Section 26906.1 of the Government Code is amended to read:

26906.1. The county auditor, with the approval of the board of supervisors, may impound the disputed revenues of any tax upon secured or unsecured property, levied and collected by the county for the county or any revenue district, whenever, pursuant to Chapter 5 (commencing with Section 5096), Part 9, Division 1 of the Revenue and Taxation Code, a claim or action is filed for the return of such revenues or the taxes have been paid under protest. The county auditor shall continue to impound such revenues until the final disposition of such claim or action. If, under such final disposition, it is determined that such taxes were properly levied against such property, the auditor shall release such revenues to the county or revenue district.

SEC. 2. Section 3659.6 of the Revenue and Taxation Code is amended to read:

3659.6. In lieu of the provision set forth in Section 3659.5 all of the taxing agencies entitled to levy or collect taxes or assessments in any county may make an agreement for the division of the moneys so received in any manner approved by the agencies and the terms of such agreement shall govern the distribution of such money. In the absence of either share claims or a distribution agreement, the money received from the State Controller shall be distributed to each fund on the basis of the secured tax allocation ratios established for the fiscal year preceding that in which the money is received.

SEC. 3. Section 5456 of the Revenue and Taxation Code is amended to read:

5456. The details of the method of distribution shall be supplied by the county auditor and shall fairly carry out the purpose of this chapter.

SEC. 4. Section 5801 of the Revenue and Taxation Code is amended to read:

5801. All proceeds derived from the tax, interest, and penalties imposed by this part shall be allocated by the auditor as promptly as is feasible in the following manner:

(a) If the domicile of the racehorse was located within a city and any school district, the proceeds from such racehorse shall be distributed one-third to the city, one-third to the school district, and one-third to the county.

(b) If the domicile of the racehorse was located outside of any city but was located within one or more school districts, the proceeds from such racehorse shall be distributed one-half to the school district or districts and one-half to the county.

(c) If the domicile of the racehorse was located in both an elementary school district and a high school district, the proceeds allocable to school districts shall be divided equally between the elementary and high school districts to the exclusion of all other

school districts.

The details of the method of allocation shall be supplied by the county auditor and shall fairly carry out the purposes of this section.

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## CHAPTER 203

An act to amend Section 40802 of the Health and Safety Code, relating to air pollution.

[Approved by Governor June 19, 1980. Filed with Secretary of State June 20, 1980.]

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

SECTION 1. Section 40802 of the Health and Safety Code is amended to read:

40802. If the district board, in the case of a district with a population of less than 500,000, is unable to appoint a person with the qualifications specified in Section 40801 who is willing and able to serve, and for that reason a vacancy exists on the hearing board, the county district board may, in order to fill that vacancy, appoint any person to the hearing board.

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## CHAPTER 204

An act to amend Sections 11343, 11346.1, 11346.2, 11346.6, and 11346.7 of, and to amend and renumber Section 11445 of, the Government Code, and to amend Section 2 of Chapter 567 of the Statutes of 1979, relating to administrative law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 19, 1980. Filed with Secretary of State June 20, 1980.]

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

SECTION 1. Section 11343 of the Government Code, is amended to read:

11343. Every state agency shall:

(a) Transmit to the office for filing with the Secretary of State a certified copy of every regulation adopted by it except one which:

(1) Establishes or fixes rates, prices or tariffs.

(2) Relates to the use of public works, including streets and highways, under the jurisdiction of any state agency when the effect of such order is indicated to the public by means of signs or signals.

(3) Is directed to a specifically named person or to a group of persons and does not apply generally throughout the state.

(4) Is a building standard, as defined in Section 18909 of the Health and Safety Code.

(b) Transmit to the office for filing with the Secretary of State a certified copy of every order of repeal of a regulation required to be filed under subdivision (a) of this section.

(c) Deliver to the office at the time of transmittal for filing a regulation or order of repeal six duplicate copies of the regulation or order of repeal together with a citation of the authority pursuant to which it or any part thereof was adopted.

(d) Deliver to the office a copy of the notice of proposed action required by Section 11346.4.

(e) (1) Transmit to the State Building Standards Commission for approval a certified copy of every regulation, or order of repeal of a regulation, that is a building standard together with a citation of authority pursuant to which it or any part thereof was adopted, a copy of the notice of proposed action required by Section 11346.4, and any other records prescribed by the State Building Standards Law, Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code.

(2) After approval of a regulation which is a building standard or order of repeal of a regulation which is a building standard, the State Building Standards Commission shall transmit a certified copy of such regulation or such order of repeal to the office for filing with the Secretary of State and shall comply with the provisions of subdivisions (c) and (d).

SEC. 2. Section 11346.1 of the Government Code is amended to read:

11346.1. (a) The provisions of this article shall not apply to any regulation not required to be filed with the Secretary of State under this chapter, and only this section, Section 11346.2 and Section 11349.6 shall apply to any regulation prescribing an agency's organization or procedure or to an emergency regulation adopted pursuant to subdivision (b), or to any regulation adopted under Section 5500.5 of the Financial Code.

(b) Except as provided in subdivision (c), if a state agency makes a finding that the adoption of a regulation or order of repeal is necessary for the immediate preservation of the public peace, health and safety or general welfare, the regulation or order of repeal may be adopted as an emergency regulation or order of repeal.

Any finding of an emergency shall include a written statement which contains the information required by Section 11346.5 and a description of the specific facts showing the need for immediate action.

The statement and the regulation or order of repeal shall be filed immediately with the Rules Committees of both houses of the Legislature and shall be published in the next issue of the notice supplement to the California Administrative Register.

(c) (1) Notwithstanding any other provision of the law, no board or commission shall have the power to adopt an emergency

regulation to interpret, implement, or make specific provisions of the law relating to campaign disclosure except by a unanimous vote of all members of such board or commission present at the proceeding at which such regulation is adopted.

(2) Notwithstanding any other provision of law, no emergency regulation which is a building standard, as defined in Section 18909 of the Health and Safety Code, shall be filed, nor shall such building standard be effective, unless such building standards submitted to the State Building Standards Commission, and is approved and filed pursuant to the provisions of Sections 18937 and 18938 of the Health and Safety Code.

(d) The emergency regulation or order of repeal shall become effective upon filing or upon any later date specified by the state agency in a written instrument filed with, or as a part of, the regulation or order of repeal.

(e) No regulation adopted as an emergency regulation shall remain in effect more than 120 days unless the agency complies with the other provisions of this chapter.

(f) In the event an emergency regulation was filed as an amendment to an existing regulation, upon failure of the adopting agency to comply with subdivision (e) as provided above, the regulation as it existed prior to such emergency amendment shall thereupon become effective and after notice to the adopting agency by the Office of Administrative Law shall be reprinted in the California Administrative Code in the place of such emergency amendment.

(g) In the event a regulation is orginally adopted and filed as an emergency and the adopting agency fails to comply with subdivision (e) as provided above, such failure shall constitute a repeal thereof and after notice to the adopting agency by the Office of Administrative Law, shall be deleted.

(h) A regulation adopted as an emergency regulation or, an emergency regulation substantially equivalent thereto, shall not be readopted as an emergency regulation except with the express prior approval of the Governor.

SEC. 3. Section 11346.2 of the Government Code is amended to read:

11346.2. A regulation or an order of repeal required to be filed with the Secretary of State shall become effective on the 30th day after the date of filing unless:

(a) Otherwise specifically provided by the statute pursuant to which the regulation or order of repeal was adopted, in which event it becomes effective on the day prescribed by such statute.

(b) It is a regulation prescribing an agency's organization or procedure, or a regulation adopted under Section 5500.5 of the Financial Code, in which event it shall become effective upon filing or upon any later date specified by the state agency in a written instrument filed with, or as part of, the regulation or order of repeal.

(c) A later date is prescribed by the state agency in a written

instrument filed with, or as part of, the regulation or order of repeal.

(d) The regulation or order of repeal is determined to be a building standard, as defined in Section 18909 of the Health and Safety Code, by the State Building Standards Commission and such building standard has not been approved by such commission. The office shall consult with the State Building Standards Commission on all regulations which may appear to be such building standards. Any such building standard improperly transmitted to the office as determined pursuant to this subdivision shall be transmitted to the State Building Standards Commission and the adopting state agency shall be notified of such transmittal.

SEC. 4. Section 11346.6 of the Government Code is amended to read:

11346.6. In addition to the information required by Section 11346.5, the notice of proposed adoption or amendment of a regulation shall inform the reader that the agency proposing the action has prepared a statement of the purpose of the proposed action and the information on which it is relying in making its proposal.

SEC. 5. Section 11346.7 of the Government Code is amended to read:

11346.7. Every agency subject to the provisions of this chapter shall prepare, and make available to the public upon request, a general statement of the reasons for proposing the adoption or amendment of a regulation. Such statement shall include but not be limited to the following:

(a) The specific purpose of the regulation;

(b) The factual basis for the determination by the agency that the regulation is reasonably necessary to carry out the purpose for which it is proposed;

(c) The substantive facts or other information and the technical, theoretical and empirical studies, if any, on which the agency is relying in proposing the adoption or amendment of a regulation.

The statement shall be prepared prior to the time that the notice referred to in Section 11346.5 has been published. The statement shall be updated prior to final adoption of the regulation by the agency.

The final statement shall include a summary of the primary considerations raised by persons outside the agency in opposition to the regulation as adopted, together with a brief explanation of the reasons for rejecting those considerations.

The statement shall be transmitted to the office at the same time that the adopted or amended regulation is sent and shall be utilized by the office in its review of the regulation pursuant to Section 11349.1.

A state agency which adopts or amends a regulation mandated by federal law or regulations, the provisions of which are identical to a previously adopted or amended federal regulation, shall be deemed to have complied with the provisions of this section if a statement to

the effect that a federally mandated regulation or amendment to a regulation is being proposed, together with a citation to where an explanation of the provisions of the regulation can be found, is included in the notice of proposed adoption or amendment prepared pursuant to Section 11346.5. However, the agency shall comply fully with the provisions of this chapter with respect to any provisions in the regulation which the board proposed to adopt or amend which are different from the corresponding provisions of the federal regulation.

SEC. 6. Section 11445 of the Government Code is amended and renumbered to read:

11351. (a) Except as provided in subdivision (b), Article 5 (commencing with Section 11346), Article 6 (commencing with Section 11349), and Article 7 (commencing with Section 11350) of this chapter shall not apply to the Public Utilities Commission or the Industrial Accident Commission, and Article 3 (commencing with Section 11343) and Article 4 (commencing with Section 11344) of this chapter shall apply only to the rules of procedure of said state agencies.

(b) The Public Utilities Commission and the Division of Industrial Accidents shall comply with the provisions of subdivision (e) of Section 11346.4 with respect to regulations which are required to be filed with the Secretary of State pursuant to Section 11343.

SEC. 7. Section 2 of Chapter 567 of the Statutes of 1979 is amended to read:

Sec. 2. Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code is repealed.

Any reference in any statute of this state to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code shall be deemed to be a reference to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

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:

Chapter 567 of the Statutes of 1979 which revised the statutes relating to the adoption by state agencies of administrative regulations becomes operative on July 1, 1980, which is before the effective date of ordinary statutes which are enacted in 1980 in the 1979–1980 Regular Session of the Legislature. Thus, in order for the needed changes in such procedures made by this act to become operative on or about such operative date, it is necessary that this act take effect immediately.

## CHAPTER 205

An act to amend Section 19222 of the Government Code, relating to state government.

[Approved by Governor June 19, 1980. Filed with Secretary of State June 20, 1980.]

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

SECTION 1. Section 19222 of the Government Code is amended to read:

19222. Eligibility for appointment to positions in the career executive assignment category shall be established as a result of competitive examination of persons with permanent status in the civil service who meet such minimum qualifications as the board may determine are requisite to the performance of high administrative and policy influencing functions. No person employed in a career executive assignment shall be deemed to acquire as a result of such service any rights to or status in positions governed by the provisions of this part relating to the civil service other than the category of career executive assignment, except as provided by board rule. The board shall provide by rule that an employee shall, if he or she so desires, at the termination of his or her appointment to a career executive assignment, be reinstated to a civil service position that is (a) not a career executive assignment and (b) that is at least at the same salary level as the last position that he or she held as a permanent or probationary employee. If the employee has completed a minimum of 5 years of state service, he or she may return to a position that is (a) at substantially the same salary level as the last position in which he or she had permanent or probationary status or (b) at a salary level that is at least two steps lower than that of the career executive position from which the employee is being terminated. For the purpose of this section "employee" means a permanent employee, or an employee serving under another appointment who previously had permanent status and who, since such permanent status, has had no break in the continuity of his state service.

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## CHAPTER 206

An act to amend Section 798.18 of the Civil Code, relating to mobilehome parks.

[Approved by Governor June 19, 1980 Filed with Secretary of State June 20, 1980.]

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

SECTION 1. Section 798.18 of the Civil Code is amended to read:

798.18. (a) A tenant shall be given a rental agreement for (1) a term of 12 months, or (2) a lesser period as the tenant may request, or (3) a longer period as mutually agreed upon by both the tenant and management.

(b) No such agreement shall contain any terms or conditions with respect to charges for rent, utilities, or incidental reasonable service charges that would be different during the first 12 months of the agreement from the corresponding terms or conditions that would be offered to the tenant or tenants on a month-to-month basis.

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## CHAPTER 207

An act to amend Section 10203.5 of the Insurance Code, relating to insurance.

[Approved by Governor June 19, 1980 Filed with Secretary of State June 20, 1980 ]

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

SECTION 1. Section 10203.5 of the Insurance Code is amended to read:

10203.5. (a) Life insurance conforming to all the following conditions is another form of group life insurance:

(1) Covering one of the following groups:

(A) All members are or become borrowers from one financial institution, including subsidiary or affiliated persons, under an agreement to repay the sum borrowed.

(B) All members are or become purchasers of merchandise or other property (exclusive of securities, investment certificates and bank deposits) under an agreement to pay the balance of the purchase price.

(2) The group numbers not less than 100 new entrants yearly.

(3) The amount insured on any one borrower or purchaser does not exceed:

(A) The amount of the loan commitment in the case of an agricultural or horticultural loan commitment (as defined in section 10203.55) repayable in one sum or in irregular installments within a period not in excess of 18 months from the initial date of the loan commitment, or one hundred thousand dollars ($100,000), whichever is less, and

(B) In all other cases the balance of the indebtedness to the financial institution or vendor, or fifty thousand dollars ($50,000), whichever is less, on any one life.

(4) The repayment or payment of purchase price is to be made,

under the agreement of loan or purchase; in substantially equal installments over a period not exceeding 32 years; or in payments or installments in accordance with the usual terms of the creditor in the case of a revolving loan or revolving charge account; or in one sum or irregular installments within a period not in excess of 18 months from the initial date of the commitment on an agricultural or horticultural loan.

(5) The policy is issued upon application of and made payable to the financial institution, vendor, or a creditor to whom such vendor may transfer title to the indebtedness, as beneficiary, and the premiums are paid by or through the financial institution, vendor, or such creditor.

(b) A policy of insurance conforming to the provisions of this section is not subject to the provisions of Section 10209 or 10213.

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## CHAPTER 208

An act to repeal Chapter 5 (commencing with Section 11890) of Part 3 of Division 2 of the Insurance Code, relating to insurance.

[Approved by Governor June 19, 1980. Filed with Secretary of State June 20, 1980.]

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

SECTION 1. Chapter 5 (commencing with Section 11890) of Part 3 of Division 2 of the Insurance Code is repealed.

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## CHAPTER 209

An act to amend Sections 1282, 1718, 4017, 11138, 11524, 12166, and 12990 of, and to repeal Section 1657.5 of, the Insurance Code, relating to insurance.

[Approved by Governor June 19, 1980. Filed with Secretary of State June 20, 1980.]

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

SECTION 1. Section 1282 of the Insurance Code is amended to read:

1282. (a) The following provisions of this code shall not be applicable to reciprocal or interinsurance exchanges and their contracts, subscribers, attorneys in fact, agents, and representatives, unless such provisions are referred to and specifically made applicable or incorporated by reference by other portions of this code, and, in such event, such provisions shall be applicable only to

the extent required by such reference or incorporation:

(1) Sections 700.01, 700.02, 700.03, and 700.04;

(2) Sections 707, 708, 709, 710, and 711;

(3) Section 760.5;

(4) Sections 984, 986, and 987 of Article 13 (commencing with Section 980) of Chapter 1, Part 2, Division 1, relating to insolvency;

(5) Sections 1044, 1045, and 1047;

(6) Sections 1104.2, 1104.3, 1104.4, 1104.5, 1104.6, 1104.7, and 1104.8, except with respect to incorporated attorneys in fact;

(7) Section 1140;

(8) Section 1140.5, except with respect to incorporated attorneys in fact;

(9) Section 1152;

(10) Sections 1153, 1153.5, and 1154;

(11) Article 2.5 (commencing with Section 1160.1) of Chapter 2, Part 2, Division 1, relating to life insurer investments in housing projects;

(12) Section 1194.8;

(13) Article 5 (commencing with Section 1220) of Chapter 2, Part 2, Division 1, relating to investments in loans on life insurance policies;

(14) Article 2 (commencing with Section 1580) of Chapter 4, Part 2, Division 1, relating to alien insurers;

(15) Article 3 (commencing with Section 1600) of Chapter 4, Part 2, Division 1, relating to agent for service of process;

(16) Article 16 (commencing with Section 1758.1) of Chapter 5, Part 2, Division 1, relating to variable contract agents;

(17) Chapter 6 (commencing with Section 1760) of Part 2, Division 1, relating to surplus line brokers;

(18) Chapter 8 (commencing with Section 1831) of Part 2, Division 1, relating to life insurance analysts;

(19) Articles 1 (commencing with Section 3010) and 2 (commencing with Section 3030) of Chapter 3, Part 1, Division 2, relating to incorporated fire and marine insurers;

(20) Chapter 4 (commencing with Section 4010) of Part 1, Division 2, relating to general mutual insurers;

(21) Chapter 5 (commencing with Section 5050) of Part 1, Division 2, relating to county mutual fire insurers;

(22) Chapter 6 (commencing with Section 7080) of Part 1, Division 2, relating to county mutual fire reinsurers;

(23) Chapter 7 (commencing with Section 9080) of Part 1, Division 2, relating to fraternal fire insurers;

(24) Articles 3 (commencing with Section 10150) and 3a (commencing with Section 10159.1) of Chapter 1, Part 2, Division 2, relating to life insurance policies;

(25) Sections 10170, 10171, 10172, and 10173, relating to payment and proceeds of life insurance policies;

(26) Chapter 2 (commencing with Section 10200) of Part 2, Division 2, relating to group life policies;

(27) Chapter 2.5 (commencing with Section 10220) of Part 2, Division 2, relating to blanket life policies;

(28) Chapter 3 (commencing with Section 10240) of Part 2, Division 2, relating to burial contracts;

(29) Sections 10430, 10431, 10432, and 10433, relating to restrictions on business of life insurers;

(30) Articles 1a (commencing with Section 10440), 2 (commencing with Section 10450), 3 (commencing with Section 10478), 3a (commencing with Section 10489.1), 4 (commencing with Section 10490), and 5 (commencing with Section 10506) of Chapter 5, Part 2, Division 2, relating to internal affairs of mutual insurers, registration and valuation of life policies, standard valuation law, exempt societies, pension funds and separate accounts;

(31) Chapter 6 (commencing with Section 10510) of Part 2, Divison 2, relating to incorporated life insurers issuing policies on a reserve basis;

(32) Chapter 10 (commencing with Section 10970) of Part 2, Division 2, relating to fraternal benefit societies;

(33) Chapter 10A (commencing with Section 11400) of Part 2, Division 2, relating to firemen's, policemen's, or peace officers' benefit and relief associations;

(34) Chapter 11 (commencing with Section 11420) of Part 2, Division 2, relating to change by assessment plan life insurers to reserve plan;

(35) Chapter 11A (commencing with Section 11491) of Part 2, Division 2, relating to nonprofit hospital service plans;

(36) Chapter 12 (commencing with Section 11520) of Part 2, Division 2, relating to grants and annuities societies;

(37) Chapter 13 (commencing with Section 11525) of Part 2, Division 2, relating to voluntary mutualization of certain incorporated insurers;

(38) Article 3 (commencing with Section 11600), of Chapter 1, Part 3, Division 2, relating to capital requirements of incorporated insurers;

(39) Chapter 4 (commencing with Section 11770) of Part 3, Division 2, relating to the State Compensation Insurance Fund;

(40) Sections 12050, 12051, 12052, and 12110, relating to incorporated surety insurers;

(41) Part 5 (commencing with Section 12140) of Division 2, relating to motor clubs;

(42) Part 6 (commencing with Section 12340) of Division 2, relating to insurance covering land, but not including Sections 12640.19, 12660, and 12661.

SEC. 2. Section 1657.5 of the Insurance Code is repealed.

SEC. 3. Section 1718 of the Insurance Code is amended to read:

1718. (a) On or before March 15th of the year in which a permanent license will expire, the commissioner shall mail, to the latest address on file with his office, an application to the licensee to renew such license for the appropriate succeeding license year or

term. Failure to mail such application, due to clerical error or inadvertence, shall not continue the right to a license.

(b) Application for renewal of a license may be filed on or before April 15th prior to the termination of the license year or term upon payment of the fee for filing specified in Section 1750.

(c) Such application for renewal of a license may be filed between April 15th and July 1st of such year upon payment of the fee specified in subdivision (b) and an additional penalty fee in the amount specified for a one-year period in Section 1750 for such filing. Each individual licensee, and each natural person so named to transact insurance for an organization, shall be subject to payment of penalty fees under this section.

(d) Upon failure to file application as provided in either (b) or (c) hereof, the holder may file an application for a renewal of his license until June 30th of the next succeeding year. The fee for such renewal application shall be the total fee specified in subdivision (c) for such filing.

SEC. 4. Section 4017 of the Insurance Code is amended to read:

4017. A member shall have the right to vote in person or by his written proxy filed with the corporate secretary not less than five days prior to the meeting. No such proxy shall be made irrevocable, nor be valid beyond the earliest of the following dates:

(a) The date of expiration set forth in the proxy; or

(b) The date of termination of membership; or

(c) Eleven months from the date of execution of the proxy; or

(d) Such time as may be specified in the bylaws, not to exceed eleven months.

SEC. 5. Section 11138 of the Insurance Code is amended to read:

11138. The commissioner, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic society. He may employ assistants for the purpose of such examination, and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society. The minutes of the proceedings of the supreme governing or legislative body and of the board of directors or corresponding body of a society shall be in the English language. In making any such examination the commissioner may summon and qualify as witnesses under oath and examine its officers, agents and employees or other persons in relation to the affairs, transactions and condition of the society. The report of the commissioner or in his discretion a summary thereof, and such recommendations or statements of the commissioner as may accompany such report, shall be read at the first meeting of the board of directors or corresponding body of the society following the receipt thereof, and if directed so to do by the commissioner shall also be read at the first meeting of the supreme legislative or governing body of the society following the receipt thereof. The expense of each examination and of each valuation, including compensation and actual expense of examiners, shall be paid by the society examined or whose

certificates are valued, upon statements furnished by the commissioner.

SEC. 6. Section 11524 of the Insurance Code is amended to read:

11524. Except as prescribed in this chapter, such organization or person shall be otherwise exempt from the provisions of this code and other insurance laws of this state, except the provisions of Sections 730 to 736, inclusive, Sections 790 to 790.10, inclusive, Section 1011, Sections 1012 to 1044, and Sections 1056.5 to 1061. The cost and expense of examining such organization or person shall be paid as prescribed in Section 736.

SEC. 9. Section 12166 of the Insurance Code is amended to read:

12166. Notwithstanding the preceding provisions for a certificate of authority of indefinite term, each holder of a certificate of authority under this chapter shall owe and pay in advance to the commissioner an annual fee of one hundred fifty dollars ($150) on account of such certificate of authority until its final termination or revocation. Such fee shall be for annual periods commencing on July 1st of each year and ending on June 30th of each year and shall be due on each March 1st and shall be delinquent on and after each April 1st.

SEC. 7. Section 12990 of the Insurance Code is amended to read:

12990. There is created within the department a Bureau of Fraudulent Claims to enforce the provisions of Section 556.

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## CHAPTER 210

An act to amend Section 29109 of the Government Code, relating to taxation.

[Approved by Governor June 19, 1980. Filed with Secretary of State June 20, 1980.]

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

SECTION 1. Section 29109 of the Government Code is amended to read:

29109. On or before October 16th of each year, the auditor shall forward to the State Controller, in such form as the Controller directs, a statement of the rates of taxation, the assessed valuation as shown on the current equalized assessment roll, the amount of taxes to be levied pursuant to Section 2237 of the Revenue and Taxation Code, and the amounts allocated pursuant to Chapter 6 (commencing with Section 95) of Part 0.5, of Division 1 of the Revenue and Taxation Code.

If the auditor, after receipt of written notice from the State Controller fails to transmit either of the statements within 10 days, he shall forfeit to the state, one thousand dollars ($1,000) to be recovered in an action brought by the Attorney General, in the name

of the Controller.

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## CHAPTER 211

An act to amend Sections 2782 and 2782.5 of the Civil Code, relating to indemnity.

[Approved by Governor June 19, 1980. Filed with Secretary of State June 20, 1980 ]

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

SECTION 1. Section 2782 of the Civil Code is amended to read:

2782. All provisions, clauses, covenants, or agreements contained in, collateral to, or affecting any construction contract and which purport to indemnify the promisee against liability for damages for death or bodily injury to persons, injury to property, or any other loss, damage or expense arising from the sole negligence or willful misconduct of the promisee or the promisee's agents, servants or independent contractors who are directly responsible to such promisee, or for defects in design furnished by such persons, are against public policy and are void and unenforceable; provided, however, that this provision shall not affect the validity of any insurance contract, workmen's compensation or agreement issued by an admitted insurer as defined by the Insurance Code.

SEC. 2. Section 2782.5 of the Civil Code is amended to read:

2782.5. Nothing contained in Section 2782 shall prevent a party to a construction contract and the owner or other party for whose account the construction contract is being performed from negotiating and expressly agreeing with respect to the allocation, release, liquidation, exclusion, or limitation as between the parties of any liability (a) for design defects, or (b) of the promisee to the promisor arising out of or relating to the construction contract.

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## CHAPTER 212

An act to amend Sections 965, 965.2, 4001, 8690.2, 8691, 11007.1, 11007.7, 14101, 14123, 14150, 14153, 14155, 14254.5, 14255, 14330, 65040.1, and 66518 of, and to repeal Sections 14537 and 66519 of, the Government Code, relating to transportation.

[Approved by Governor June 20, 1980. Filed with Secretary of State June 20, 1980.]

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

SECTION 1. Section 965 of the Government Code is amended to read:

965. Upon the allowance by the State Board of Control of all or part of a claim for which, except for a claim arising from the activities of the Department of Transportation, the Director of Finance certifies that a sufficient appropriation exists, and the execution and presentation of such documents as the board may require which discharge the state of all liability under the claim, the board shall designate the fund from which the claim is to be paid and the state agency concerned shall pay the claim from such fund. Where no sufficient appropriation for such payment is available, the board shall report to the Legislature in accordance with Section 912.8.

SEC. 2. Section 965.2 of the Government Code is amended to read:

965.2. The Controller shall draw his warrant for the payment of any final judgment or settlement against the state whenever, except where the judgment or settlement arose out of the activities of the Department of Transportation, the Director of Finance certifies that a sufficient appropriation for such payment exists. Claims upon such judgments and settlements are exempt from Section 925.6.

SEC. 3. Section 4001 of the Government Code is amended to read:

4001. As used in this chapter, "engineer" means the Director of Transportation, the Director of Water Resources, the Director of General Services, or a deputy or other person authorized by any such officer, and every county engineer, county surveyor, county highway engineer, road commissioner, city engineer, commissioner of public works, superintendent of streets, harbor engineer, flood control engineer, the engineer of any board or commission of the state, the engineer of any board or commission of any city, and the engineer of any reclamation, irrigation, or other district or political subdivision or agency of the state.

SEC. 4. Section 8690.2 of the Government Code is amended to read:

8690.2. The Natural Disaster Assistance Fund is hereby created as a special fund in the State Treasury. The fund is the successor to the funds appropriated by Section 4 of Chapter 624 of the Statutes of 1973 and to the Street and Highway Disaster Fund, which funds are hereby abolished, effective the 61st day after final adjournment of the 1973-74 Regular Session of the Legislature. All of the assets, liabilities, and surpluses of the two abolished funds shall, on order of the State Controller and as of the effective date of their abolition, be transferred to and become assets, liabilities, and surpluses of the Natural Disaster Assistance Fund except that all assets, liabilities, and surplus of the portion of the Street and Highway Disaster Fund relating to state highways shall be transferred to the State Highway Account in the State Transportation Fund. The existing

appropriations from either of such funds shall continue to be available for allocation, encumbrance, and expenditure in the same manner and for the same purposes and periods from the Natural Disaster Assistance Fund. Any reference in any law or regulation to the Street and Highway Disaster Fund shall be deemed to refer to the Street and Highway Account of the Natural Disaster Assistance Fund.

Any moneys received by the director or any state agency after the effective date of this section which, by law, would otherwise be required to be deposited in either of such funds, shall on order of the State Controller, be deposited in the State Treasury in the Natural Disaster Assistance Fund.

SEC. 5. Section 8691 of the Government Code is amended to read:

8691. Any money in the Street and Highway Account which the director determines is not needed for immediate use for the purposes otherwise specified in this chapter shall be available for transfer by the Department of Finance to the State Highway Account in the State Transportation Fund for allocation and expenditure for construction of state highways, but any amount so transferred shall, after receipt by the Department of Transportation of written demand from the Department of Finance, be returned from the State Highway Account in the State Transportation Fund to the Street and Highway Account upon determination by the Department of Finance of the necessity of such money for the purposes of this chapter within a period of not to exceed three months in such installments as may be agreed upon by the Department of Finance and the Department of Transportation.

SEC. 6. Section 11007.1 of the Government Code is amended to read:

11007.1. The Department of Transportation, when it has acquired title to any real property for highway purposes and leases such property for commercial or business uses to the former owner for a term exceeding six months, may secure insurance against the risk of damage or destruction by fire where the former owner requests this coverage and the premium therefor is included in the rental agreed to be paid.

SEC. 7. Section 11007.7 of the Government Code is amended to read:

11007.7. The procurement of insurance or official bonds by any state agency shall be subject to approval of the Department of General Services. Any such procurement may, upon request of the state agency concerned, be made by the Department of General Services on behalf of such agency.

Whenever the procurement of insurance or official bonds for or on behalf of the state is authorized by law and no state agency is specifically authorized to purchase such insurance or official bonds, the Department of General Services may procure such insurance or official bonds.

This section shall not apply to (a) insurance procured by the Department of Transportation or the California Transportation Commission under Sections 100.7 and 30450 to 30453, inclusive, of the Streets and Highways Code; (b) workmen's compensation insurance procured under Section 11870 of the Insurance Code; (c) insurance procured by the Department of Veterans Affairs under Division 4 (commencing with Section 690) of the Military and Veterans Code.

SEC. 8. Section 14101 of the Government Code is amended to read:

14101. The department shall contract with qualified architects and engineers for the performance of work when it is determined by the Director of Transportation, with the approval of the Director of Finance, that the obtainable staff is unable to perform the particular work within the time the public interest requires such work to be done.

SEC. 9. Section 14123 of the Government Code is amended to read:

14123. The Director of Finance shall forthwith determine if a state emergency exists, and if money is available in any appropriation or emergency fund for the work and remedial measures. Upon an affirmative finding upon these matters, he shall allocate to the Department of Transportation such amount as, in his opinion, will be required to meet the emergency.

SEC. 10. Section 14150 of the Government Code is amended to read:

14150. When requested in writing by the Federal Highway Administration, the Maritime Commission, the Army, the Air Force, or the Navy, the department and each division thereof may perform any engineering, architectural, construction, maintenance, or mechanical work for, or on behalf of, the United States if such work is to be completely financed by federal funds, except for general administrative expense. The department may enter into agreements with the authorized officials of the United States for the performance of any such work.

Any agreement providing for such work to be done by the Department of General Services, the Department of Water Resources, or the Department of Boating and Waterways shall be subject to the approval of the Department of Finance.

SEC. 11. Section 14153 of the Government Code is amended to read:

14153. As to such work to be performed by the department, the department and the California Transportation Commission may do any and all things in connection therewith as may be done in connection with state highways and may acquire therefor, pursuant to state law, any necessary real or personal property, or interest therein.

SEC. 12. Section 14155 of the Government Code is amended to read:

14155. "Department," as used in this article, means the

Department of Transportation as to work within its jurisdiction, the Department of Water Resources as to work within its jurisdiction, the Department of Boating and Waterways as to any project under the jurisdiction of that department pursuant to Article 2.5 (commencing with Section 65) of Chapter 2 of Division 1 of the Harbors and Navigation Code, and the Department of General Services with respect to the construction, alteration, repair, and improvement of state buildings.

SEC. 13. Section 14254.5 of the Government Code is amended to read:

14254.5. "Department," as used in this chapter, means (a) the Department of Water Resources as to any project under the jurisdiction of that department, (b) the Department of General Services as to any project under the jurisdiction of that department, (c) the Department of Boating and Waterways as to any project under the jurisdiction of that department pursuant to Article 2.5 (commencing with Section 65) of Chapter 2 of Division 1 of the Harbors and Navigation Code, and (d) the Department of Transportation as to all other projects.

"Director," as used in this chapter, means the director of each department as defined herein respectively.

SEC. 14. Section 14255 of the Government Code is amended to read:

14255. Whenever provision is made by law for any project which is not under the jurisdiction of the Department of Water Resources, the Department of Boating and Waterways pursuant to Article 2.5 (commencing with Section 65) of Chapter 2 of Division 1 of the Harbors and Navigation Code, or the Department of General Services, the project shall be under the sole charge and direct control of the Department of Transportation.

SEC. 15. Section 14330 of the Government Code is amended to read:

14330. On the day named in the public notice, the department shall publicly open the sealed bids and award the contracts to the lowest responsible bidders.

In the case of bids opened by a district director, pursuant to Section 14291, he shall report the contents thereof to the director. In all other respects, the contracts shall be awarded as are other contracts.

SEC. 16. Section 14537 of the Government Code is repealed.

SEC. 17. Section 65040.1 of the Government Code is amended to read:

65040.1. In developing a land use policy for the state, the Office of Planning and Research shall cooperate with the Department of Transportation and other federal, state, regional, and local agencies in their development of a viable, feasible, and attainable long-range master plan for aviation that will provide a framework for discussions, a program of accomplishments, and a means to resolve the complex problems of air transportation in California. Such policy and plan shall be guided by the environmental goals and policies of

the State Environmental Goals and Policy Report (Section 65041).

The office shall advise the Legislature, from time to time, of long-range budgetary projections of the state's share of the costs relating to the development of new airports and related communities. The projections and information relating to airports shall be provided by the Department of Transportation.

It is the intent of the Legislature that society not be compelled to tolerate environmental pollution and that there be provided a level of air service acceptable to society without unacceptable costs in terms of pollution, congestion, or dollars.

SEC. 18. Section 66518 of the Government Code is amended to read:

66518. When allocating funds for construction on the state highway system within the region, the California Transportation Commission shall conform to the regional transportation plan and the schedule of priorities for such construction included therein. The California Transportation Commission, however, may deviate from the regional transportation plan and the schedule of priorities established for construction on the interstate system and the state highway system within the region because of an overriding statewide interest.

SEC. 19. Section 66519 of the Government Code is repealed.

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## CHAPTER 213

An act to amend Section 13511 of the Penal Code, relating to peace officers' training.

[Approved by Governor June 20, 1980 Filed with Secretary of State June 20, 1980 ]

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

SECTION 1. Section 13511 of the Penal Code is amended to read:

13511. (a) In establishing standards for training, the commission shall, so far as consistent with the purposes of this chapter, permit required training to be obtained at institutions approved by the commission.

(b) In those instances where persons have acquired prior equivalent peace officer training and are under consideration for hire by an agency participating in the POST program, the commission shall, no later than July 1, 1981, and thereafter, provide the opportunity for testing in lieu of attendance at a basic training academy or accredited college. Tests shall be constructed to verify possession of minimum knowledge and skills required by the commission as outlined in its basic course. Such tests shall be scheduled periodically in convenient locations, and an opportunity shall be provided for testing and retesting under procedural

guidelines established by the commission. The retesting procedures shall be designed so that any portion which has been previously passed need not be retaken. The commission shall charge a fee to cover administrative costs which is sufficient to cover all the costs associated with the testing conducted under this subdivision.

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## CHAPTER 214

An act relating to the State Capitol Restoration Project, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1980. Filed with Secretary of State June 20, 1980.]

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

SECTION 1. The sum of eight million twenty-eight thousand five hundred forty-two dollars ($8,028,542) is hereby appropriated from the General Fund to the Contingent Funds of the Assembly and Senate, without regard to fiscal years, for expenditure for purposes of restoration or rehabilitation of the west wing of the State Capitol, as provided in Section 9124 of the Government Code.

SEC. 2. The Joint Rules Committee shall cause the removal of the temporary buildings used for sessions of the Legislature during the restoration or rehabilitation of the west wing of the State Capitol. The removal of the temporary buildings shall be completed no later than one year after the commencement of the sessions of the Legislature in the restored or rehabilitated west wing of the State Capitol.

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, which relates to the State Capitol Restoration Project, provides funds for such project and directs the Joint Rules Committee to remove specified temporary buildings.

In order for the funds provided by this act to be immediately available for the restoration of the State Capitol in a timely and expeditious manner, and to provide sufficient planning time for the Joint Rules Committee, it is necessary for this act to take effect immediately.

## CHAPTER 215

An act to amend Section 1268.020 of the Code of Civil Procedure, to repeal Sections 35201 and 72501 of the Education Code, to amend Sections 912.6, 935.6, 942, 948, 955.6, 965, 965.2, 970, 970.4, 970.6, 970.8, and 971 of, to add Sections 906, 965.5, 965.6, 965.7, 965.8, 965.9, 970.1, and 970.5 to, and to repeal Section 955.5 and Article 7 (commencing with Section 50170) of Chapter 1 of Part 1 of Division 1 of Title 5 of, the Government Code, and to repeal Sections 31091, 31092, 31093, 31094, 31095, and 31096 of the Water Code, relating to claims and judgments against public entities.

[Approved by Governor June 20, 1980. Filed with Secretary of State June 20, 1980 ]

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

SECTION 1. Section 1268.020 of the Code of Civil Procedure is amended to read:

1268.020. (a) If the plaintiff fails to pay the full amount required by the judgment within the time specified in Section 1268.010, the defendant may:

(1) If the plaintiff is a public entity, enforce the judgment as provided in Division 3.6 (commencing with Section 810) of Title 1 of the Government Code.

(2) If the plaintiff is not a public entity, enforce the judgment as in a civil case.

(b) Upon noticed motion of the defendant, the court shall enter judgment dismissing the eminent domain proceeding if all of the following are established:

(1) The plaintiff failed to pay the full amount required by the judgment within the time specified in Section 1268.010.

(2) The defendant has filed in court and served upon the plaintiff, by registered or certified mail, a written notice of the plaintiff's failure to pay the full amount required by the judgment within the time specified in Section 1268.010.

(3) The plaintiff has failed for 20 days after service of the notice under paragraph (2) to pay the full amount required by the judgment in the manner provided in subdivision (b) of Section 1268.010.

(c) The defendant may elect to exercise the remedy provided by subdivision (b) without attempting to use the remedy provided by subdivision (a).

(d) As used in this section, "public entity" does not include the Regents of the University of California.

SEC. 2. Section 35201 of the Education Code is repealed.

SEC. 3. Section 72501 of the Education Code is repealed.

SEC. 4. Section 906 is added to the Government Code, to read:

906. (a) As used in this section, "amount allowed on the claim"

means the amount allowed by the public entity on a claim allowed in whole or in part or the amount offered by the public entity to settle or compromise a claim.

(b) Except as provided in subdivision (c):

(1) No interest is payable on the amount allowed on the claim if payment of the claim is subject to approval of an appropriation by the Legislature; but, if an appropriation is made for the payment of a claim described in this paragraph, interest on the amount appropriated for the payment of the claim commences to accrue 30 days after the effective date of the law by which the appropriation is enacted.

(2) Interest on the amount allowed on the claim, other than a claim described in paragraph (1), commences to accrue 30 days after the claimant accepts in writing the amount allowed on the claim in settlement of the entire claim.

(3) Interest on the amount allowed on the claim accrues at the rate provided for judgments until paid.

(c) The public entity and the claimant may agree in writing to vary the terms prescribed by subdivision (b), including but not limited to, any one or more of the following:

(1) An agreement that no interest will be payable on the amount allowed on the claim.

(2) An agreement that interest on the amount allowed on the claim will commence to accrue at a time other than the time specified in paragraph (1) or (2) of subdivision (b).

(3) An agreement that interest on the amount allowed on the claim will accrue at a different rate than is specified in paragraph (3) of subdivision (b).

(d) The public entity may allow a claim in whole or in part, or may offer to settle or compromise a claim, upon the condition that the claimant agree in writing to a provision that varies the terms prescribed in subdivision (b). The acceptance by the claimant in writing of the amount allowed on the claim in settlement of the entire claim subject to such condition creates a written agreement that satisfies the requirements of subdivision (c).

(e) Nothing in this section limits the rights of a claimant to interest on a judgment obtained against a public entity.

SEC. 5. Section 912.6 of the Government Code is amended to read:

912.6. (a) In the case of a claim against a local public entity, the board may act on a claim in one of the following ways:

(1) If the board finds the claim is not a proper charge against the public entity, it shall reject the claim.

(2) If the board finds the claim is a proper charge against the public entity and is for an amount justly due, it shall allow the claim.

(3) If the board finds the claim is a proper charge against the public entity but is for an amount greater than is justly due, it shall either reject the claim or allow it in the amount justly due and reject it as to the balance.

(4) If legal liability of the public entity or the amount justly due is disputed, the board may reject the claim or may compromise the claim.

(b) In the case of a claim against a local public entity, if the board allows the claim in whole or in part or compromises the claim, it may require the claimant, if the claimant accepts the amount allowed or offered to settle the claim, to accept it in settlement of the entire claim.

(c) Subject to subdivision (b), the local public entity shall pay the amount allowed on the claim or in compromise of the claim in the same manner as if the claimant had obtained a final judgment against the local public entity for that amount, but the claim may be paid in not exceeding 10 equal annual installments as provided in Section 970.6 only if the claimant agrees in writing to that method of payment and in such case no court order authorizing installment payments is required. If an agreement for payment of the claim in installments is made, the local public entity, in its discretion, may prepay any one or more installments or any part of an installment.

SEC. 6. Section 935.6 of the Government Code is amended to read:

935.6. (a) The State Board of Control, by rule, may authorize any state agency to adjust and pay claims where the settlement does not exceed one thousand dollars ($1,000) or such lesser amount as the board may determine and the Director of Finance certifies that a sufficient appropriation for the payment of such claims exists.

(b) Payments shall be made only upon approval of the settlement by the board.

(c) As used in this section, "state agency" means any office, officer, department, division, bureau, board, commission or agency of the state claims against which are paid by warrants drawn by the Controller.

SEC. 7. Section 942 of the Government Code is amended to read:

942. Nothing in this division shall be construed to deprive a claimant of the right to resort to writ of mandate or other proceeding against the public entity or the board or any employee of the public entity to compel payment of a claim when and to the extent that it has been allowed and is required by this division to be paid.

SEC. 8. Section 948 of the Government Code is amended to read:

948. (a) The head of the state agency concerned, upon recommendation of the Attorney General or other attorney authorized to represent the state, may settle, adjust or compromise any pending action where the Director of Finance certifies that a sufficient appropriation for the payment of claims exists.

(b) Where no funds or insufficient funds for such payment exist, the head of the state agency concerned, upon recommendation of the Attorney General or other attorney authorized to represent the state, may settle, adjust or compromise any pending action with the approval of the Department of Finance.

(c) As used in this section, "state agency" means any office,

officer, department, division, bureau, board, commission or agency of the state claims against which are paid by warrants drawn by the Controller.

SEC. 9. Section 955.5 of the Government Code is repealed.

SEC. 10. Section 955.6 of the Government Code is amended to read:

955.6. In actions for the taking or damaging of private property for public use within the meaning of Section 19 of Article I of the Constitution on claims arising out of work done by the Department of Transportation:

(a) Service of summons shall be made on the Attorney General or the Director of Transportation.

(b) The defense shall be conducted by the attorney for the Department of Transportation.

SEC. 11. Section 965 of the Government Code is amended to read:

965. Upon the allowance by the State Board of Control of all or part of a claim for which the Director of Finance certifies that a sufficient appropriation for the payment of the claim exists, and the execution and presentation of such documents as the board may require which discharge the state of all liability under the claim, the board shall designate the fund from which the claim is to be paid and the state agency concerned shall pay the claim from such fund. Where no sufficient appropriation for such payment is available, the board shall report to the Legislature in accordance with Section 912.8.

SEC. 12. Section 965.2 of the Government Code is amended to read:

965.2. The Controller shall draw a warrant for the payment of any final judgment or settlement against the state whenever the Director of Finance certifies that a sufficient appropriation for the payment of such judgment or settlement exists. Claims upon such judgments and settlements are exempt from Section 925.6.

SEC. 13. Section 965.5 is added to the Government Code, to read:

965.5. (a) A judgment for the payment of money against the state or a state agency is enforceable until 10 years after the time the judgment becomes final or, if the judgment is payable in installments, until 10 years after the final installment becomes due.

(b) A judgment for the payment of money against the state or a state agency is not enforceable under Title 9 (commencing with Section 681) of Part 2 of the Code of Civil Procedure but is enforceable under this chapter.

SEC. 14. Section 965.6 is added to the Government Code, to read:

965.6. Notwithstanding any other provision of law, neither the state, nor any of its officers or employees, can be required by any court in any proceeding to pay or offset a tort liability claim, settlement, or judgment for which the state is liable unless one of the following conditions exists:

(a) The Legislature has authorized the payment or offset of the

specific tort liability claim, settlement, or judgment.

(b) The Director of Finance has certified that a sufficient appropriation for the payment of the claim, settlement, or judgment or to provide for such offset exists.

SEC. 15. Section 965.7 is added to the Government Code, to read:

965.7. (a) A writ of mandate is an appropriate remedy to compel the state, or an officer or employee of the state, to perform any act required by this chapter.

(b) Nothing in this division affects the discretion of the Legislature in determining whether or not to:

(1) Make an appropriation for the payment of a claim, compromise, settlement, or judgment or to provide an offset for a claim, compromise, settlement, or judgment.

(2) Authorize such a payment or offset.

SEC. 16. Section 965.8 is added to the Government Code, to read:

965.8. Where any provision of this division requires a certificate of the Director of Finance that a sufficient appropriation exists for the payment of a claim, settlement, compromise, or judgment or requires a certificate of the Director of Finance that a sufficient appropriation exists to provide for an offset, a writ of mandate is an appropriate remedy to compel the Director of Finance to so certify if a sufficient appropriation in fact exists for that purpose.

SEC. 17. Section 965.9 is added to the Government Code, to read:

965.9. This chapter does not apply to claims, settlements, and judgments against the Regents of the University of California.

SEC. 18. Section 970 of the Government Code is amended to read:

970. As used in this article:

(a) "Fiscal year" means a year beginning on July 1 and ending on June 30 unless the local public entity has adopted a different fiscal year as authorized by law, in which case "fiscal year" means the fiscal year adopted by such local public entity.

(b) "Judgment" means a final judgment for the payment of money rendered against a local public entity.

(c) "Local public entity" includes a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state, but does not include the Regents of the University of California and does not include the state or any office, officer, department, division, bureau, board, commission or agency of the state claims against which are paid by warrants drawn by the Controller.

SEC. 19. Section 970.1 is added to the Government Code, to read:

970.1. (a) A judgment is enforceable until 10 years after the time the judgment becomes final or, if the judgment is payable in installments, until 10 years after the final installment becomes due.

(b) A judgment is not enforceable under Title 9 (commencing with Section 681) of Part 2 of the Code of Civil Procedure but is enforceable under this article.

SEC. 20. Section 970.4 of the Government Code is amended to

read:

970.4. Except as provided in Section 970.6, the governing body of a local public entity shall pay, to the extent funds are available in the fiscal year in which it becomes final, any judgment, with interest thereon, out of any funds to the credit of the local public entity that are:

(a) Unappropriated for any other purpose unless the use of such funds is restricted by law or contract to other purposes; or

(b) Appropriated for the current fiscal year for the payment of judgments and not previously encumbered.

SEC. 21. Section 970.5 is added to the Government Code, to read:

970.5. Except as provided in Section 970.6, if a local public entity does not pay a judgment, with interest thereon, during the fiscal year in which it becomes final, the governing body shall pay the judgment, with interest thereon, during the ensuing fiscal year immediately upon the obtaining of sufficient funds for that purpose.

SEC. 22. Section 970.6 of the Government Code is amended to read:

970.6. (a) The court which enters the judgment shall order that the governing body pay the judgment, with interest thereon, in not exceeding 10 equal annual installments if both of the following conditions are satisfied:

(1) The governing body of the local public entity has adopted an ordinance or resolution finding that an unreasonable hardship will result unless the judgment is paid in installments.

(2) The court, after hearing, has found that payment of the judgment in installments as ordered by the court is necessary to avoid an unreasonable hardship.

(b) Each installment payment shall be of an equal amount, consisting of a portion of the principal of the judgment and the unpaid interest on the judgment to the date of the payment. The local public entity, in its discretion, may prepay any one or more installments or any part of an installment.

SEC. 23. Section 970.8 of the Government Code is amended to read:

970.8. (a) Each local public entity shall in each fiscal year include in its budget a provision to provide funds in an amount sufficient to pay all judgments in accordance with this article.

(b) If all or any portion of the revenue used for the maintenance and operation of a local public entity (other than an entity created by an agreement described in Section 895) liable for a judgment is derived from appropriations of another local public entity, such other local public entity shall in each fiscal year appropriate funds equal to its pro rata share of an amount sufficient to permit the local public entity liable for the judgment to pay the judgment in accordance with this article. Such amount shall be paid to the local public entity liable for the judgment and shall be used by such entity to satisfy the judgment. The pro rata share of such other local public entity for each judgment is an amount bearing the same proportion

to the total amount of the judgment as the revenue derived from such other local public entity for maintenance and operation during the fiscal year in which the cause of action on such judgment accrued bears to the total revenues used for maintenance and operation during such fiscal year of the local public entity liable for the judgment. For this purpose, such other local public entity shall include in its budget a provision to provide funds sufficient in amount to make the appropriation and payment required by this section.

SEC. 24. Section 971 of the Government Code is amended to read:

971. (a) As used in this section:

(1) "Judgment resulting from a discretionary act" means a judgment arising from a liability which the local public entity has discretion to incur or not to incur and includes a judgment rendered in an eminent domain proceeding and a judgment requiring specific performance of a contractual obligation or awarding damages for failure to perform a contractual obligation.

(2) "Judgment resulting from a nondiscretionary act" means a judgment other than one described in paragraph (1) and includes a judgment founded upon tort or inverse condemnation liability.

(b) Any limitation on the amount of taxes, assessments or rates and charges that may be levied or collected by a local public entity, and any limitation on the amount of appropriations and payments that may be made by a local public entity, and any limitation on the amount of liability or indebtedness that may be incurred by a local public entity, contained in any other statute or in any charter or ordinance:

(1) Applies to the taxes, assessments, rates and charges or appropriations levied, collected or made to pay pursuant to this article a judgment resulting from a discretionary act.

(2) Does not apply to the taxes, assessments, rates and charges or appropriations levied, collected or made to pay pursuant to this article a judgment resulting from a nondiscretionary act.

(c) For the purposes of Section 2271 of the Revenue and Taxation Code, taxes levied to pay pursuant to this article a judgment resulting from a nondiscretionary act are levied to pay costs mandated by the courts.

SEC. 25. Article 7 (commencing with Section 50170) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code is repealed.

SEC. 26. Section 31091 of the Water Code is repealed.

SEC. 27. Section 31092 of the Water Code is repealed.

SEC. 28. Section 31093 of the Water Code is repealed.

SEC. 29. Section 31094 of the Water code is repealed.

SEC. 30. Section 31095 of the Water Code is repealed.

SEC. 31. Section 31096 of the Water Code is repealed.

SEC. 32. No appropriation is made by this act, nor is any obligation created thereby, pursuant to Section 2231 or 2234 of the

Revenue and Taxation Code. Moreover, no claim shall be considered with respect to this act by the State Board of Control pursuant to Section 905.2 of the Government Code or Section 2250 of the Revenue and Taxation Code, and the Department of Finance shall not review or report on this act pursuant to Section 2246 of the Revenue and Taxation Code.

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## CHAPTER 216

An act to add Section 328 to the Penal Code, relating to lotteries, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature. Filed with Secretary of State June 23, 1980 ]

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

SECTION 1. Section 328 is added to the Penal Code, to read:

328. Nothing in this chapter shall make unlawful the printing or other production of any advertisements for, or any ticket, chance, or share in a lottery conducted in any other state or nation where such lottery is not prohibited by the laws of such state or nation; or the sale of such materials by the manufacturer thereof to any person or entity conducting or participating in the conduct of such a lottery in any such state or nation. This section does not authorize any advertisement within California relating to lotteries, or the sale or resale within California of lottery tickets, chances, or shares to individuals, or acts otherwise in violation of any laws of the state.

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 remove ambiguity in the law concerning the printing and sale of lottery tickets and advertisements at the earliest possible time it is necessary that this act go into immediate effect.

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## CHAPTER 217

An act to amend Section 69994.1 of the Government Code, relating to courts.

[Became law without Governor's signature. File with Secretary of State June 23, 1980.]

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

SECTION 1. Section 69994.1 of the Government Code is amended to read:

69994.1. When needed in order that the judicial business of the courts in such county may be carried on without delay, the judges of such courts may appoint as many additional phonographic reporters as the business of the courts may require, who shall be known as official reporters pro tempore, and who shall be compensated at the same rate of compensation as official phonographic reporters in such county would be compensated for the first year of service computed on a daily basis.

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## CHAPTER 218

An act to amend Section 84500 of the Education Code, relating to community colleges.

[Approved by Governor June 24, 1980. Filed with Secretary of State June 25, 1980.]

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

SECTION 1. Section 84500 of the Education Code is amended to read:

84500. (a) (1) Except as otherwise provided, in computing the average daily attendance of a community college district, there shall be included only the attendance of students while engaged in educational activities required of such students and under the immediate supervision and control of an employee of the district who possessed a valid certification document, registered as required by law, authorizing him to render service in the capacity and during the period in which he served.

(2) A community college district may, until June 30, 1982, also include the attendance of students enrolled in approved courses or programs of independent study, including courses or programs formerly conducted as coordinated instruction systems, who are under the supervision, control, and evaluation but not necessarily in the immediate presence of an employee of the district who possesses a valid certification document; provided that such attendance may only be included for college level credit courses and programs which are accepted for completion of an appropriate educational sequence leading to an associate degree, and which generally are recognized upon transfer by an institution of the University of California or the California State University and Colleges.

The community college district shall determine the nature, manner, and place of conducting any independent study course or program in accordance with rules and regulations adopted by the

Board of Governors of the California Community Colleges to implement the purposes of this subdivision. Such rules and regulations shall require community college districts to ensure that the components of each individual study course or program for each student shall be set out in a written record which includes the goals and methodology of the course or program, the number of units and hours of study required, the arrangements for consultation with the instructor, the work product to be evaluated, and the college facility required. Such rules and regulations shall also provide for input from, and participation by, faculty, who are selected by academic senates or faculty councils, and students, including, but not limited to, academic senates or faculty councils, in the development and evaluation of such approved educational courses and programs.

The board of governors or its designee shall study the educational and fiscal effects of the authorization provided by this subdivision and shall report to the Legislature prior to June 30, 1981, on the appropriateness of deleting or extending such authorization, as well as other changes that should be made.

(b) For the purpose of work experience education programs in the secondary schools meeting the standards of the California State Plan for Vocational Education, "immediate supervision" of off-campus work training stations means pupil participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision. The pupil-teacher ratio in any such work experience program shall not exceed 125 students per full-time equivalent certificated coordinator. A pupil enrolled in such work experience program shall not be credited with more than one day of attendance in any calendar day, and shall be a full-time student enrolled in regular classes meeting the requirements set forth in Section 76313.

(c) For purposes of computing the average daily attendance of a community college district, attendance shall also include student attendance and participation in in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations that conform to all apportionment attendance and course of study requirements otherwise imposed by law; provided that such courses are fully open to the enrollment and participation of the public; and provided further, that prerequisites for such courses shall not be established or construed so as to prevent academically qualified persons not employed by agencies in the criminal justice system from enrolling in and attending such courses.

(d) Notwithstanding subdivision (c) and any regulations adopted pursuant thereto, a community college may give preference in enrollment to persons employed by, or serving in a voluntary capacity with, a fire protection or fire prevention agency in any course of in-service fire training at such community college in cooperation with any fire protection or fire prevention agency or

association. Preference shall only be given when such persons could not otherwise complete the course within a reasonable time and when no other training program is reasonably available. At least 15 percent of the enrollment in in-service fire training courses shall consist of persons who are neither volunteers of, nor employed by, a fire protection or prevention agency or association, if such persons are available to attend such a course. Average daily attendance for such courses shall be reported for state aid.

(e) Subdivision (d) shall apply only to:

(1) Community colleges which, in cooperation with any fire protection or fire prevention agency or association, have been, as of January 1, 1980, the primary source of in-service fire training for any fire protection or fire prevention agency or association; and

(2) Community colleges which, in cooperation with any fire protection or fire prevention agency or association, establish in-service fire training for any fire protection or fire prevention agency or association which did not have in-service fire training prior to January 1, 1980.

(f) In the event that certain in-service training courses are restricted to employees of police, fire, corrections, and other criminal justice agencies, attendance for such restricted courses shall not be reported for purposes either of state apportionments or district revenue limits computed pursuant to Sections 85132 and 85140. A community college district which restricts enrollment in such in-service training courses may contract with any public agency to provide compensation for the cost of conducting such courses.

(g) Positive records of student admissions and daily attendance in all in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations, as described in subdivision (c), shall be maintained by each district and shall be separately reported annually to the chancellor's office of the California Community Colleges.

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## CHAPTER 219

An act to add and repeal Section 741 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1980 Filed with Secretary of State June 25, 1980 ]

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

SECTION 1. The Legislature finds and declares as follows:

(a) Agriculture is this state's largest industry in terms of gross sales and the direct and indirect employment of persons.

(b) California's present high level of agricultural production is

vitally dependent on the application of nitrogen fertilizers in the form of anhydrous ammonia and products made from anhydrous ammonia.

(c) It is essential that reliable sources of ammonia be available to California agriculture, and that ammonia production within California be maintained.

(d) Natural gas is an essential raw material feedstock for making ammonia and represents approximately 70 percent of the cost of the production of ammonia.

(e) Foreign ammonia producers reduced their prices to abnormally low levels at the same time as the charges for natural gas to industrial customers were increasing dramatically. This situation has resulted in a drastic reduction in California ammonia production and the imminent danger that all ammonia production in California will cease.

(f) The cessation of ammonia production in California would make California agriculture dependent (1) on foreign-produced ammonia, the supply of which is subject to economic and political conditions over which California has no control, and (2) on ammonia produced in other parts of the United States, which must be transported over long distances to where it is used in California.

(g) To preserve ammonia production in California, it is critical that the rates charged for natural gas used in the manufacture of ammonia be no higher than is necessary to compensate the gas corporation for providing that gas to the ammonia producers, including a reasonable rate of return.

SEC. 2. Section 741 is added to the Public Utilities Code, to read:

741. The rates for natural gas supplied for the manufacture of ammonia shall not exceed the average price paid by the gas corporation for gas from all suppliers as determined in the latest rate proceeding before the commission, plus 10 percent of such average price, except that such rates shall in no event be lower than the rates in effect on December 31, 1979.

This section shall not apply to the sale of natural gas which is subject to the incremental pricing provisions of the federal Natural Gas Policy Act of 1978, (P.L. 95-621; 15 U.S.C. 3301 et seq.).

It is the intent of the Legislature, in enacting this section, that those ammonia manufacturers purchasing natural gas under the provisions of this section shall continue to sell ammonia manufactured from such gas principally for California agricultural purposes and not for export.

The commission shall report to the Legislature on or before January 1, 1982, on the effects of the provisions of this section, including, but not limited to, rates charged to ammonia producers for natural gas and changes in rates charged to other customers by gas corporations as a result of the enactment of this section.

The Assembly Agriculture Committee shall report to the Legislature on or before January 1, 1982, on the effects of the provisions of this section on California ammonia production. The

report shall specify the level of ammonia production and its effects on California agriculture.

This section shall remain in effect only until January 1, 1983, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1983, deletes or extends such date.

SEC. 3. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 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 continuation of ammonia production within California is essential to the welfare of California and its citizens, and there is great danger that, in the absence of immediate legislative relief, such production will come permanently to an end.

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## CHAPTER 220

An act to add Division 9 (commencing with Section 7900) to Title 1 of the Government Code, relating to expenditure limitations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1980 Filed with Secretary of State June 25, 1980 ]

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

SECTION 1. Division 9 (commencing with Section 7900) is added to Title 1 of the Government Code, to read:

### DIVISION 9. EXPENDITURE LIMITATIONS

7900. The governing body of any city incorporated after July 1, 1978, but prior to January 1, 1980, may, by resolution, adopt an appropriation limit for the purposes of Article XIII B of the California Constitution determined in the following manner:

(a) If the city's first full fiscal year of operation was the 1979–80 fiscal year, the appropriation limit of the city for fiscal year 1980–81 shall be equal to the total amount of proceeds of taxes received for fiscal year 1979–80 adjusted for changes in the cost of living and population and such other changes as may be required or permitted by Article XIII B.

(b) If the city's first full fiscal year of operation is the 1980–81 fiscal year, the governing body of the city shall, prior to July 1, 1980, estimate the amount of revenue anticipated to be received by the

city from the proceeds of taxes for the 1980–81 fiscal year. This amount shall be the appropriation limit of the city for the 1980–81 fiscal year. For the 1981–82 fiscal year and each fiscal year thereafter, the appropriation limit of the city shall be equal to the total amount of proceeds of taxes received for fiscal year 1980–81 adjusted for changes in the cost of living and population and such other changes as may be required or permitted by Article XIII B.

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 this act, which would provide for the establishment of a legally authorized appropriations limit for a city which was incorporated after July 1, 1978, but prior to January 1, 1980, and thereby provide for the implementation of the mandate of Article XIII B of the California Constitution, may be effective during the 1980–81 fiscal year, it is necessary that this act take effect immediately.

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## CHAPTER 221

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

[Approved by Governor June 25, 1980 Filed with Secretary of State June 25, 1980.]

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

SECTION 1. The governing board of the Glendale Unified School District may order, by resolution, an election for the purpose of determining whether the governing board members of that district shall continue to serve also as members of the governing board of the Glendale Community College District.

If ordered, the election shall be held at, and consolidated with, the general statewide election of November 4, 1980, and shall be called and conducted in the manner prescribed by Chapter 3 (commencing with Section 5300) of Part 4 of the Education Code.

The ballots used in such election shall contain substantially the following words "Separate Community College Board—Yes" and "Separate Community College Board—No."

SEC. 2. If the proposition in favor of a separate community college district governing board receives a majority of the votes cast, then separate governing boards shall be deemed to be established upon the certification of the election results, and the following provisions shall be applicable:

(a) Commencing with the regular governing board member elections to be held under the Glendale City Charter in April, 1981,

separate district elections shall be held to fill the offices of members of the governing boards of the Glendale Community College District and the Glendale Unified School District whose terms expire in April of 1981. Thereafter, separate community college and unified district elections shall be held to fill the offices of members of the respective governing boards as their regular terms expire in April of the succeeding years.

(b) Any person elected or appointed as a common member of the governing boards of both the Glendale Community College District and Glendale Unified School District prior to the certification of the election results shall continue to serve as a member of such separate governing boards until the expiration of his or her present term of office.

(c) The provisions of the Glendale City Charter which govern the appointment, nomination, or election of members of the governing board of the unified district shall also govern the community college district with regard to such matters, so that the members of the separate governing boards of both the unified and community college districts shall be appointed or nominated and elected in the same manner, under the same conditions, and for the same terms of office as set forth in the city charter.

Vacancies occurring on the community college district governing board shall be filled by the community college district governing board in the same manner as vacancies on the unified district governing board are filled under the Glendale City Charter.

(d) The governing board of the community college district shall cause a personnel commission to be established in the manner prescribed by Article 3 (commencing with Section 88060) of Chapter 4 of Part 51 of the Education Code. The personnel commission of the community college district shall adopt, initially, the rules and regulations of the personnel commission which had served both the unified and community college districts.

SEC. 3. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Furthermore, this act does not create any present or future obligation to reimburse the agency or district for any costs incurred because 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 to enable the Glendale Unified School District governing board to order the election prescribed by this act to be consolidated with the statewide general election to be held in November, 1980, and, thereby, save the expense of a separate special election, it is necessary that this act take effect immediately.

## CHAPTER 222

An act to repeal Section 3 of Chapter 878 of the Statutes of 1978, relating to sales and use taxes, to take effect immediately, tax levy.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980 ]

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

SECTION 1. Section 3 of Chapter 878 of the Statutes of 1978 is repealed.

SEC. 2. Notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made by this act for the reimbursement of sales tax revenues to local agencies for the initial fiscal year in which this act becomes operative, since the effect of this act is to continue an existing exemption and which would result in minor revenue losses to local governments.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

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## CHAPTER 223

An act to amend Sections 716, 1774, 1775.4 and 1775.5 of the Insurance Code, relating to insurance.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980.]

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

SECTION 1. Section 716 of the Insurance Code is amended to read:

716. No certificate of authority shall be granted to a foreign or alien applicant that has not actively transacted for three years the classes of insurance for which it seeks to be admitted.

This section shall not apply to any of the following:

(a) An applicant 51 percent or more of whose voting shares are owned by a reputable insurer admitted to this state for at least three years.

(b) An applicant which is the successor in interest, by merger, transformation, consolidation, purchase, or other transaction, of substantially all the insurance business and going concern value of a reputable insurer which was, and still is, the dominant factor in such transaction, and could itself have been admitted.

(c) An applicant 51 percent or more of whose voting shares are owned by a noninsurance corporation, or a corporation authorized as an insurer but not actively engaged in the insurance business,

which corporation, directly or indirectly, owns 51 percent or more of the voting shares of one or more insurers all of which, except the applicant and those which are alien insurers, are reputable insurers admitted to this state for at least three years.

(d) An applicant which meets the conditions established by the commissioner for exemption from this section.

SEC. 2. Section 1774 of the Insurance Code is amended to read:

1774. On or before the first day of April of each year the surplus line broker shall file with the commissioner a sworn statement of all business transacted under his license during the last preceding calendar year. Such statement shall contain accounts of the gross premiums received and return premiums, separately stated.

SEC. 3. Section 1775.4 of the Insurance Code is amended to read:

1775.4. (a) The amount of the payment shall be 3 percent of the gross premiums upon business done by the surplus line broker under the authority of his license during the calendar quarter ending two calendar months immediately preceding the due date of the payment, as specified in Section 1775.3, less return premiums paid by him in that calendar quarter, excluding gross premiums and return premiums paid by him upon business governed by the provisions of Section 1760.5. If during any calendar quarter such return premiums paid by a surplus line broker exceed the gross premiums upon such business done by him in that calendar quarter, then no such payment shall be payable by him in respect to such calendar quarter, and he may carry forward such excess to the next succeeding calendar quarter or quarters and apply it in reduction of the taxable premiums on business done by him in such succeeding calendar quarter or quarters. Even though no payment shall be payable by the broker, he shall file a return showing that his return premiums exceeded his gross premiums.

(b) In determining the applicability of subdivision (a) of Section 1775.1 to a surplus line broker who has acquired the business of another surplus line broker, the amount of tax liability of the acquired broker for the immediately preceding calendar year shall be added to the amount of the tax liability of the acquiring broker for the immediately preceding calendar year.

(c) All amounts paid, other than penalties and interest, shall be allowed as a credit on the annual tax imposed by Section 1775.5.

(d) If the total amount of quarterly installment payments for any calendar year exceeds the amount of annual tax for that year, the excess shall be treated as an overpayment of annual tax and be allowed as a credit or refund.

(e) A penalty of 10 percent of the amount of the quarterly payment due shall be levied upon and paid by any surplus line broker who fails to make the necessary payment within the time required, plus interest at the rate of 1 percent per calendar month or fraction thereof from the due date of the payment until the date payment is received by the commissioner, but not for any period after the due date of the annual tax. The commissioner may remit the penalty in

a case where he or she finds, as a result of examination or otherwise, that the failure of, or delay in, payment arose out of excusable mistake or excusable inadvertance.

(f) The commissioner, upon a showing of good cause, may extend for not to exceed 10 days the time for making a quarterly payment. The extension may be granted at any time, provided that a request therefor is filed with the commissioner within or prior to the period for which the extension may be granted. No interest shall be paid for the period of time for which the extension is granted.

SEC. 4. Section 1775.5 of the Insurance Code is amended to read:

1775.5. Every surplus line broker shall annually, on or before the first day of April of each year pay to the Insurance Commissioner for the use of the State of California a tax of 3 percent of the gross premiums upon business done by him under authority of his license during the preceding calendar year, less 3 percent of return premiums paid by him in that year by reason of cancellation or reduction of premium, excluding gross premiums paid and return premiums paid by him upon business governed by the provisions of Section 1760.5. If during any calendar year 3 percent of such return premiums paid by a surplus line broker exceed 3 percent of the gross premiums upon such business done by him in that year, then he may either carry forward such excess to the next succeeding year and apply it as a credit against 3 percent of gross premiums on such business done by him in such succeeding year, or he may elect to receive, and thereupon be paid a refund equal to the amount of taxes theretofore paid by him on such excess of return premiums paid over gross premiums received.

For the purpose of determining such tax, the total premium charged for all such nonadmitted insurance placed in a single transaction with one underwriter or group of underwriters, whether in one or more policies, shall be allocated to this state in such proportion as the total premium on the insured properties or operations in this state, as computed on the exposure in this state on the basis of any single standard rating method in use in all states or countries where such insurance applies, bears to the total premium so computed in all states or countries in which such nonadmitted insurance may apply. This provision shall not apply to interstate motor transit operations conducted between this and other states. With respect to such operations surplus line tax shall be payable on the entire premium charged on all nonadmitted insurance, less

A. Such portion of the premium as is determined, as herein provided, to have been charged for operations in other states taxing such premium on operations in such states of an insured maintaining its headquarters office in this state;

B. The premium for any operations outside of this state of an insured who maintains a headquarters operating office outside of this state and a branch office in this state.

A penalty of 10 percent of the amount of the payment due shall be levied upon and paid by any surplus line broker who fails to make

the necessary payment within the time required, plus interest at the rate of 1 percent per calendar month or fraction thereof, from April 1, the due date of the annual tax, until the date the payment is received by the commissioner. The commissioner, upon a showing of good cause, may extend for not to exceed 30 days, the time for filing a tax return or paying any amount required to be paid with the return. The extension may be granted at any time, provided that a request therefor is filed with the commissioner within, or prior to, the period for which the extension may be granted.

Any surplus line broker to whom an extension is granted shall, in addition to the tax, pay interest at the rate of 1 percent per month or fraction thereof from April 1, until the date of payment. The commissioner may remit the penalty in a case where the commissioner finds, as a result of examination or otherwise, that the failure of or delay in payment arose out of excusable mistake or excusable inadvertence.

For any part of a payment required by this section or by Section 1775.4 which was not made within the time required by law, when such nonpayment or late payment was due to fraud on the part of the broker, a penalty of 25 percent of the amount unpaid shall be added thereto, in addition to all other penalties otherwise imposed.

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## CHAPTER 224

An act relating to parks and recreation.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980.]

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

SECTION 1. Pursuant to Section 5096.27 of the Public Resources Code, the County of Siskiyou is hereby authorized to transfer title to the Happy Camp Community Park to the Happy Camp Community Services District if the district agrees to administer, operate, and maintain the park and improvements therein so that the park and improvements are accessible to, and usable by, the public. Upon completion of the transfer, the county and the district are relieved from any further obligation to develop or improve the park in accordance with the agreement entered into by the county and the Department of Parks and Recreation on June 25, 1970, pursuant to the grant of state funds appropriated by Item 418(ss) of the Budget Act of 1969 (Chapter 355, Statutes of 1969).

## CHAPTER 225

An act to amend Section 2008.3 of the Business and Professions Code, relating to physicians and surgeons.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980.]

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

SECTION 1. Section 2008.3 of the Business and Professions Code is amended to read:

2008.3. Notwithstanding the provisions of Section 2008 relating to the charging of fees for professional services by medical schools, a clinic operated primarily for the purpose of medical education by a public or private nonprofit university medical school which has been approved by the Division of Licensing of the Board of Medical Quality Assurance pursuant to Section 2173 and schools approved by the Board of Osteopathic Examiners may charge for professional services rendered to teaching patients by physicians and surgeons who hold academic appointments on the faculty of such university, provided such charges are approved by the physician in whose name the charge is made.

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## CHAPTER 226

An act to amend Sections 31630, 31630.5, 31633, and 31639 of, and to amend the heading of Chapter 7 (commencing with Section 31630) of Part 6 of Division 12 of, the Water Code, relating to county water districts.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980.]

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

SECTION 1. The heading of Chapter 7 (commencing with Section 31630) of Part 6 of Division 12 of the Water Code is amended to read:

### CHAPTER 7. COACHELLA VALLEY WATER DISTRICT WATER REPLENISHMENT ASSESSMENTS

SEC. 2. Section 31630 of the Water Code is amended to read:

31630. The Coachella Valley Water District shall have the power to levy and collect water replenishment assessments, as provided in this chapter, for the purpose of replenishing ground water supplies within the district.

SEC. 3. Section 31630.5 of the Water Code is amended to read:

31630.5. As used in this chapter:

(a) "Annual" or "year" means a calendar year unless the context indicates a contrary meaning.

(b) "District" means the Coachella Valley Water District.

(c) "Fiscal year" means the period of July 1 through June 30, inclusive.

(d) "Production" or "produce" means the extraction of ground water by pumping or any other method within the boundaries of the district or the diversion within the district of surface supplies which naturally replenish the ground water supplies within the district and are used therein.

(e) "Producer" means any individual, partnership, association or group of individuals, lessee, firm, private corporation, or any public agency or public corporation, including, but not limited to, the Coachella Valley Water District.

(f) "Minimal pumper" means any producer who produces 25 or fewer acre feet in any year.

(g) "Supplemental water" means water from the State Water Resources Development System, or from the Colorado River Aqueduct of the Metropolitan Water District of Southern California, or from any other source which is not part of the natural replenishment of the ground water supplies within the district, including reclaimed water.

SEC. 4. Section 31633 of the Water Code is amended to read:

31633. The amount of any replenishment assessments levied shall be in the discretion of the board, provided that no such assessment shall exceed the variable operation, maintenance, power, and replacement components of the transportation charges, the delta water charges, applicable at the time of the levy under the contract between the district and the State of California for an imported water supply from the State Water Resources Development System, and such sums as are paid by the district to the Desert Water Agency for payment of similar charges under a similar contract the agency has with the State of California as provided for in the water management agreement of July 1, 1976.

SEC. 5. Section 31639 of the Water Code is amended to read:

31639. This chapter, applicable only to the Coachella Valley Water District, is necessary because of the special and unique problems of imported ground water recharge of ground water basins within such district and the necessity of the payment of part of such expense by a water replenishment assessment. This problem is not common to all districts formed under this division. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this chapter as a special law is necessary for the solution of problems existing in the Coachella Valley Water District.

## CHAPTER 227

An act to amend Section 10131.7 of the Business and Professions Code, relating to real estate licensees.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980 ]

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

SECTION 1. Section 10131.7 of the Business and Professions Code is amended 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, except where the buyer and seller agree to the proration of the license fees for the applicable license period, 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 5901 of the Vehicle Code and rules and regulations promulgated thereunder.

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## CHAPTER 228

An act to add Section 7360 to the Revenue and Taxation Code, relating to motor vehicle fuels, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980.]

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

SECTION 1. Section 7360 is added to the Revenue and Taxation Code, to read:

7360. (a) Notwithstanding any provision of the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000) of the Business and Professions Code) any alcohol produced for use in or as a motor vehicle fuel shall be taxed as motor vehicle fuel under this part and shall not be subject to taxes under the Alcoholic Beverage Tax Law (Part 14 (commencing with Section 32001)).

(b) The state requirements for determining whether alcohol is produced for use in or as a motor vehicle fuel and not for use as an alcoholic beverage shall be the same as the requirements of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of Treasury under federal law.

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 clarify the procedures relating to the taxation of alcohol produced for use in or as a motor vehicle fuel at the earliest possible opportunity so as to encourage such production to meet the energy crisis, it is necessary that this act take effect immediately.

## CHAPTER 229

An act to amend Section 259 of, and to repeal Section 259a of, the Code of Civil Procedure, relating to court commissioners.

[Approved by Governor June 25, 1980 Filed with Secretary of State June 25, 1980]

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

SECTION 1. Section 259 of the Code of Civil Procedure is amended to read:

259. Subject to the supervision of the court every court commissioner shall have power:

1. To hear and determine ex parte motions, for orders and alternative writs and writs of habeas corpus in the superior court for which he is appointed;

2. To take proof and make and report his findings thereon as to any matter of fact upon which information is required by the court; but any party to any contested proceeding may except to such report and the subsequent order of the court made thereon within five days after written notice of the court's action, a copy of said exceptions to be filed and served upon opposing party or his counsel within said five days; and may argue any exceptions before the court on giving notice of motion for that purpose within 10 days from entry thereof. After a hearing before the court on such exceptions, the court may sustain, or set aside, or modify its order theretofore made;

3. To take and approve any bonds and undertakings required in actions or proceedings, and to examine the sureties thereon when an exception has been taken to their sufficiency, and to administer oaths and affirmations, and take affidavits and depositions in any action or proceeding in any of the courts of this state, or in any matter or proceeding whatever, and to take acknowledgments and proof of deeds, mortgages, and other instruments requiring proof or acknowledgment for any purpose under the laws of this or any other state or country;

4. To act as temporary judge when otherwise qualified so to act and when appointed for that purpose; provided, that while acting as such he or she shall receive no compensation therefor other than his compensation as commissioner;

5. To hear and report findings and conclusions to the court for approval, rejection, or change, all preliminary matters including motions or petitions for the custody and support of children, the allowance of temporary alimony, costs and attorneys' fees, and issues of fact in contempt proceedings in divorce, maintenance, and annulment of marriage cases;

6. To hear, report on, and determine all uncontested actions and proceedings other than actions for divorce, maintenance, or annulment of marriage;

7. To charge and collect the same fees for the performance of official acts as are allowed by law to notaries public in this state for like services; provided, that this subdivision shall not apply to any services of such commissioner, the compensation for which is expressly fixed by law. The fees so collected shall be paid to the treasurer of the county, for deposit in the general fund of the county;

8. To provide an official seal, upon which must be engraved the words "Court Commissioner" and the name of the county, or city and county, in which said Commissioner resides;

9. To authenticate with his official seal his official acts.

SEC. 2. Section 259a of the Code of Civil Procedure is repealed.

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## CHAPTER 230

An act to amend Sections 1822.50 and 1822.56 of the Code of Civil Procedure, relating to inspection warrants.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980 ]

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

SECTION 1. Section 1822.50 of the Code of Civil Procedure is amended to read:

1822.50. An inspection warrant is an order, in writing, in the name of the people, signed by a judge of a court of record, directed to a state or local official, commanding him to conduct any inspection required or authorized by state or local law or regulation relating to building, fire, safety, plumbing, electrical, health, labor, or zoning.

SEC. 2. Section 1822.56 of the Code of Civil Procedure is amended to read:

1822.56. An inspection pursuant to this warrant may not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or occupant of the particular place, dwelling, structure, premises, or vehicle unless specifically authorized by the judge upon a showing that such authority is reasonably necessary to effectuate the purpose of the regulation being enforced. An inspection pursuant to a warrant shall not be made by means of forcible entry, except that the judge may expressly authorize a forcible entry where facts are shown sufficient to create a reasonable suspicion of a violation of a state or local law or regulation relating to building, fire, safety, plumbing, electrical, health, labor, or zoning, which, if such violation existed, would be an immediate threat to health or safety, or where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. Where prior consent has been sought and refused, notice that a warrant has been issued must be given at least 24 hours before the warrant is executed, unless the judge finds that

immediate execution is reasonably necessary in the circumstances shown.

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## CHAPTER 231

An act to amend Section 293 of the Harbors and Navigation Code, relating to harbors and navigation.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980.]

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

SECTION 1. Section 293 of the Harbors and Navigation Code is amended to read:

293. Where damage arises out of, or is caused directly and proximately by, the acts of an owner or operator, without the interposition of any external or independent agency which could not reasonably be foreseen, any owner or operator of any vessel engaged in the commercial transportation, storage in a vessel, or transfer of petroleum, fuel oil, or hazardous substances shall be absolutely liable without regard to fault for any property damage incurred by the state or by any county, city or district, or by any person, within the state, and for any damage or injury to the natural resources of the state, including, but not limited to, marine and wildlife resources, caused by the discharge or leakage of petroleum, fuel oil, or hazardous substances from such vessel into or upon the navigable waters of the state.

As used in this section, "owner or operator" means any person owning or operating, or chartering by demise, such vessel; "person" means an individual, firm, corporation, association, or partnership; and "navigable waters of the state" means all portions of the sea within the territorial jurisdiction of the state and all inland waters navigable in fact.

As used in this section, "hazardous substance" means any substance designated as such pursuant to paragraph (2) of subdivision (b) of Section 1321 of Title 33 of the United States Code.

This section shall be known and may be cited as the Miller Anti-Pollution Act of 1971.

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## CHAPTER 232

An act to add Section 71603.2 to the Government Code, relating to courts.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980 ]

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

SECTION 1. Section 71603.2 is added to the Government Code, to read:

71603.2. Notwithstanding the provisions of Sections 71602 and 71603, the board of supervisors of a county of the 14th class may appoint the sheriff as ex officio constable.

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## CHAPTER 233

An act to add Section 61623.1 to the Government Code and to add Chapter 2.95 (commencing with Section 35580) to Part 5 of Division 13 of the Water Code, relating to districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980.]

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

SECTION 1. Section 61623.1 is added to the Government Code, to read:

61623.1. Notwithstanding any other provision of law, the Clear Creek Community Services District may construct, maintain, and operate plants for the generation of hydroelectric power and transmission lines for the conveyance thereof in accordance with the provisions of Chapter 2.95 (commencing with Section 35580) of Part 5 of Division 13 of the Water Code.

SEC. 2. Chapter 2.95 (commencing with Section 35580) is added to Part 5 of Division 13 of the Water Code, to read:

### CHAPTER 2.95. POWER GENERATION

35580. The provisions of this chapter shall apply only to the Chowchilla Water District, the La Branza Water District, and the Tea Pot Dome Water District.

35581. A district may, by using any water or water supplies furnished to the district or used by the district, construct, maintain, and operate one or more plants for the generation of hydroelectric power from such water and transmission lines for the conveyance thereof. The plant or plants so constructed shall be operated in a manner consistent with the district's storage, transmission, and distribution of irrigation water. Construction of such plant or plants and transmission lines may be financed by the issuance of general obligation bonds or revenue bonds or any other method of financing district works as provided in this division.

35582. The districts may join with themselves or any other districts engaged in distributing water for irrigation in exercising the powers set forth in this chapter, or may execute joint power agreements with any agency formed for such purpose.

35583. The hydroelectric plant or plants and transmission lines constructed pursuant to this chapter may be leased for operation to, or the power generated may be sold to, a public utility or public agency engaged in the distribution, use, or sale of electricity. The power generated may be used by the district for its own purposes, or for the production or transmission of water, but shall not be offered for sale directly by the district to customers other than a public utility or public agency for any use other than the production or transmission of water.

SEC. 3. The Chowchilla Water District, the La Branza Water District and the Tea Pot Dome Water District have a potential source of hydroelectric power in the North Fork of the San Joaquin River, Granite Creek, Chiquita Creek, and Friant Dam and Reservoir, and the Chowchilla Water District and the La Branza Water District have a potential source of hydroelectric power in Hidden Dam and Reservoir, Buchanan Dam and Reservoir, and the Madera Canal, which can be generated as an incident to the operation, storage, and transmission of the irrigation water of the districts. The Clear Creek Community Services District also has a potential source of hydroelectric power which can be generated as an incident to the operation, storage, and transmission of the irrigation water of the district. This incidental source of hydroelectric power is not common to other California water districts and community services districts. The Legislature, therefore, finds and declares that a special law is necessary with respect to the Chowchilla Water District, the La Branza Water District, the Tea Pot Dome Water District, and the Clear Creek Community Services District, that the provisions of this act are needed to meet the special circumstances within the districts, and that a general law cannot be made applicable.

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 provide necessary authority for the generation of hydroelectric power by certain districts and to thereby provide additional electrical power at the earliest possible time, it is necessary that the provisions of this act take effect immediately.

## CHAPTER 234

An act to amend Section 4530 of the Civil Code, and to amend Section 397.5 of the Code of Civil Procedure, relating to dissolution of marriage.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980.]

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

SECTION 1. Section 4530 of the Civil Code is amended to read:

4530. (a) A judgment decreeing the dissolution of a marriage may not be entered unless one of the parties to the marriage has been a resident of this state for six months and of the county in which the proceeding is filed for three months next preceding the filing of the petition.

(b) In any proceeding for legal separation in which neither party, at the time such proceeding was commenced, has complied with the residence requirements of subdivision (a), either party may, upon complying with such residence requirements, amend his petition or responsive pleading in such proceeding to request that a judgment decreeing the dissolution of the marriage be entered and the date of the filing of such amended petition or pleading shall be deemed to be the date of commencement of the proceeding for the dissolution of the marriage for the purposes only of the residence requirements of subdivision (a). If an appearance has been made in the proceeding, notice of such amendment shall be given to the other party in the manner provided by rules adopted by the Judicial Council. If no appearance has been made by the other party in the proceeding, notice of such amendment may be given to the other party by mail to the last known address of the other party, or by personal service, provided that the intent of the party to so amend upon satisfaction of the residence requirements of subdivision (a) is set forth in the initial petition or pleading in the manner provided by rules adopted by the Judicial Council.

SEC. 2. Section 397.5 of the Code of Civil Procedure is amended to read:

397.5. In any proceeding under the Family Law Act, Part 5 (commencing with Section 4000) of Division 4 of the Civil Code, when it appears that both petitioner and respondent have moved from the county rendering the decree, the court may, when the ends of justice and the convenience of the parties would be promoted by the change, order that the proceedings be transferred to the county of residence of either party.

## CHAPTER 235

An act to add Section 31470.10 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980.]

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

SECTION 1. Section 31470.10 is added to the Government Code, to read:

31470.10. Notwithstanding Section 31470.2, all welfare fraud investigators and administrators budgeted within the Orange County Human Services Agency's Special Investigation Unit are ineligible, regardless of which county department actually supervises them.

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## CHAPTER 236

An act to amend Section 11950 of the Vehicle Code, relating to mobilehomes.

[Approved by Governor June 25, 1980. Filed with Secretary of State June 25, 1980.]

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

SECTION 1. Section 11950 of the Vehicle Code is amended to read:

11950. (a) Every new or used mobilehome dealer shall, upon the buyer's signing of a purchase order or conditional sales contract or security agreement for a new or used mobilehome, establish with an escrow agent an escrow account into which shall be deposited any cash or cash equivalent received from the buyer at any time prior to delivery as whole or partial payment for the mobilehome or accessory thereto, except when a simultaneous transaction occurs in which the buyer receives delivery of a used mobilehome on the site intended for occupancy within two calendar days, one of which shall be the date of sale.

(b) No deposits shall be disbursed from the escrow account to the dealer until either (1) the buyer receives delivery of the mobilehome on the site and the mobilehome has passed inspection pursuant to Section 18613 of the Health and Safety Code or (2) the mobilehome has been delivered to the location specified in the escrow instructions and the installation is to be performed by the purchaser. The public agency performing the inspection shall give either a copy of the inspection report or a copy of a statement of

installation acceptance to the buyer. If a portion of the amount in the escrow account is for accessories to the mobilehome installed by a dealer at the time of sale, that portion of the amount shall not be released until such accessories to the mobilehome are actually installed. If no inspection under Section 18613 is required, the deposits may be disbursed from the escrow account upon delivery of the mobilehome to the buyer.

(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.

(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 and amend as necessary 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.

(f) No mobilehome dealer shall establish with an escrow agent an escrow account in an escrow company in which the mobilehome dealer has more than a 5-percent ownership interest.

(g) Prior to the close of escrow, the dealer shall furnish the escrow agent with (1) the name and address of the legal owner of, or lienholder on, the mobilehome, as shown by the certificate of ownership or the manufacturer's certificate of origin, and (2) the signed and acknowledged release of all rights, title, or interest in the mobilehome held by either the legal owner or lienholder, whichever is applicable. Any such release shall be conditioned upon the receipt of payment from the escrow account of the amount set forth in such release which is necessary to terminate the interest in the mobilehome.

(h) This section creates a civil cause of action against a person who violates the provisions of this section, and upon prevailing, the plaintiff in such action shall be awarded actual damages plus an amount not in excess of two thousand dollars ($2,000). In addition, attorneys' fees and court costs shall also be awarded a plaintiff who prevails in such action.

(i) No agreement shall contain any provision by which the buyer waives his rights under this section, and any such waiver shall be deemed contrary to the public policy and shall be void and unenforceable.

## CHAPTER 237

An act to add Section 4382 to the Civil Code, relating to support.

[Became law without Governor's signature. Filed with Secretary of State June 26, 1980.]

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

SECTION 1. Section 4382 is added to the Civil Code, to read:

4382. The existence or enforcement of a duty of support owed by a noncustodial parent for the support of a minor child shall not be affected by a failure or refusal by the custodial parent to implement any rights as to custody or visitation granted by a court to the noncustodial parent.

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## CHAPTER 238

An act to amend Section 853.5 of the Penal Code, relating to infractions.

[Approved by Governor June 26, 1980 Filed with Secretary of State June 26, 1980.]

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

SECTION 1. Section 853.5 of the Penal Code is amended to read:

853.5. Except as otherwise provided by law, in any case in which a person is arrested for an offense declared to be an infraction, the person may be released according to the procedures set forth by this chapter for the release of persons arrested for an offense declared to be a misdemeanor. In all cases, except as specified in Sections 40302 and 40303 of the Vehicle Code, in which a person is arrested for an infraction, a peace officer shall only require the arrestee to present his driver's license or other satisfactory evidence of his identity for examination and to sign a written promise to appear. Only if the arrestee refuses to present such identification or, refuses to sign such a written promise may the arrestee be taken into custody.

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## CHAPTER 239

An act to amend Section 6702 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor June 26, 1980. Filed with Secretary of State June 26, 1980.]

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

SECTION 1. Section 6702 of the Revenue and Taxation Code is amended to read:

6702. If any person is delinquent in the payment of the amount required to be paid by him or in the event a determination has been made against him which remains unpaid, the board may, not later than three years after the payment became delinquent, or within 10 years after the last recording of an abstract under Section 6738 or of a certificate under Section 6757, give notice thereof personally or by first-class mail to all persons, including any officer or department of the state or any political subdivision or agency of the state, having in their possession or under their control any credits or other personal property belonging to the delinquent, or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or such person. In the case of any state officer, department or agency, the notice shall be given to such officer, department or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller. After receiving the notice the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the board consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires the earlier. All persons so notified shall forthwith after receipt of the notice advise the board of all such credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or a state or federal savings and loan association or other credits or personal property in the possession or under the control of a bank or a state or federal savings and loan association, the notice to be effective shall state the amount, interest and penalty due from the person and shall be delivered or mailed to the branch or office of such bank or a state or federal savings and loan association at which such deposit is carried or at which such credits or personal property is held. Notwithstanding any other provision, with respect to a deposit in a bank or other credits or personal property in the possession or under the control of a bank or a state or federal savings and loan association, the aggregate amount of deposits, credits or personal property to be withheld shall be an amount equal to two times the amount of the tax, interest or penalty due from the person. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld hereunder, to the extent of the value of the property or the amount of the debts thus transferred or paid he shall be liable to the state for any indebtedness due under this part from the person with respect to whose obligation the notice was given if solely by reason of such transfer or disposition the state is unable to recover the indebtedness of the person with respect to whose

obligation the notice was given.

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## CHAPTER 240

An act to amend Section 31720 of, and to add Section 31727.7 to, the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor June 26, 1980. Filed with Secretary of State June 26, 1980 ]

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

SECTION 1. Section 31720 of the Government Code is amended to read:

31720. Any member permanently incapacitated for the performance of duty shall be retired for disability regardless of age if, and only if:

(a) The member's incapacity is a result of injury or disease arising out of and in the course of the member's employment, and such employment contributes substantially to such incapacity, or

(b) The member has completed five years of service, and

(c) The member has not waived retirement in respect to the particular incapacity or aggravation thereof as provided by Section 31009.

The amendments to this section enacted during the 1979–80 Regular Session of the Legislature shall be applicable to all applicants for disability retirement on or after the effective date of such amendments.

SEC. 2. Section 31727.7 is added to the Government Code, to read:

31727.7. Upon retirement for nonservice-connected disability, in lieu of any other allowance, a member who has five years or more credited service shall receive a disability allowance equal to the percentage of final compensation set forth opposite the member's number of years of credited service in the following table:

| *Years of credited service:* | *Percentage of final compensation:* |
|---|---|
| Five years, but less than six years ..... | 20.0 |
| Six years, but less than seven years ..... | 22.0 |
| Seven years, but less than eight years .... | 24.0 |
| Eight years, but less than nine years ..... | 26.0 |
| Nine years, but less than ten years ..... | 28.0 |
| Ten years, but less than eleven years ..... | 30.0 |
| Eleven years, but less than twelve years | 32.0 |
| Twelve years, but less than thirteen years | 34.0 |
| Thirteen years, but less than fourteen | |

| | |
|---|---|
| years | 36.0 |
| Fourteen years, but less than fifteen years | 38.0 |
| Fifteen or more years | 40.0 |

This section shall only apply to persons who become members of the retirement system after the operative date of this section in the county and to those persons who were members prior to such operative date who, pursuant to a memorandum of understanding with their bargaining unit, elect to be subject to this section on or after such operative date.

This section shall not be operative in any county until such time as the board of supervisors by majority vote makes the provisions of this section applicable in such county.

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## CHAPTER 241

An act to add Section 74135.1 to the Government Code, relating to courts.

[Approved by Governor June 26, 1980. Filed with Secretary of State June 26, 1980.]

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

SECTION 1. Section 74135.1 is added to the Government Code, to read:

74135.1. By majority vote, the 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.

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## CHAPTER 242

An act to amend Section 25111 of the Corporations Code, relating to securities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1980. Filed with Secretary of State June 26, 1980.]

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

SECTION 1. Section 25111 of the Corporations Code is amended to read:

25111. (a) Any security for which a registration statement has been filed under the Securities Act of 1933 in connection with the same offering may be qualified by coordination under this section either in an issuer or nonissuer transaction.

(b) Except as provided in subdivision (d), an application for qualification under this section shall contain the following information and be accompanied by the following documents, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25165: (1) a copy of the registration statement under the Securities Act of 1933, together with all exhibits (other than exhibits incorporated by reference and those specified by rule of the commissioner, unless requested by the commissioner); (2) an undertaking to forward to the commissioner all future amendments to the registration statement under the Securities Act of 1933, other than an amendment which merely delays the effective date of the registration statement, promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, whichever first occurs; and (3) such other information as may be required to evidence compliance with any rules of the commissioner. Such application must be filed with the commissioner not later than the fifth business day following filing of the registration statement with the Securities and Exchange Commission, unless such time is extended by rule or order of the commissioner.

(c) Except as provided in subdivision (d), qualification of the sale of securities under this section automatically becomes effective (and the securities may be offered and sold in accordance with the terms of the application as amended) at the moment the federal registration statement becomes effective if all the following conditions are satisfied: (1) no stop order or order under subdivision (a) of Section 25143 is in effect under this law; (2) the application has been on file with the commissioner for at least 10 days; and (3) a statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for two business days or such shorter period as the commissioner permits by rule or order and the offering is made within those limitations. The applicant shall promptly notify the commissioner by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a posteffective amendment to the application containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or

commissions, amount of proceeds, interest, dividend or conversion rates, call prices and other matters related to the offering price. Upon failure to receive the required notification and posteffective amendment with respect to the price amendment, the commissioner may enter a stop order, without notice or hearing, retroactively denying effectiveness to the application for qualification or suspending its effectiveness until compliance with this subdivision, if he promptly notifies the applicant by telephone or telegram (and promptly confirms by letter or telegram when he notifies by telephone) of the issuance of the order. If the applicant proves compliance with the requirements of this subdivision as to notice and posteffective amendment, the stop order is void as of the time of its entry. The commissioner may by rule or order waive either or both of the conditions specified in clauses (2) and (3) of this subdivision. If the federal registration statement becomes effective before all the conditions in this subdivision are satisfied and they are not waived, the application for qualification automatically becomes effective as soon as all the conditions are satisfied. If the applicant advises the commissioner of the date when the federal registration statement is expected to become effective, the commissioner shall promptly advise the applicant by telephone or telegram, at the applicant's expense, whether all the conditions are satisfied and whether he then contemplates the institution of a proceeding under Section 25140 or 25143; but this advice by the commissioner does not preclude the institution of such a proceeding at any time.

(d) An open end investment company which has previously qualified the sale of its securities pursuant to this section shall, in lieu of filing the application specified in subdivision (b), file pursuant to this section if it has made no material change in its offering and if it is in compliance with all terms of its prior qualification. An application filed pursuant to this subdivision shall contain the following information and be accompanied by the following documents, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25165: (1) a statement that the applicant has made no material change in its offering and that it is in compliance with the terms of its qualification; and (2) a copy of its current registration statement under the Securities Act of 1933. If no stop order or orders under subdivision (a) of Section 25143 are in effect under this law, qualification of the sale of securities under this subdivision automatically becomes effective (and the securities may be offered and sold in accordance with the terms of the application) upon the day following the expiration of its prior qualification pursuant to this section or, if such qualification has expired, upon the first business day following the filing of the application pursuant to this subdivision. Nothing contained in this subdivision shall restrict the authority of the commissioner pursuant to Section 25140 or 25143.

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:

Mutual funds generally file an annual application to qualify the sale of their shares in California which will cover anticipated sales in California during the ensuing year. This act provides for a continuous registration process for a mutual fund once it has initially qualified its securities for sale in this state. In order for the provisions of this act to apply to pending applications and applications which will be filed before the end of the year, it is necessary for this act to go into immediate effect.

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## CHAPTER 243

An act to amend Section 17006 of the Financial Code, relating to escrow agents.

[Approved by Governor June 26, 1980. Filed with Secretary of State June 26, 1980.]

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

SECTION 1. Section 17006 of the Financial Code is amended to read:

17006. This division does not apply to:

(a) Any person doing business under any law of this state or the United States relating to banks, trust companies, building and loan or savings and loan associations, or insurance companies.

(b) Any person licensed to practice law in California who is not actively engaged in conducting an escrow agency.

(c) Any person whose principal business is that of preparing abstracts or making searches of title that are used as a basis for the issuance of a policy of title insurance by a company doing business under any law of this state relating to insurance companies.

(d) Any broker licensed by the Real Estate Commissioner while performing acts in the course of or incidental to a real estate transaction in which the broker is an agent or a party to the transaction and in which the broker is performing an act for which a real estate license is required.

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## CHAPTER 244

An act to amend Sections 22151, 22725, 23000, 23002, 23008, 23203, 23412, 23802, 23807, 23810, 24204, and 24609 of, to amend the heading of Chapter 10 (commencing with Section 22900) of Part 13 of, and to amend and renumber Section 24303 of, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor June 26, 1980 Filed with Secretary of State June 26, 1980 ]

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

SECTION 1. Section 22151 of the Education Code is amended to read:

22151. "Service" means service performed for compensation in a position requiring membership in the system, except as otherwise specifically provided in this part.

SEC. 1.5. Section 22725 of the Education Code is amended to read:

22725. If a retirant returns to active service, the employing school district or other employing agency shall not reinstate sick leave for which retirement credit has been given. A retirant who reinstates to membership in the system on or after July 1, 1980, and subsequently retires shall not receive service credit for the unused sick leave accrued after reinstatement.

SEC. 2. The heading of Chapter 10 (commencing with Section 22900) of Part 13 of the Education Code is amended to read:

CHAPTER 10. ADDITIONAL SERVICE CREDIT

SEC. 3. Section 23000 of the Education Code is amended to read:

23000. The governing board of each school district, the county superintendent of schools, the county auditor, and any other employing department or agency shall deduct from the salary of employee members of this system the contributions required by this part and shall pay to the system those contributions plus the employer contributions required by this part and Section 44987.

SEC. 4. Section 23002 of the Education Code is amended to read:

23002. Member and employer contributions required by this part and Section 44987 are due in the office of the system five working days immediately following the period covered by the monthly report upon which the salary earned during the period is being reported and from and upon which the contributions are due. Payments shall be delinquent on the sixth working day thereafter and interest, as determined by the board, shall begin to accrue as of that day. The board shall authorize estimated payments of not less than 95 percent of the contributions due, and, in such case, the balance of contributions payable shall be due in the office of the system no more than 15 working days following the period covered by the monthly report upon which the contributions are based. This additional payment shall be delinquent on the 16th working day thereafter, and interest, as determined by the board, shall begin to accrue as of that day.

SEC. 5. Section 23008 of the Education Code is amended to read:

23008. If more or less than the required contributions specified in this part and Section 44987 are paid to the system based on any salary

payment to a member, proper adjustments shall be made by the county superintendent or other employing agency on a monthly report within 60 days of discovery or of notification by the system.

The board may assess penalties for late or improper adjustments. Such penalties shall be no more than the regular interest as defined in Section 22145. The penalty so assessed shall be deemed interest earned in the year in which received.

If a required report contains erroneous information and the system, acting in good faith, disburses funds based on such information, the county superintendent or other employing agency who submitted the report shall reimburse the system in full for the amount of such disbursement. Reimbursement shall be made immediately upon notification by the system.

SEC. 6. Section 23203 of the Education Code is amended to read:

23203. Any person whose accumulated contributions were refunded to him and who has received, or will qualify for the receipt of, a retirement allowance from the Public Employees' Retirement System, the University of California Retirement System, the Legislators' Retirement System, or the San Francisco City and County Employees' Retirement System may elect to redeposit the accumulated contributions which were refunded, with regular interest from the date of refund to the date of payment, without being employed in a position requiring membership in this system.

A person who elects to redeposit as provided herein shall not receive credit for service which might otherwise be creditable under the provisions of Section 22904.

SEC. 7. Section 23412 of the Education Code is amended to read:

23412. Effective January 1, 1980, the school districts and other employing agencies in the state, in addition to all other contributions required by this part, on account of liability for benefits pursuant to Section 24405, shall contribute monthly to the Teachers' Retirement Fund 0.307 percent of the total of the salaries upon which members' contributions are based.

SEC. 8. Section 23802 of the Education Code is amended to read:

23802. From the amount determined under paragraph (3) of subdivision (b) of Section 23800, there shall be deducted an amount equal to that portion of the benefit payable on account of the death by a local system or the Public Employees' Retirement System, which is provided from contributions of the employer, and is in addition to the portion of the benefit payable by such systems which is made up of the accumulated contributions of the member, and independently of any optional election made by the person at the time of his retirement, under which he received a reduced retirement allowance and a benefit was provided at his death.

SEC. 9. Section 23807 of the Education Code is amended to read:

23807. Upon termination of family allowances under Section 23804 and prior to such allowances totaling the amount payable under paragraph (1) of subdivision (b) of Section 23800, the balance shall be paid in a lump sum to the survivor who is the highest on the

following list:

(1) Nominated beneficiary.

(2) Spouse.

(3) Children, qualified under Section 23804.

(4) Parent.

(5) Estate of the last person who received a family allowance.

Lump-sum payments provided under this section shall include credited interest on the unpaid balance calculated from the date benefits were last paid to the date the lump-sum payment is made.

SEC. 10. Section 23810 of the Education Code is amended to read:

23810. Lump-sum payments provided under Section 23804 shall include credited interest on the unpaid balance calculated from: (1) the date of death to the date of payment if no benefits were paid under that section; (2) the date benefits, or rights to benefits, terminated to the date of payment if benefits were paid under that section; (3) the date of death to the date benefits commenced under that section, if benefits were paid under that section.

SEC. 11. Section 24204 of the Education Code is amended to read:

24204. The election of an option as provided in Section 24203 shall preclude the payment of disability or family benefits to the member or any beneficiary. Members receiving a disability allowance under Section 24100 may not file an election of option as provided in Section 24203.

SEC. 12. Section 24303 of the Education Code, as added by Chapter 282 of the Statutes of 1979, is amended and renumbered to read:

23403. The State Controller shall transfer, in equal monthly payments, from the General Fund to the Teachers' Retirement Fund, the amounts specified in Sections 23401 and 23402.

SEC. 13. Section 24609 of the Education Code is amended to read:

24609. Whenever a refund cannot be made under the provisions of Section 23105, or a benefit cannot be paid because the member cannot be found, all accumulated contributions credited to the member's account shall be transferred to the Teachers' Retirement Fund.

If a member whose entire accumulated contributions were transferred to the Teachers' Retirement Fund returns to a position requiring membership is located, or applies for a benefit or a refund of contributions, the system shall return all such contributions to the member's account with interest that would have been credited to the account had the accumulated contributions not been transferred.

## CHAPTER 245

An act to amend Section 62006 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1980 Filed with Secretary of State June 26, 1980 ]

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

SECTION 1. Section 62006 of the Education Code is amended to read:

62006. The Legislature shall begin immediately a detailed study which shall insure that each funding source and program be scrutinized regarding, but not limited to, the:

(1) Appropriateness of identification formulas in determining which children have special needs.

(2) Appropriateness of allocation formulas and adequacy of funding.

(3) Effectiveness of programs.

(4) Appropriateness of local control.

(5) Appropriateness of state level involvement in monitor, review, and auditing to assure that funds are being used efficiently, economically, and legally.

(6) Appropriateness of costs of administration at all levels of operating these programs.

(7) Appropriateness of Department of Education administration of categorical programs.

(8) Interrelationships between and among state and federal categorical programs, as appropriate.

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 clarify the scope of the study prescribed by Chapter 1 (commencing with Section 62000) of Part 34 of the Education Code at the earliest possible time, it is necessary that this act take immediate effect.

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## CHAPTER 246

An act to amend Sections 2355 and 2356 of the Civil Code, to amend Sections 1469, 1540, 1541, 1543, 2203, 2580, 2586, and 3053 of, to repeal and add Sections 2452 and 2628 of, and to repeal Section 1440 of, the Probate Code, and to amend Sections 4825, 7284, and 7288 of the Welfare and Institutions Code, relating to protective proceedings.

[Approved by Governor June 26, 1980. Filed with Secretary of State June 26, 1980.]

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

SECTION 1. Section 2355 of the Civil Code is amended to read:

2355. An agency is terminated, as to every person having notice thereof, by:

1. The expiration of its term;
2. The extinction of its subject;
3. The death of the agent;
4. His renunciation of the agency;
5. The incapacity of the agency to act as such; or
6. The divorce, dissolution, annulment, or adjudication of the nullity of marriage of, or the judicial or legal separation of, principal and attorney in fact, or commencement by the attorney in fact of an action for such relief, in the case of a power of attorney, if the attorney in fact was the spouse of the principal, and the principal has become an absentee as defined in Section 1403 of the Probate Code, unless the power of attorney expressly provides otherwise in writing.

SEC. 2. Section 2356 of the Civil Code is amended to read:

2356. (a) Unless the power of an agent is coupled with an interest in the subject of the agency, it is terminated by: (1) its revocation by the principal; (2) his death; or, (3) his incapacity to contract, except for a power of attorney created pursuant to Section 2307.1, which power terminates upon the expiration of one year from the occurrence of disability or incapacity of the principal, or of such lesser period specified by the principal.

(b) However, any bona fide transaction entered into with such agent by any person acting without actual knowledge of such revocation, death, or incapacity shall be binding upon the principal, his heirs, devisees, legatees, and other successors in interest.

Under this subdivision, in the case of an agent of a principal who is an absentee as defined in Section 1403 of the Probate Code, while the absentee continues in his missing status, and until receipt by the parties of notice from the secretary of the department or head of the agency concerned, or his delegate, of the termination of such missing status by the making of a finding of the death of the absentee, the parties shall be deemed to be without actual knowledge of any such revocation, death, or incapacity of the principal.

(c) Nothing in this section shall affect the provisions of Section 1216.

SEC. 3. Section 1440 of the Probate Code, as amended by Chapter 1142 of the Statutes of 1979, is repealed.

SEC. 4. Section 1469 of the Probate Code is amended to read:

1469. When a provision of this division applies the provisions of this code applicable to executors or administrators to proceedings under this division, a reference to Section 1200 in the provisions applicable to executors or administrators shall be deemed to be a

reference to this chapter.

SEC. 4.1. Section 1540 of the Probate Code, as added by Chapter 726 of the Statutes of 1979, is amended to read:

1540. This article does not apply in any of the following cases:

(a) Where the petition is for guardianship of the estate exclusively.

(b) Where the proposed guardian is a relative of the proposed ward.

(c) Where the proposed guardian is one nominated as a guardian of the proposed ward under Section 1500.

(d) Where the Director of Developmental Services is appointed guardian pursuant to Article 7.5 (commencing with Section 416) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

(e) Where the director of the department designated by the board of supervisors to provide social services is appointed guardian.

(f) Where the public guardian is appointed guardian.

SEC. 4.2. Section 1541 of the Probate Code is amended to read:

1541. In addition to the other required contents of the petition for appointment of a guardian, the petition shall include both of the following:

(a) A statement by the proposed guardian that, upon request by an agency referred to in Section 1543 for information relating to the investigation referred to in that section, the proposed guardian will promptly submit the information required.

(b) A disclosure of any petition for adoption by the proposed guardian of the minor who is the subject of the guardianship petition regardless of when or where filed.

(c) A statement whether or not the home of the proposed guardian is licensed as a foster family home.

SEC. 4.3. Section 1543 of the Probate Code is amended to read:

1543. (a) If the petition as filed or as amended states that an adoption petition has been filed, a report with respect to the suitability of the proposed guardian for guardianship shall be filed with the court by the agency investigating the adoption. In other cases, the local agency designated by the board of supervisors to provide public social services shall file a report with the court with respect to the proposed guardian of the same character required to be made with regard to an applicant for foster family home licensure.

(b) The report filed with the court pursuant to this section is confidential. The report may be considered by the court and shall be made available only to the persons who have been served in the proceeding and the persons who have appeared in the proceeding or their attorneys. The report may be received in evidence upon stipulation of counsel for all such persons who are present at the hearing or, if such person is present at the hearing but is not represented by counsel, upon consent of such person.

SEC. 4.4. Section 2203, as added by Chapter 726 of the Statutes of 1979, is amended to read:

2203. (a) If proceedings for the guardianship or conservatorship

of the estate are instituted in more than one county, the guardianship or conservatorship of the estate first granted, including a temporary guardianship or conservatorship of the estate, governs and extends to all the property of the ward or conservatee within this state and the other proceeding shall be dismissed.

(b) If proceedings for the guardianship or conservatorship of the person are instituted in more than one county, the guardianship or conservatorship of the person first granted, including a temporary guardianship or conservatorship of the person, governs and the other proceeding shall be dismissed.

(c) If a proceeding for the guardianship or conservatorship of the person is instituted in one county and a proceeding for the guardianship or conservatorship of the estate is instituted in a different county, the court first granting the guardianship or conservatorship, whether of the person or of the estate, may find that it is in the best interests of the ward or conservatee that the guardianship or conservatorship of both the person and the estate be maintained in that county or in such other county as the court shall determine. Thereupon, the guardianship or conservatorship proceeding in the court of the county found by the court to be in the best interests of the ward or conservatee shall govern and shall extend to all property of the ward or conservatee within this state, and the other proceeding shall be dismissed.

SEC. 4.5. Section 2452 of the Probate Code is repealed.

SEC. 4.6. Section 2452 is added to the Probate Code, to read:

2452. (a) The guardian or conservator may endorse and cash or deposit any checks, warrants, or drafts payable to the ward or conservatee which constitute property of the estate.

(b) If it appears likely that the estate will satisfy the conditions of subdivision (b) of Section 2628, the court may order that the guardian or conservator be the designated payee for public assistance payments received pursuant to Part 3 (commencing with Section 11000) or Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code.

SEC. 5. Section 2580 of the Probate Code is amended to read:

2580. (a) The conservator or other interested person may file a petition under this article for an order of the court authorizing or requiring the conservator to take a proposed action for any one or more of the following purposes:

(1) Benefiting the conservatee or the estate.

(2) Minimizing current or prospective taxes or expenses of administration of the conservatorship estate or of the estate upon the death of the conservatee.

(3) Providing gifts for such purposes, and to such charities, relatives (including the other spouse), friends, or other objects of bounty, as would be likely beneficiaries of gifts from the conservatee.

(b) The action proposed in the petition may include, but is not limited to, the following:

(1) Making gifts of principal or income, or both, of the estate,

outright or in trust.

(2) Conveying or releasing the conservatee's contingent and expectant interests in property, including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entirety.

(3) Exercising or releasing the conservatee's powers as donee of a power of appointment.

(4) Entering into contracts.

(5) Creating for the benefit of the conservatee or others, revocable or irrevocable trusts of the property of the estate, which trusts may extend beyond the conservatee's disability or life.

(6) Exercising options of the conservatee to purchase or exchange securities or other property.

(7) Exercising the rights of the conservatee to elect benefit or payment options, to terminate, to change beneficiaries or ownership, to assign rights, to borrow, or to receive cash value in return for a surrender of rights under any of the following:

(i) Life insurance policies, plans, or benefits.

(ii) Annuity policies, plans, or benefits.

(iii) Mutual fund and other dividend investment plans.

(iv) Retirement, profit sharing, and employee welfare plans and benefits.

(8) Exercising the right of the conservatee to elect to take under or against a will.

(9) Exercising the right of the conservatee to renounce or disclaim any interest acquired by testate or intestate succession or by inter vivos transfer, including exercising the right of the conservatee to surrender the right to revoke a revocable trust.

(10) Exercising the right of the conservatee to revoke a revocable trust, but the court shall not authorize or require the conservator to exercise the right to revoke a revocable trust if the instrument governing the trust (A) evidences an intent to reserve the right of revocation exclusively to the conservatee, (B) provides expressly that a conservator may not revoke the trust, or (C) otherwise evidences an intent that would be inconsistent with authorizing or requiring the conservator to exercise the right to revoke the trust.

(11) Making an election or an election and agreement referred to in Section 202.

SEC. 6. Section 2586 of the Probate Code is amended to read:

2586. (a) As used in this section, "estate plan of the conservatee" includes but is not limited to the conservatee's will, any trust of which the conservatee is the settlor or beneficiary, any power of appointment created by or exercisable by the conservatee, and any contract, transfer, or joint ownership arrangement with provisions for payment or transfer of benefits or interests at the conservatee's death to another or others which the conservatee may have originated.

(b) Notwithstanding Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code (lawyer-client

privilege), the court, in its discretion, may order that any person having possession of any document constituting all or part of the estate plan of the conservatee shall deliver such document to the court for examination by the court, and, in the discretion of the court, by the attorneys for the persons who have appeared in the proceedings under this article, in connection with the petition filed under this article.

(c) Unless the court otherwise orders, no person who examines any document produced pursuant to an order under this section shall disclose the contents of the document to any other person; and, if such disclosure is made, the court may adjudge the person making the disclosure to be in contempt of court.

SEC. 6.1. Section 2628 of the Probate Code is repealed.

SEC. 6.2. Section 2628 is added to the Probate Code, to read:

2628. (a) As used in this section, "public benefit payments" means payments received or to be received under either or both of the following:

(1) Part 3 (commencing with Section 11000) of, Part 4 (commencing with Section 16000) of, or Part 5 (commencing with Section 17000) of, Division 9 of the Welfare and Institutions Code.

(2) Subchapter II (commencing with Section 401) of, or Part A of Subchapter XVI (commencing with Section 1382) of, Chapter 7 of Title 42 of the United States Code.

(b) The court may make an order that the guardian or conservator need not present the accounts otherwise required by this article so long as all of the following conditions are satisfied:

(1) The estate at the beginning and end of the accounting period for which an account is otherwise required consisted of property of a total net value of less than two thousand dollars ($2,000).

(2) The income of the estate for each month of the accounting period, exclusive of public benefit payments, was less than one hundred fifty dollars ($150).

(3) All income of the estate during the accounting period, if not retained, was spent for the benefit of the ward or conservatee.

(c) Notwithstanding that the court has made an order under subdivision (b), the ward or conservatee or any interested person may petition the court for an order requiring the guardian or conservator to present an account as otherwise required by this article or the court on its own motion may make such an order. An order under this subdivision may be made ex parte or on such notice of hearing as the court in its discretion requires.

(d) For any accounting period during which all of the conditions of subdivision (b) are not satisfied, the guardian or conservator shall present the account as otherwise required by this article.

SEC. 7. Section 3053 of the Probate Code is amended to read:

3053. (a) As used in this section, "homestead property" means separate property subject to a homestead that is owned by both spouses as joint tenants, tenants in common, or otherwise.

(b) If one spouse has legal capacity and the other spouse has a

conservator:

(1) The conservator may, after authorization by order of the court in which the conservatorship proceeding is pending, consent in writing that the spouse having legal capacity shall have the right to manage and control and, subject to Section 3071, dispose of the homestead property.

(2) The spouse having legal capacity may consent in writing that homestead property be included in and, subject to Section 3071, be dealt with and disposed of as a part of the conservatorship estate.

(c) Except as provided in subdivision (d), if both spouses have conservators, the interest of each spouse in the homestead property shall be included in and, subject to Section 3071, be dealt with and disposed of as a part of the conservatorship estate of that spouse.

(d) If both spouses have conservators, the conservators may, after authorization by order of the court in which any of the conservatorship proceedings is pending, agree in writing that the homestead property be included in the conservatorship estate of one of the spouses and, subject to Section 3071, be dealt with and disposed of as a part of the conservatorship estate of that spouse.

SEC. 8. Section 4825 of the Welfare and Institutions Code, as amended by Chapter 1142 of the Statutes of 1979, is amended to read:

4825. The provisions of this division shall not be construed to terminate any appointment of the State Department of Mental Health as guardian of the estate of a developmentally disabled person prior to July 1, 1971.

It is the intent of this section that the Director of Developmental Services be appointed as guardian or conservator of a developmentally disabled person as provided pursuant to the provisions of Article 7.5 (commencing with Section 416) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

Notwithstanding the provisions of Section 6000, the admission of an adult developmentally disabled person to a state hospital or private institution shall be upon the application of the person's parent or conservator in accordance with the provisions of Sections 4653 and 4803. Any person so admitted to a state hospital may leave the state hospital at any time, if such parent or conservator gives notice of his or her desire for the departure of the developmentally disabled person to any member of the hospital staff and completes normal hospitalization departure procedures.

Notwithstanding the provisions of Section 4655, any adult developmentally disabled person who is competent to do so may apply for and receive any services provided by a regional center.

SEC. 9. Section 7284 of the Welfare and Institutions Code, as amended by Chapter 1142 of the Statutes of 1979, is amended to read:

7284. If any incompetent person, who has no guardian or conservator of the estate and who has been admitted or committed to the State Department of Mental Health for placement in any state hospital for the mentally disordered, is the owner of any property, the State Department of Mental Health, acting through its

designated officer, may apply to the superior court of the proper county for its appointment as guardian or conservator of the estate of such incompetent person.

For the purposes of this section, the State Department of Mental Health is hereby made a corporation and may act as executor, administrator, guardian or conservator of estates, assignee, receiver, depositary or trustee, under appointment of any court or by authority of any law of this state, and may transact business in such capacity in like manner as an individual, and for this purpose may sue and be sued in any of the courts of this state.

If a person admitted or committed to the State Department of Mental Health dies, leaving any estate, and having no relatives at the time residing within this state, the State Department of Mental Health may apply for letters of administration of his or her estate, and, in the discretion of the court, letters of administration may be issued to the department. When the State Department of Mental Health is appointed as guardian, conservator, or administrator, the department shall be appointed as guardian or conservator or administrator without bond. The officer designated by the department shall be required to give a surety bond in such amount as may be deemed necessary from time to time by the director, but in no event shall the initial bond be less than ten thousand dollars ($10,000), which bond shall be for the joint benefit of the several estates and the State of California. The State Department of Mental Health shall receive such reasonable fees for its services as such guardian, conservator, or administrator as the court allows. The fees paid to the State Department of Mental Health for its services as guardian, conservator, or administrator of the various estates may be used as a trust account from which may be drawn expenses for filing fees, bond premiums, court costs, and other expenses required in the administration of the various estates. Whenever the balance remaining in such trust fund account shall exceed a sum deemed necessary by the department for the payment of such expenses, such excess shall be paid quarterly by the department into the State Treasury to the credit of the General Fund.

SEC. 10. Section 7288 of the Welfare and Institutions Code, as amended by Chapter 1142 of the Statutes of 1979, is amended to read:

7288. Whenever it appears that a person who has been admitted to a state institution and remains under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services does not have a guardian or conservator of the estate and owns personal property which requires safekeeping for the benefit of the patient, the State Department of Mental Health or the State Department of Developmental Services may remove or cause to be removed such personal property from wherever located to a place of safekeeping.

Whenever it appears that such patient does not own property of a value which would warrant guardianship or conservatorship proceedings, the expenses of such removal and safekeeping shall be

paid from funds appropriated for the support of the institution in which the patient is receiving care and treatment; provided, however, that if the sum on deposit to the credit of such patient in the patients' personal deposit fund exceeds the sum of three hundred dollars ($300), the excess may be applied to the payment of such expenses of removal and safekeeping.

When it is determined by the superintendent, at any time after the removal for safekeeping of such personal property, that the patient is incurable or is likely to remain in a state institution indefinitely, then any of those articles of personal property which cannot be used by the patient at the institution may be sold at public auction and the proceeds therefrom shall first be applied in reimbursement of the expenses so incurred, and the balance shall be deposited to the patient's credit in the patients' personal deposit fund. All moneys so received as reimbursement shall be deposited in the State Treasury in augmentation of the appropriation from which the expenses were paid.

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## CHAPTER 247

An act to amend Sections 1670 and 1746 of, and to add Section 1765.4 to, the Insurance Code, relating to insurance.

[Approved by Governor June 26, 1980. Filed with Secretary of State June 26, 1980.]

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

SECTION 1. Section 1670 of the Insurance Code is amended to read:

1670. If an applicant for any license under this chapter, within one year from the date of the receipt by the commissioner of the application, whether or not the filing is complete, or within one year from the date of the issuance to him of a certificate of convenience, if any, whichever is the later date, neither fully qualifies for and receives such license on a permanent basis, nor is denied its issue, such application is automatically denied without prejudice to the filing of a new application for such license unless in a proceeding under a statement of issues the commissioner for good cause determines such denial should be set aside or stayed. Nothing in this section shall nullify Section 1695 to extend the expiration date of a certificate of convenience.

SEC. 2. Section 1746 of the Insurance Code is amended to read:

1746. If the commissioner has been informed and believes that a licensed insurance agent, broker or solicitor or life agent has committed any of the offenses referred to in Section 1745, the commissioner may, without prior notice or hearing, mail to such licensee at his last address filed with the commissioner an order

reprimanding such licensee. Such order shall specify the statute violated and the time of the violation; and shall further state that such order shall become effective commencing at a date specified therein not less than 15 days from the date of mailing, unless such licensee, prior to the effective date, advises the commissioner in writing that formal notice and hearing are requested, in which case such order shall become void and of no effect, and the commissioner may initiate proceedings pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 3. Section 1765.4 is added to the Insurance Code, to read:

1765.4. If an applicant for any license under this chapter, within one year from the date of the receipt by the commissioner of the application, whether or not the filing is complete, neither fully qualifies for and receives such license on a permanent basis, nor is denied its issue, such application is automatically denied without prejudice to the filing of a new application for such license.

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## CHAPTER 248

An act to add Section 31671.05 to, the Government Code, relating to the County Employees Retirement Law of 1937, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1980. Filed with Secretary of State June 26, 1980.]

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

SECTION 1. Section 31671.05 is added to the Government Code, to read:

31671.05. A member who, on December 31, 1978, was a member of a retirement system under this chapter which imposed a mandatory retirement age less than age 70 applicable to that member may, notwithstanding Section 31671 and the repeal of Sections 31671.01 and 31671.02 by Chapter 385 of the Statutes of 1978, retire from that system upon reaching the mandatory retirement age in effect for that system on December 31, 1978.

This section shall not become operative in any county until the board of supervisors adopts a resolution making it operative in the county.

SEC. 2. The Legislature hereby declares that the enactment of Section 31671.05 of the Government Code is intended to clarify the right of members to retire under the County Employees Retirement Law of 1937. Under Chapter 385 of the Statutes of 1978, provisions for regular member mandatory retirement ages below age 70 were removed from the County Employees Retirement Law of 1937. The removal of these provisions deprived persons who were employed on

December 31, 1978, of the right to retire upon reaching such lower retirement age without satisfying other service requirements, and such persons who were approaching these lower retirement ages, contrary to their plans and wishes, will now have to work additional years to satisfy the service requirement for retirement or wait until age 70 to retire. The purpose of Chapter 385 was to recognize that mandatory retirement prior to age 70 is contrary to public policy and not to deny those persons who wished to retire at an earlier age under systems imposing an earlier mandatory retirement age.

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 alleviate the hardship endured by retirement applicants and their families, it is necessary that this act take effect immediately.

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## CHAPTER 249

An act to repeal and add Section 10825 of the Fish and Game Code, relating to game refuges.

[Approved by Governor June 26, 1980. Filed with Secretary of State June 26, 1980.]

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

SECTION 1. Section 10825 of the Fish and Game Code is repealed.

SEC. 2. Section 10825 is added to the Fish and Game Code, to read:

10825. The following constitutes Fish and Game District 1I: All that area within the County of Placer within the following boundaries:

Beginning at a point in Sec. 17, T. 14 N., R. 14 E., M.D.M., where the French House-Big Meadows Road intersects the South Fork of Long Canyon Creek; thence following southwesterly along said road to its intersection with the French Meadows-Georgetown Road near the section line between Secs. 22 and 23, T. 14 N., R. 13 E., thence southwesterly along the French Meadows-Georgetown Road where it intersects an unnamed tributary to the North Fork of Long Canyon Creek near the section line between Secs. 22 and 27, T. 14 N., R. 13 E.; thence northwesterly along said tributary to French House Site (near the center of Sec. 22, T. 14 N., R. 13 E.); thence northwesterly along the French House-Red Star Mine Jeep Road in Secs. 22 and 15, T. 14 N., R. 13 E., to its intersection with the Middle Fork of the American River, in Sec. 15, T. 14 N., R. 13 E.; thence northeasterly along the Middle Fork of the American River, to its intersection with

the southern boundary of Sec. 35, T. 15 N., R. 13 E., thence due north on a line through the center of Sec. 35 to an intersection with the summit of Red Star Ridge in Sec. 26, T. 15 N., R. 13 E. (this being the divide between Duncan Creek and the Middle Fork of the American River); thence northeasterly following the summit of Red Star Ridge to a point in Sec. 4, T. 15 N., R. 14 E. where said ridge intersects the main Foresthill Divide between the North Fork of the American River and the Middle Fork of the American River; thence easterly along the summit of said divide to Needle Peak; thence southerly following the summit of the divide to Mt. Mildred; thence southwesterly following the summit of the divide between Gray Horse Creek and the Middle Fork of the American River to its intersection with the Big Meadows-Gray Horse Valley Trail (near the middle of Sec. 5, T. 14 N., R. 14 E.); thence following said trail to the South Fork of Long Canyon Creek (near the middle of Sec. 9, T. 14 N., R. 14 E.); thence southwesterly down the South Fork Long Canyon Creek to the point of beginning.

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## CHAPTER 250

An act to add Chapter 1.69 (commencing with Section 5096.141) to Division 5 of the Public Resources Code, relating to financing of a program of acquiring, developing, and restoring real property for state and local park, beach, recreational, and historical resources preservation purposes by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of such funds; providing for the submission of the measure to a vote of the people at a special election to be consolidated with the 1980 general election; to take effect immediately, an act calling an election.

[Approved by Governor June 26, 1980 Filed with Secretary of State June 26, 1980 ]

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

SECTION 1. Chapter 1.69 (commencing with Section 5096.141) is added to Division 5 of the Public Resources Code, to read:

### CHAPTER 1.69. CALIFORNIA PARKLANDS ACT OF 1980

#### Article 1. General Provisions

5096.141. This chapter shall be known and may be cited as the California Parklands Act of 1980.

5096.142. The Legislature hereby finds and declares that:

(a) It is the responsibility of this state to provide and to encourage the provision of recreational opportunities and facilities for citizens

of California.

(b) It is the policy of the state to preserve, protect, and, where possible, restore coastal resources which are of significant recreational or environmental importance for the enjoyment of present and future generations of persons of all income levels, all ages, and all social groups.

(c) When there is proper planning and development, parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects contribute not only to a healthy physical and moral environment, but also contribute to the economic betterment of the state, and, therefore, it is in the public interest for the state to acquire, develop, and restore areas for recreation, conservation, and preservation and to aid local governments of the state in acquiring, developing, and restoring such areas as will contribute to the realization of the policy declared in this chapter.

5096.143. The Legislature further finds and declares that:

(a) The demand for parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects in California is far greater than what is presently available, with the number of people who cannot be accommodated at the area of their choice or any comparable area increasing rapidly. Further, the development of parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects has not proceeded rapidly enough to provide for their full utilization by the public.

(b) The demand for parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects in the urban areas of our state is even greater since over 90 percent of the present population of California reside in urban areas; there continues to be a serious deficiency in open space and recreation areas in the metropolitan areas of the state; less urban land is available, costs are escalating, and competition for land is increasing.

(c) There is a high concentration of urban social problems in California's major metropolitan areas which can be partially alleviated by increased recreational opportunities.

(d) California's coast provides a great variety of recreational opportunities not found at inland sites; it is heavily used because the state's major urban areas lie, and 85 percent of the state's population lives, within 30 miles of the Pacific Ocean; a shortage of facilities for almost every popular coastal recreational activity exists; and there will be a continuing high demand for popular coastal activities such as fishing, swimming, sightseeing, general beach use, camping, and day use. Funding for the acquisition of a number of key coastal sites is critical at this time, particularly in metropolitan areas where both the demand for and the deficiency of recreational facilities is greatest. Development pressures in urbanized areas threaten to preclude public acquisition of these key remaining undeveloped coastal parcels unless these sites are acquired in the near future.

(e) Increasing and often conflicting pressures on limited coastal

land and water areas, escalating costs for coastal land, and growing coastal recreational demand require, as soon as possible, funding for, and the acquisition of, land and water areas needed to meet demands for coastal recreational opportunities, to implement recommendations for acquisitions of the Coastal Plan prepared and adopted in accordance with the requirements of the California Coastal Zone Conservation Act of 1972, and to implement local coastal programs required pursuant to the California Coastal Act of 1976.

(f) There is a pressing need to provide funding for a coordinated state program designed to provide expanded public access to the coast, to preserve prime coastal agricultural lands, and to restore and enhance natural and manmade coastal environments pursuant to activities of the State Coastal Conservancy undertaken pursuant to Division 21 (commencing with Section 31000).

(g) Cities, counties, and districts must exercise constant vigilance to see that the parks, beaches, recreation areas and recreational facilities, and historical resources they now have are not lost to other uses; they should acquire additional lands as such lands become available; they should take steps to improve the facilities they now have.

(h) Past and current funding programs have not and cannot meet present deficiencies. This condition has become more acute as a result of restrictions on local governmental revenues.

(i) In view of the foregoing, the Legislature declares that an aggressive, coordinated, funded program for meeting existing and projected recreational demands must be implemented without delay.

5096.144. As used in this chapter, the following terms shall have the following meanings:

(a) "Coastal resources" means those land and water areas within the coastal zone, as defined in subdivisions (a) and (b) of Section 31006, and within the Santa Monica Mountains Zone, as described in Section 33105, which are suitable for public park, beach, or recreational purposes, including, but not limited to, areas of historical significance and areas of open space that complement park, beach, or recreational areas, or which are suitable for the preservation of coastal resource values.

(b) "District" means any district authorized to provide park, recreation, or open space services, or a combination of such services, except a school district.

(c) "Fund" means the Parklands Fund of 1980.

(d) "Historical resource" includes, but is not limited to, any building, structure, site, area, or place which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

(e) "Historical resources preservation project" is a project designed to preserve an historical resource which is either listed in

the National Register of Historic Places or is registered as either a state historical landmark or point of historical interest pursuant to Section 5021.

(f) "Program" means the Parklands Acquisition and Development Program established by this chapter.

## Article 2. Parklands Acquisition and Development Program

5096.151. All money deposited in the Parklands Fund of 1980 shall be available for appropriation in the manner set forth in Section 5096.206 for the purposes set forth below in amounts not to exceed the following:

(a) For grants to counties, cities, and districts for the acquisition, development, rehabilitation, or restoration of real property for park, beach, recreational, and historical resources preservation purposes, including state administrative costs..... $85,000,000

(b) For acquisition, development, rehabilitation, or restoration of real property for the state park system in accordance with the following schedule..... $70,000,000

Schedule:

(1) Sixty million dollars ($60,000,000) for acquisition, development, and rehabilitation and for cost of planning and interpretation, of which not less than thirty million dollars ($30,000,000) shall be for development and rehabilitation of structures and facilities in existing units of the state park system.

(2) Ten million dollars ($10,000,000) for acquisition, development, and restoration of historical resources and for historical resources preservation projects and costs of planning and interpretation.

(c) For expenditure for coastal resources in accordance with the following schedule..... $90,000,000

Schedule:

(1) Sixty million dollars ($60,000,000) for acquisition or development

of real property for the state park system and costs of planning.

(2) Thirty million dollars ($30,000,000) for grants to counties, cities, and districts for the acquisition, development, rehabilitation, or restoration of real property, or the acquisition of any interest in real property, necessary for the implementation of local coastal programs; for the implementation of projects in San Francisco Bay, as defined in subdivisions (a) and (b) of Section 31006, and in the Santa Monica Mountains Zone, as described in Section 33105; and for state administrative costs in connection therewith.

(d) For expenditure by the State Coastal Conservancy for purposes set forth in Division 21 (commencing with Section 31000), and for state administrative and planning costs in connection therewith ..... $10,000,000

(e) For expenditure by the Department of Parks and Recreation for the purposes of the Roberti-Z'berg Urban Open-Space and Recreation Program Act (commencing with Section 5620 of the Public Resources Code) .... $30,000,000

provided, however, that notwithstanding the provisions of Section 5627, funds made available pursuant to this category may be expended only for capital outlay purposes.

## Article 3. Local Assistance Grants

5096.155. (a) Funds available for appropriation for local assistance grants pursuant to subdivision (a) of Section 5096.151 may be expended for the acquisition of parks, beaches, open-space lands, recreational trails, recreation facilities and areas, and historical resources, and for development rights and scenic easements in connection with such lands and resources.

(b) Funds granted pursuant to subdivision (a) of Section 5096.151 may be expended for development, rehabilitation, or restoration only on lands owned by, or subject to a lease or other interest held by, the applicant city, county, or district. If such lands are not owned by the applicant, the applicant shall first demonstrate to the satisfaction of the Director of Parks and Recreation that the development, rehabilitation, or restoration will provide benefits commensurate with the type and duration of interest in land held by the applicant.

5096.156. (a) All of the funds authorized in subdivision (a) of Section 5096.151 for local assistance grants shall be allocated among the counties on the basis of their populations as most recently projected by the Department of Finance for 1980.

(b) Each total county allocation of such funds shall be in the same ratio as the county's population is to the state's total population; provided, however, that each county shall be entitled to a minimum allocation of one hundred thousand dollars ($100,000).

(c) Each county shall consult with all cities and districts within the county and shall develop and submit a priority plan for expenditure of the total county allocation to the state for approval. The priority plan shall consist of an apportionment of the total county allocation to the county, cities, and districts. The priority plan may include the names of individual projects under each jurisdiction and shall reflect consideration of deficiencies within the county in the preservation of historical resources and natural landscapes as well as in the provision of recreational areas and facilities. The priority plan shall be approved by at least 50 percent of the cities and districts representing 50 percent of the population of the cities and districts within the county, and by the county board of supervisors. Recognizing the fact that the boundaries of some cities and districts overlap, only the jurisdictions that will actually provide the facilities contemplated in the priority plan may participate in the approval process. In any county in which a regional park or open-space district is wholly or partially located, the priority plan shall reflect regional park or open-space needs as well as community and neighborhood park and recreation needs.

(d) The priority plan shall be submitted prior to January 1, 1982, to the Director of Parks and Recreation for approval. Failure to submit a priority plan by January 1, 1982, shall result in a 10 percent annual reduction of the total county allocation until the priority plan is submitted. By January 1, 1984, if the priority plan has not been submitted to the Director of Parks and Recreation, the county board of supervisors shall petition the Director of Parks and Recreation to distribute to high-priority projects the remaining 80 percent of the total county allocation. Any funds not allocated to a county shall remain in the fund and shall be expended in the manner provided in Section 5096.211. In addition, with the consent of all the cities and districts in the county, the county board of supervisors may reject all or part of the state grant moneys allocated to it pursuant to this section, and such moneys shall be expended in the manner provided

in Section 5096.211.

(e) Local assistance grants made pursuant to this article for the acquisition of real property shall be on the basis of 75 percent state grants moneys and 25 percent local matching money for the project. Grants shall be matched only by money or property donated to be part of the acquisition project. The grant recipient shall certify to the Department of Parks and Recreation that there is available, or will become available prior to the commencement of any work on the project for which application for a grant has been made, matching money from a nonstate source. The certification of the source and amount of the funds shall be set forth in the application for a grant submitted to the department. Local matching money shall not be required with respect to a grant recipient that has urgent unmet needs for recreational lands and lacks the financial resources to acquire recreational lands, as determined pursuant to a formula set forth in regulations adopted by the Director of Parks and Recreation after a public hearing.

(f) Applications for individual projects may be submitted directly to the Director of Parks and Recreation by individual jurisdictions.

5096.157. (a) An application for a local assistance grant pursuant to this article shall be submitted to the Director of Parks and Recreation for review. The application shall be accompanied by certification from the planning agency of the applicant that the project is consistent with the park and recreation plan for the applicant's jurisdiction and would satisfy a demonstrated need.

(b) The minimum amount that may be applied for any individual project is twenty thousand dollars ($20,000).

(c) Every application for a grant shall comply with the provisions of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(d) Upon completion of the review of applications submitted pursuant to subdivision (a), approved projects shall be forwarded to the Director of Finance for inclusion in the Budget Bill.

5096.158. (a) No state grant funds may be disbursed until the applicant agrees that any property acquired or developed with such funds shall be used by the applicant only for the purpose for which the funds were requested and that no other use of the property shall be permitted except by specific act of the Legislature.

(b) No state grant funds may be disbursed unless the applicant agrees to maintain and operate the property acquired or developed pursuant to this article for a period commensurate with the type of project and the proportion of state grant funds and local funds allocated to the capital costs of the project.

## Article 4. State Park System

5096.161. The Legislature recognizes that public financial resources are inadequate to meet all capital outlay needs of the state park system and that the development of recently acquired units of

the state park system has proceeded at a rate that has prevented their full potential for public use from being realized. Accordingly, it is declared to be the policy of the state that funds allocated pursuant to subdivision (b) of Section 5096.151 shall be appropriated primarily for projects that accomplish the following:

(a) Serve metropolitan population centers and accommodate day-use and weekend-overnight visits.

(b) Provide for the development of existing units with the minimum facilities necessary for accessibility, use, and interpretation.

(c) Rehabilitate facilities at existing units that will provide for more efficient management and reduced operational costs.

(d) Minimize dependence on motor vehicles and reduce other forms of energy and water consumption through appropriately designed facilities.

(e) Preserve examples of historical resources and natural landscapes that are underrepresented in the state park system.

5096.162. (a) Any Member of the Legislature, the State Park and Recreation Commission, the California Coastal Commission, or the Secretary of the Resources Agency may nominate any project to be funded under this article for study by the Department of Parks and Recreation. Any of the commissions shall make nominations by vote of its membership.

(b) The Department of Parks and Recreation shall study any project so nominated. In addition to the procedures required by Section 5006, the Department of Parks and Recreation shall submit to the Legislature annually a report consisting of a prioritized listing and comparative evaluation of all projects nominated for study, in accordance with the following schedule:

(1) March 1, 1981, for projects nominated prior to January 15, 1981.

(2) November 1, 1981, for projects nominated prior to June 30, 1981, and after January 15, 1981.

(3) November 1, 1982, and each November 1 thereafter for projects nominated during the 12 months ending June 30, 1982, and each June 30 thereafter.

(c) Projects proposed for appropriation for the state park system pursuant to subdivision (b) of Section 5096.151 shall be subject to the favorable recommendation of the State Park and Recreation Commission. Projects recommended by the commission shall be forwarded to the Director of Finance for inclusion in the Budget Bill.

5096.163. Acquisition for the state park system by purchase or by eminent domain shall be under the Property Acquisition Law (commencing with Section 15850 of the Government Code).

## Article 5. Coastal Resources

5096.171. Funds available pursuant to subdivision (c) of Section 5096.151 shall be expended pursuant to this article.

5096.172. (a) Any Member of the Legislature, the California Coastal Commission, the State Coastal Conservancy, the San Fran-

cisco Bay Conservation and Development Commission, the State Park and Recreation Commission, or the Secretary of the Resources Agency may nominate, for study by the Department of Parks and Recreation, any project within the coastal zone for acquisition with funds made available for the state park system pursuant to category (1) of subdivision (c) of Section 5096.151. Any of the commissions, and the conservancy, shall make nominations by vote of its membership.

(b) The Department of Parks and Recreation shall study any project so nominated. In addition to the procedures required by Section 5006, the Department of Parks and Recreation shall submit to the Legislature annually a report consisting of a prioritized listing and comparative evaluation of all projects nominated for study, in accordance with the following schedule:

(1) March 1, 1981, for projects nominated prior to January 15, 1981.

(2) November 1, 1981, for projects nominated prior to June 30, 1981, and after January 15, 1981.

(3) November 1, 1982, and each November 1 thereafter for projects nominated during the 12 months ending June 30, 1982, and each June 30 thereafter.

(c) In making the prioritized listing and comparative evaluation of potential acquisition sites, the department shall adhere to the following criteria and priorities:

(1) The first priority for the acquisition of coastal resources is as follows:

(A) Land and water areas best suited to serve the recreational needs of urban populations.

(B) Land and water areas of significant environmental importance, such as habitat protection.

(2) The second priority for the acquisition of coastal resources is as follows:

(A) Land for physical and visual access to the coastline where public access opportunities are inadequate or could be impeded by incompatible uses.

(B) Remaining areas of high recreational value.

(C) Areas proposed as a coastal reserve or preserve, including areas that are or include restricted natural communities, including, but not limited to, ecological areas that are scarce, involving only a limited area; rare and endangered wildlife species habitat; rare and endangered plant species range; specialized wildlife habitat; outstanding representative natural communities; sites with outstanding educational value; fragile or environmentally sensitive resources; and wilderness or primitive areas. Areas meeting more than one of these criteria may be considered as especially important.

(D) Highly scenic areas that are or include landscape preservation projects; open areas identified as being of particular value in providing visual contrast to urbanization, in preserving natural landforms and significant vegetation, in providing attractive transitions between natural and urbanized areas, or as scenic open space; and

scenic areas or historical districts designated by cities and counties within the coastal zone.

5096.173. (a) The State Coastal Conservancy and the California Coastal Commission shall prepare and adopt priorities, criteria, and procedures for the disbursement and administration of grants of funds made available pursuant to category (2) of subdivision (c) of Section 5096.151 for the implementation of local coastal programs. The procedures shall include provisions that will serve as an incentive to local governments for timely submittal of their local coastal programs, in accordance with the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)).

(b) In consultation with the San Francisco Bay Conservation and Development Commission, the State Coastal Conservancy shall prepare and adopt priorities, criteria, and procedures for the disbursement and administration of grants for the implementation of projects in San Francisco Bay.

(c) In consultation with the Santa Monica Mountains Conservancy, the State Coastal Conservancy shall prepare and adopt priorities, criteria, and procedures for the disbursement and administration of grants for the implementation of projects in the Santa Monica Mountains Zone.

(d) The procedures required by this section shall specify the categories of expenditures eligible for grants and shall include procedures for the submittal, review, and approval of applications and the disbursement of grant funds.

5096.174. (a) An application for a grant shall be submitted to the State Coastal Conservancy for preliminary evaluation, review of adequacy, and classification as a park, beach, coastal access, or other project necessary to preserve coastal resource values.

(b) The minimum amount that may be applied for any individual project is one thousand dollars ($1,000).

(c) Every application for a grant shall comply with the provisions of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

5096.175. (a) After completing the evaluation, review, and classification of an application, the State Coastal Conservancy shall forward the application to the California Coastal Commission for a determination as to its consistency with the approved land use plan of the applicable local coastal program or to the San Francisco Bay Conservation and Development Commission for a determination as to its consistency with the San Francisco Bay Plan or the Suisun Marsh Protection Plan.

(b) Applications which are determined by the California Coastal Commission to be consistent with the approved land use plan of the applicable local coastal program, or by the San Francisco Bay Conservation and Development Commission to be consistent with the bay or marsh plan, shall be returned to the State Coastal Conservancy for the purpose of disbursing grants consistent with priorities and criteria developed pursuant to Section 5096.173.

(c) Grants for projects in the Santa Monica Mountains Zone shall be disbursed consistent with the provisions of Division 23 (commencing with Section 33000).

5096.176. Funds granted pursuant to category (2) of subdivision (c) of Section 5096.151 may be expended for development, rehabilitation, or restoration only on lands owned by, or subject to a lease or other interest held by, the applicant city, county, or district. If such lands are not owned by the applicant, the applicant shall first demonstrate to the satisfaction of the Executive Officer of the State Coastal Conservancy that the development, rehabilitation, or restoration will provide benefits commensurate with the type and duration of interest in land held by the applicant.

5096.177. No state grant funds may be disbursed until the applicant agrees that any property acquired or developed with such funds shall be used by the applicant only for the purpose for which the funds were requested and that no other use of the property shall be permitted except by specific act of the Legislature.

5096.178. (a) An amount, not to exceed nine hundred thousand dollars ($900,000) in the aggregate, shall be available for appropriation during the 1980–81, 1981–82, and 1982–83 fiscal years, in amounts to be determined in each annual appropriation, from funds available pursuant to category (2) of subdivision (c) of Section 5096.151, in the manner provided in Section 5096.206, to the State Coastal Conservancy for expenditure for the administration of Sections 5096.173 to 5096.177, inclusive; provided, however, that not more than three hundred fifty thousand dollars ($350,000) may be appropriated in any one such fiscal year.

(b) An amount, not to exceed five million dollars ($5,000,000) in the aggregate shall be available for appropriation commencing with the 1980–81 fiscal year from funds available pursuant to category (2) of subdivision (c) of Section 5096.151, in the manner provided in Section 5096.206, for projects in San Francisco Bay; and an amount, not to exceed five million dollars ($5,000,000) in the aggregate, shall be available, for projects in the Santa Monica Mountains Zone.

## Article 6. Miscellaneous Provisions

5096.191. Projects authorized for the purposes set forth in subdivision (b), category (1) of subdivision (c), and subdivision (d) of Section 5096.151 shall be subject to augmentation as provided in Section 16352 of the Government Code, as limited by any provision of the Budget Act. The unexpended balance in any appropriation made payable from the fund which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation, may be transferred on order of the Director of Finance to, and in augmentation of, the appropriation made in Section 16352 of the Government Code.

5096.192. The Director of Parks and Recreation may make agree-

ments with respect to any real property acquired pursuant to subdivision (b) and category (1) of subdivision (c) of Section 5096.151, and the Executive Officer of the State Coastal Conservancy may make agreements with respect to any real property acquired pursuant to subdivision (d) of Section 5096.151 for the continued tenancy of the seller of the property for a period of time and under such conditions as mutually agreed upon by the state and the seller so long as the seller promises to pay such taxes on his interest in the property as shall become due, owing, or unpaid on the interest created by such agreement, and so long as the seller conducts his operations on the land according to specifications issued by the appropriate director or officer to protect the property for the public use for which it was acquired. A copy of such agreement shall be filed with the county clerk in the county in which the property lies. Such arrangement shall be compatible with the operation of the area by the state, as determined by the appropriate director or officer.

5096.193. All real property acquired pursuant to this chapter shall be acquired in compliance with the provisions of Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code. The Department of Parks and Recreation or the State Coastal Conservancy, as the case may be, shall prescribe procedures sufficient to assure such compliance by local public agencies.

5096.194. For the purposes of this chapter, acquisition may include gifts, purchases, leases, easements, the exercise of eminent domain if expressly authorized, the transfer or exchange of property for other property of like value, and purchases of development rights and other interests.

5096.195. All grants, gifts, devises, or bequests to the state, conditional or unconditional, for park, conservation, recreation, or other purposes for which real property may be acquired or developed pursuant to this chapter, may be accepted and received on behalf of the state by the appropriate departmental director with the approval of the Director of Finance. Such grants, gifts, devises, or bequests shall be available, when appropriated by the Legislature, for expenditure for the purposes specified in Section 5096.151.

5096.196. Real property acquired by the state shall consist predominantly of open or natural lands, including lands under water capable of being utilized for multiple recreational purposes, and lands necessary for the preservation of coastal or historical resources. No funds derived from the bonds authorized by this division shall be expended for the construction of any reservoir designated as a part of the "State Water Facilities," as defined in subdivision (d) of Section 12934 of the Water Code, but such funds may be expended for the acquisition or development of beaches, parks, recreational facilities, and historical resources at or in the vicinity of any such reservoir.

5096.197. (a) Prior to recommending the acquisition of lands that are located on or near tidelands, submerged lands, swamp or overflowed lands, or other wetlands, whether or not such lands have been granted in trust to a local public agency, the Director of Parks

and Recreation or, the Executive Officer of the State Coastal Conservancy, or the Executive Director of the San Francisco Bay Conservation and Development Commission, as the case may be, shall submit to the State Lands Commission any proposal by a state or local public agency for the acquisition of such lands pursuant to this chapter. The State Lands Commission shall, within three months of such submittal, review such proposed acquisition, make a determination as to the state's existing or potential interest in the lands, and report its findings to the person making the submittal and to the Department of General Services.

(b) No provision of this chapter shall be construed as authorizing the condemnation of state lands.

## Article 7. Fiscal Provisions

5096.201. Bonds in the total amount of two hundred eighty-five million dollars ($285,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest on the bonds as the principal and interest become due and payable.

5096.202. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such a sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on the bonds maturing each year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which shall be necessary to collect that additional sum.

5096.203. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

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

(b) Such sum as is necessary to carry out the provisions of Section 5096.205, which sum is appropriated without regard to fiscal years.

5096.204. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the Parklands Fund of 1980, which is hereby created. The money in the fund may be expended only for the purposes specified in this chapter and only pursuant to appropriation by the Legislature in the manner prescribed in this chapter.

5096.205. For the purposes of carrying out the provisions of this article, 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 chapter. Any moneys deposited in the fund for expenditure for the purposes of subdivision (d) of Section 5096.151 shall be transferred to the State Coastal Conservancy upon appropriation by the Legislature in the manner provided in Section 5096.206. Any moneys deposited in the fund for expenditure for the purposes of subdivision (e) of Section 5096.151 shall be appropriated to the Department of Parks and Recreation in the manner provided in Section 5096.206. Any amounts withdrawn shall be deposited in the fund. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds for the purpose of carrying out the provisions of this chapter.

5096.206. All proposed appropriations for the program shall be included in a section in the Budget Bill for the 1980–81 fiscal year and each succeeding fiscal year for consideration by the Legislature and shall bear the caption "Parklands Acquisition and Development Program." The section shall contain separate items for each project, each class of projects, or each element of the program for which an appropriation is made.

All appropriations shall be subject to all limitations enacted in the Budget Act and to all fiscal procedures prescribed by law with respect to the expenditure of state funds unless expressly exempted from such laws by a statute enacted by the Legislature. Such section shall contain proposed appropriations only for the program elements and classes of projects contemplated by this chapter, and no funds derived from the bonds authorized by this chapter may be expended pursuant to an appropriation not contained in such section of the Budget Act.

5096.207. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code), and all of the provisions of that law are applicable to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full herein.

5096.208. For the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Parklands Program Finance Committee is hereby created. The committee consists of the Governor, the State Controller, the Director of Finance, the State Treasurer, and the Secretary of the Resources Agency. For the purposes of this chapter, the Parklands Program Finance Committee shall be "the committee" as that term is used in the State General Obligation Bond Law, and the State Treasurer shall serve as chairman of the committee. The Secretary of the Resources Agency is hereby designated as "the board" for the purposes of the State General Obligation Bond Law.

5096.209. As used in this chapter, and for the purposes of the State

General Obligation Bond Law, "state grant" or "state grant moneys" means moneys received by the state from the sale of bonds authorized by this chapter which are available for grants to counties, cities, districts, and public agencies.

5096.210. All money deposited in the fund which is derived from premium and accrued interest on bonds sold shall be reserved in such depositories and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.211. Commencing with the Budget Bill for the 1990-91 fiscal year, the balance remaining in the fund may be appropriated by the Legislature for expenditure, without regard to the maximum amounts allocated to each element of the program, for any or all elements of the program specified in Section 5096.151, or any class or classes of projects within such elements, that the Legislature deems to be of the highest priority.

5096.212. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

5096.213. 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 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. 2. Section 1 of this act shall become operative December 1, 1980, if the people at the special election provided in Section 3 of this act adopt the Parklands Acquisition and Development Program, as set forth in Section 1 of this act.

SEC. 3. A special election is hereby called to be held throughout the state on the fourth day of November, 1980. The special election shall be consolidated with the 1980 general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act.

SEC. 4. (a) At the special election called by this act, there shall be submitted to the electors Section 1 of this act, which shall appear as Proposition 1 at such election. All provisions of this act shall control the submission of Section 1 of this act to, and the holding of, the special election called by this act.

(b) Notwithstanding Section 3525 of the Elections Code or any other provisions of law, the measure shall be submitted at such special election if the measure is adopted by the Legislature prior to July 1, 1980.

SEC. 5. Upon the effective date of this section, arguments for and against the measure hereby ordered submitted to the electors shall

be prepared in the time, form, and manner as provided in Article 4 (commencing with Section 3525) and Article 6 (commencing with Section 3559) of Chapter 1 of Division 5 of the Elections Code.

SEC. 6. Notwithstanding any other provision of law, all ballots of the election shall have printed thereon and in a square thereof, the words: "For the Parklands Acquisition and Development Program," and in the same square under those words, the following in eight-point type: "This act provides for meeting the urgent recreational requirements of the people of California through the acquisition, development, rehabilitation, and restoration of state and local parks, public beaches and other important coastal resources, recreation areas and recreational facilities, and historical resources pursuant to a bond issue of two hundred eighty-five million dollars ($285,000,-000)." In the square immediately below the square containing such words, there shall be printed on the ballot the words, "Against the Parklands Acquisition and Development Program," and in the same square immediately below those words, in eight-point type: "This act provides for meeting the urgent recreational requirements of the people of California through the acquisition, development, rehabilitation, and restoration of state and local parks, public beaches and other important coastal resources, recreation areas and recreational facilities, and historical resources pursuant to a bond issue of two hundred eighty-five million dollars ($285,000,000)." Opposite the words "For the Parklands Acquisition and Development Program," and "Against the Parklands Acquisition and Development Program," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against the act. Where the voting of the election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor shall include the submission of this act to the people, as aforesaid, in his proclamation calling for the election.

SEC. 7. If it appears that the act shall have received a majority of all the votes cast for and against it at the election, then the same shall have effect as provided in Section 2, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged.

SEC. 8. The Legislature hereby finds and declares that it is desirable that the people of the state have notice, prior to the election called by this act, of the proposed disposition and allocation of the proceeds of the bonds to be issued pursuant to the Parklands Acquisition and Development Program.

SEC. 9. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because any additional duties imposed on local government will be expressly approved by a majority of the voters of this state through the election process.

SEC. 10. This act calls an election within the meaning of Article IV of the Constitution and shall go into immediate effect.

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## CHAPTER 251

An act relating to contingencies or emergencies, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1980 Filed with Secretary of State June 26, 1980.]

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

SECTION 1. The sum of thirty-one million forty-five thousand four hundred seventy-one dollars ($31,045,471) is hereby appropriated for expenditure in the 1979–80 fiscal year in augmentation of the Budget Act of 1979 for the following purposes:

| | |
|---|---|
| (a) From the General Fund to the reserve for contingencies and emergencies in Item 436, Budget Act of 1979 | $25,646,471 |
| (b) From nongovernmental cost funds to the reserve for contingencies and emergencies in Item 438, Budget Act of 1979 | $5,300,000 |
| (c) From the General Fund for support of the Office of the State Architect, Department of General Services, to be transferred to Item 121, Budget Act of 1979, to be used for the initial investigation, testing, and standardization of repair methods of potentially unsafe public school buildings which were constructed with precast, pretensioned, prestressed concrete roof systems | $99,000 |

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

Additional funds are necessary for contingencies and emergencies for state agencies.

## CHAPTER 252

An act to amend Section 13861 of the Water Code, relating to the protection of water supplies, providing for the submission of the measure to a vote of the people at a special election to be consolidated with the 1980 general election, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1980. Filed with Secretary of State June 26, 1980.]

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

SECTION 1. Section 13861 of the Water Code is amended to read:

13861. (a) The moneys in the fund are hereby continuously appropriated and shall be used for the purposes set forth in this section.

(b) The department is authorized to enter into contracts with suppliers having authority to construct, operate, and maintain domestic water systems, for loans to such suppliers to aid in the construction of projects which will enable the supplier to meet, at a minimum, safe drinking water standards established pursuant to Chapter 7 (commencing with Section 4010) of Part 1 of Division 5 of the Health and Safety Code.

(c) Any contract pursuant to this section may include such provisions as may be agreed upon by the parties thereto, and any such contract shall include, in substance, the following provisions:

(1) An estimate of the reasonable cost of the project.

(2) An agreement by the department to loan to the supplier, during the progress of construction or following completion of construction as may be agreed upon by the parties, an amount which equals the portion of construction costs found by the department to be eligible for a state loan.

(3) An agreement by the supplier to repay the state, (i) over a period not to exceed 50 years, (ii) the amount of the loan, (iii) the administrative fee as described in Section 13862, and (iv) interest on the principal, which is the amount of the loan plus the administrative fee.

(4) An agreement by the supplier, (i) to proceed expeditiously with, and complete, the project, (ii) to commence operation of the project upon completion thereof, and to properly operate and maintain the project in accordance with the applicable provisions of law, (iii) to apply for and make reasonable efforts to secure federal assistance for the project, (iv) to secure approval of the department and of the State Department of Health Services before applying for federal assistance in order to maximize and best utilize the amounts of such assistance available, and (v) to provide for payment of the supplier's share of the cost of the project, if any.

(d) By statute, the Legislature may authorize bond proceeds to be used for a grant program, with grants provided to suppliers that are political subdivisions of the state, if it is determined that such suppliers are otherwise unable to meet minimum safe drinking water standards established pursuant to Chapter 7 (commencing with Section 4010) of Part 1 of Division 5 of the Health and Safety Code. The total amount of grants shall not exceed thirty million dollars ($30,000,000), of which up to fifteen million dollars ($15,000,000) may be used for grants for projects for the construction, improvement, or rehabilitation of domestic water systems which have become contaminated by organic or inorganic compounds (such as nitrates, DBCP (dibromochloropropane), TCE (trichloroethylene), and arsenic), or radiation, in such amounts as to render the water unfit or hazardous for human consumption, and no one supplier may receive more than four hundred thousand dollars ($400,000) in total. Any of the moneys made available pursuant to this subdivision, for grants for projects, which have not been encumbered within two years after the effective date of amendments to this subdivision made by Assembly Bill No. 2404 of the 1979–80 Regular Session shall be available only for loans pursuant to this section.

The Legislative Analyst shall review the grant programs and report to the Legislature not later than February 1, 1981.

SEC. 1.5. If the measure set forth in Section 1 of this act fails to receive a majority of the votes cast, for and against it, at the election held for its approval, such failure shall not in any way affect the validity of any provision of the California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).

SEC. 2. Section 1 of this act shall become operative upon the adoption by the people of the measure as set forth in this act. Sections 2 to 7, inclusive, of this act provide for the calling of an election and contain provisions relating to and necessary for the submission of the measure to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the fourth day of November 1980. The special election shall be consolidated with the 1980 general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act. A ballot pamphlet shall be prepared, compiled, and distributed relating to the measure set forth in Section 1 of this act. The Secretary of State shall distribute the ballot pamphlets to the county clerks not later than 45 days before the election, and the county clerks shall commence to mail those pamphlets to the voters not less than 15 days before the election. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions

of Section 3578 of the Elections Code.

SEC. 4. At the special election called by this act, there shall be submitted to the electors the measure set forth in Section 1 of this act. All provisions of this act shall control the submission of Section 1 of this act to, and the holding of, the special election called by this act.

SEC. 5. Upon the effective date of this section, arguments for and against the measure hereby ordered submitted to the electors shall be prepared in the time, form, and manner as provided in Article 4 (commencing with Section 3525) and Article 6 (commencing with Section 3559) of Chapter 1 of Division 5 of the Elections Code.

SEC. 6. The special election provided in this act shall be proclaimed, held, and conducted, the ballots shall be prepared, marked, collected, counted, and canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the California Constitution applicable thereto and the law governing elections insofar as provisions thereof are applicable to the election provided in this act; provided, however, that the Governor need not issue his election proclamation until 30 days before the election.

SEC. 7. The votes cast for or against the measure set forth in Section 1 of this act shall be counted, returned, and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that the act shall have received a majority of all the votes cast for and against it at the election, then the same shall have effect as provided in Section 2.

SEC. 8. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections 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. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that 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 such necessity are:

In order that this act may provide financing for an urgently needed program for abating the contamination of ground water supplies at the earliest possible time, it is necessary that this act take effect immediately.

## CHAPTER 253

An act to amend Sections 66905.1, 66905.2, 66905.9, 66906.1, 66906.3, 66906.7, 66907, 66907.1, 66907.2, 66907.5, and 66907.7 of, and to add Title 7.43 (commencing with Section 66950) to the Government Code, relating to Lake Tahoe and providing the funds necessary therefor through the issuance and sale of bonds of the State of California; providing for the submission of the measure to a vote of the people at a special election to be consolidated with the 1980 general election; to take effect immediately, as an act calling an election.

[Approved by Governor June 26, 1980 Filed with Secretary of State June 26, 1980.]

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

SECTION 1. Section 66905.1 of the Government Code is amended to read:

66905.1. It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution, and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and management.

SEC. 2. Section 66905.2 of the Government Code is amended to read:

66905.2. It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region; and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established a governmental agency with power to acquire and hold property in the Tahoe region in accordance with an adopted basinwide management plan.

SEC. 3. Section 66905.9 of the Government Code is amended to read:

66905.9. The governing body of the agency shall be constituted as follows:

(a) One member appointed by the City Council of the City of South Lake Tahoe.

(b) One member appointed by the Board of Supervisors of the County of Placer.

(c) One member appointed by the Board of Supervisors of the County of El Dorado.

(d) The Secretary of the Resources Agency or his or her designee.

(e) One member appointed from the general public by the Senate Committee on Rules.

(f) One member appointed from the general public by the

Speaker of the Assembly.

(g) A representative of the United States Secretary of Agriculture.

The members appointed or designated pursuant to subdivisions (d) to (g), inclusive, shall not be residents of the region.

The members of the governing body of the agency shall serve at the pleasure of the respective appointing authority and for such term as the appointing authority may designate.

SEC. 4. Section 66906.1 of the Government Code is amended to read:

66906.1. The governing body of the agency shall meet at least monthly at a location convenient to the general public. Notice of each meeting shall be published in a newspaper of general circulation published in the area, one week before the meeting is to be held.

SEC. 5. Section 66906.3 of the Government Code is amended to read:

66906.3. A majority of the total membership of the governing body shall constitute a quorum for the transaction of the business of the agency. A majority vote of the total membership of the governing body shall be binding. The governing body shall adopt its own rules, regulations, and procedures.

SEC. 6. Section 66906.7 of the Government Code is amended to read:

66906.7. (a) The agency's expenses may be paid out of any agency funds including those acquired by gift or donation and from any money received from rents or leases of agency property. However, the expenditure of the agency for staff services shall not exceed 10 percent of the income from such sources.

(b) An amount, not to exceed one hundred thousand dollars ($100,000), may be appropriated annually from funds available pursuant to Section 66956 to the agency for expenditure for the administration of this title and Title 7.43 (commencing with Section 66950).

SEC. 7. Section 66907 of the Government Code is amended to read:

66907. The agency is hereby empowered to accept and hold private land acquired through purchase, gifts, and exchanges. The agency shall not develop nor shall it enter into any contract or agreement which would result in the development of any land under its ownership or control except in conformance with an adopted basinwide management plan.

SEC. 8. Section 66907.1 of the Government Code is amended to read:

66907.1. The agency is hereby empowered to initiate, negotiate, and participate in agreements for the management of land under its ownership or control with natural or corporate persons, the state, the local governmental authorities of the region, or the federal government and to enter into any other agreements authorized by state or federal law.

SEC. 9. Section 66907.2 of the Government Code is amended to read:

66907.2. (a) The agency may acquire interests in land by means of land exchanges and is authorized to enter into all alternatives to the acquisition of fee interests in land including, but not limited to, the acquisition of easements, development rights, life estates, leases, and leaseback agreements. Land acquisition policy shall be set by the agency by resolution.

(b) The agency may appoint such advisory bodies on land acquisition as it deems advisable.

SEC. 10. Section 66907.5 of the Government Code is amended to read:

66907.5. The agency is authorized to receive gifts, donations, subventions, grants, rents, royalties, and other financial aids and funds from private and public sources.

SEC. 11. Section 66907.7 of the Government Code is amended to read:

66907.7. The agency may fix and collect fees for any services rendered by it. The amount of any such fee may not exceed the reasonable costs of providing the services rendered by the agency.

SEC. 13. Title 7.43 (commencing with Section 66950) is added to the Government Code, to read:

## TITLE 7.43. LAKE TAHOE ACQUISITONS BOND ACT OF 1980

### CHAPTER 1. FINDINGS AND DECLARATIONS

66950. This title shall be known and may be cited as the Lake Tahoe Acquisitions Bond Act of 1980.

66951. It is found and declared that:

(a) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration which endangers the natural beauty and economic productivity of the region.

(b) The state and federal interests and investments in the region are substantial.

(c) The region exhibits unique state and national environmental and ecological values which are irreplaceable.

(d) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution, and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(e) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(f) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural, and public health values provided by the Lake Tahoe Basin.

(g) There is a state and national interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

## CHAPTER 2. FISCAL PROVISIONS

66952. The State General Obligation Bond Law is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued pursuant to this title, and the provisions of that law are included in this title as though set out in full in this chapter except that, notwithstanding anything in the State General Obligation Bond Law, the maximum maturity of the bonds shall not exceed 20 years from the date of each respective series. The maturity of each respective series shall be calculated from the date of such series.

66953. As used in this title, and for the purposes of this title, the following words shall have the following meanings:

(a) "Committee" means the Lake Tahoe Acquisitions Finance Committee created by Section 66955.

(b) "Fund" means the Lake Tahoe Acquisitions Fund.

(c) "Lake Tahoe region" and "region" means the area consisting of Lake Tahoe, the adjacent parts of the Counties of Douglas, Carson, and Washoe lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. and M.

(d) "Agency" means the agency authorized under Section 66957 to expend money in the fund.

66954. There is in the State Treasury the Lake Tahoe Acquisitions Fund, which fund is hereby created.

66955. For the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this title, the Lake Tahoe Acquisitions Finance Committee is hereby created. The committee consists of the Governor or his designated representative, the Controller, the Treasurer, the Director of Finance. The Lake Tahoe Acquisitions Finance Committee shall be the "committee" as that term is used in the State General Obligation Bond Law, and the Treasurer shall serve as chairman of the committee.

66956. The committee is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of one hundred million dollars ($100,000,000), in the manner provided in this title. Such debt or

debts, liability or liabilities, shall be created for the purpose of providing the funds to be used for the object and work specified in Section 66957 and for administrative costs incurred in connection therewith, as provided in Section 66906.7.

66957. Moneys in the fund shall be available for expenditure in accordance with this division by a new or existing federal, state, regional, or local agency, or any combination thereof, to be designated by statute in accordance with the recommendations of the Tahoe Area Land Acquisition Commission. If no such agency is designated by July 1, 1982, moneys in the funds shall be available for expenditure in accordance with this division by the California Tahoe Conservancy Agency. Moneys in the fund shall be available for expenditure for the following purposes:

(a) For the acquisition of lands threatened with development that will adversely affect the region's natural environment, will adversely affect the use, management, or protection of public lands in the vicinity of the development, or will have a combination of such effects. In particular, preference shall be given to the acquisition of lands within stream environment zones and other lands that, if developed, would be likely to erode or contribute to the further eutrophication or degradation of the waters of the region due to that or other causes. "Stream environment zone" means that area which surrounds a stream, including major streams, minor streams, and drainage ways; which owes its biological and physical characteristics to the presence of water; which may be inundated by a stream; or in which actions of man or nature may directly or indirectly affect the stream. A stream includes small lakes, ponds, and marshy areas through which the stream flows. Acquisitions made pursuant to this subdivision are not intended to replace, wholly or partially, the exercise of any authority conferred by law for the protection of the region's natural environment, including stream environment zones, or the protection of public lands and resources. Accordingly, every public official or agency responsible for the administration or enforcement of any law having any of those purposes shall continue to administer or enforce such law with respect to lands acquired pursuant to this title, notwithstanding the making of any acquisition pursuant to this subdivision.

(b) For the acquisition of lands whose primary use will be public lakeshore access, preservation of riparian or littoral wildlife habitat, or recreation, or a combination thereof.

(c) For the acquisition of lands that do not satisfy the requirements of either subdivision (a) or (b) but which, if acquired, would facilitate one or both of the following:

(1) Consolidation of lands for their more effective management as a unit.

(2) Provision of public access to other public lands.

As used in this section, "undeveloped land" includes land that has been subdivided and improved with streets and utilities, but does not have structures other than those related to such streets and utilities.

66958. (a) When sold, the bonds authorized by this title shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereon.

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

(c) All money deposited in the fund which has been derived from premium and accrued interest on bonds sold shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

(d) If the value of any land to be purchased by the agency has been substantially reduced by any statute, ordinance, rule, regulation, or other order adopted after January 1, 1980, by state or local government for the purpose of protecting water quality or other resources in the region, the agency may purchase the land for a price it determines would assure fairness to the landowner. In determining the price to be paid for the land, the agency may consider the price which the owner originally paid for the land, any special assessments paid by the landowner, and any other factors the agency determines should be considered to ensure that the landowner receives a fair and reasonable price for the land.

66959. All money deposited in the fund pursuant to any provision of law requiring repayments to the state for assistance financed by the proceeds of the bonds authorized by this title shall be available for transfer to the General Fund. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest on the bonds which has been paid from the General Fund.

66960. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this title, such an amount as will equal the following:

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

(b) That sum as is necessary to carry out the provisions of Section 66961, which sum is appropriated without regard to fiscal years.

66961. For the purpose of carrying out the provisions of this title, 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 the committee has by resolution authorized to be sold for the purpose of carrying out this title. Any amounts withdrawn shall be deposited in the fund and shall

be disbursed by the board in accordance with this title.

66962. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the Treasurer.

66963. All proceeds from the sale of bonds, except those derived from premiums and accrued interest, shall be available for the purpose provided in Section 66957 but shall not be available for transfer to the General Fund to pay principal and interest on bonds. The money in the fund may be expended only as herein provided.

66964. All proposed appropriations for the programs specified in this title, shall be included in a section in the Budget Bill for the 1980–81 and each succeeding fiscal year, for consideration by the Legislature. All appropriations shall be subject to all limitations enacted in the Budget Act and to all fiscal procedures proscribed by law with respect to the expenditures of state funds, unless expressly exempted from such laws by a statute enacted by the Legislature. No funds derived from the bonds authorized by this title may be expended pursuant to an appropriation not contained in such section of the Budget Act.

SEC. 14. Section 13 of this act shall become operative January 1, 1981, if the people at the special election provided in Section 15 of this act adopt the Lake Tahoe Acquisitions Bond Act of 1980 as set forth in Section 13 of this act. Sections 14 to 20, inclusive, of this act provide for the calling of an election and contain provisions relating to, and necessary for, the submission of the Lake Tahoe Acquisitions Bond Act of 1980 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately. Sections 1 through 12, inclusive, of this act shall take effect January 1, 1981.

SEC. 15. A special election is hereby called to be held throughout the state on the fourth day of November, 1980. The special election shall be consolidated with the 1980 general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act.

SEC. 16. At the special election called by this act there shall be submitted to the electors Section 13 of this act. All provisions of this act shall control the submission of Section 13 of this act to, and the holding of, the special election called by this act.

SEC. 17. Upon the effective date of this section, arguments for and against the measure hereby ordered submitted to the electors shall be prepared in the time, form, and manner as provided in Article 4 (commencing with Section 3525) and Article 6 (commencing with Section 3559) of Chapter 1 of Division 5 of the Elections Code.

SEC. 18. The special election provided in this act shall be

proclaimed, held, and conducted, the ballots shall be prepared, marked, collected, counted, and canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the California Constitution applicable thereto and the law governing elections insofar as provisions thereof are applicable to the election provided in this act. However, the Governor need not issue his election proclamation until 30 days before the election.

SEC. 19. Notwithstanding any other provision of law, all ballots of the election shall have printed thereon and in a square thereof, the words: "For the Lake Tahoe Acquisitions Bond Act of 1980," and in the same square under those words, the following in eight-point type: "This act provides funding for the purchase of property in the Lake Tahoe Basin, which is necessary to prevent the environmental decline of this unique natural resource, to protect the waters of Lake Tahoe from further degradation, and to preserve the scenic and recreational values of Lake Tahoe. The amount provided by this act is eighty-five million dollars ($85,000,000)." In the square immediately below the square containing such words, there shall be printed on the ballot the words, "Against the Lake Tahoe Acquisitions Bond Act of 1980," and in the same square immediately below those words, in eight-point type: "This act provides for a bond issue of eighty-five million dollars ($85,000,000) to be used for providing long-term loans and loan guarantees for the acquisition of property in the Lake Tahoe region for public purposes." Opposite the words "For the Lake Tahoe Acquisitions Bond Act of 1980," and "Against the Lake Tahoe Acquisitions Bond Act of 1980," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against the act. Where the voting of the election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, the use of voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as specified in this act, in his proclamation calling for the election.

SEC. 20. The votes cast for or against the Lake Tahoe Acquisitions Bond Act of 1980 shall be counted, returned, and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that the act shall have received a majority of all the votes cast for and against it at the election, then the same shall have effect as provided in Section 14, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged.

## CHAPTER 254

An act to repeal Article 2 (commencing with Section 12102) of Chapter 2 of Part 2 of Division 3 of Title 2 of, the Government Code, relating to the California Advisory Commission on Youth.

[Approved by Governor June 27, 1980 Filed with Secretary of State June 28, 1980 ]

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

SECTION 1. Article 2 (commencing with Section 12102) of Chapter 2 of Part 2 of Division 3 of Title 2 of the Government Code is repealed.

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## CHAPTER 255

An act to add Section 25620 to the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1980. Filed with Secretary of State June 28, 1980 ]

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

SECTION 1. Section 25620 is added to the Business and Professions Code, to read:

25620. Any person possessing any can, bottle, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been partially removed, in any city, county, or city and county owned park or other adjacent city, county, or city and county owned public place, or any recreation and park district, or any regional park or open-space district shall be guilty of an infraction if the city, county, or city and county has enacted an ordinance which prohibits the consumption of alcoholic beverages in such areas.

This section shall not apply where the possession is within premises located in a park or other public place for which a license has been issued pursuant to this division.

SEC. 2. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be because this act creates a new crime or infraction, changes the definition of a crime or infraction, or eliminates a crime or infraction. Furthermore, this act does not create any present or future obligation to reimburse any local agency or school district for any

costs incurred because 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:

Due to a continuing and excessively serious law enforcement problem in local jurisdictions with respect to the possession of open containers of alcoholic beverages in city and county owned parks, it is necessary that this act take immediate effect.

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## CHAPTER 256

An act to add Section 21647 to the Business and Professions Code, relating to stolen property.

[Approved by Governor June 27, 1980. Filed with Secretary of State June 28, 1980 ]

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

SECTION 1. Section 21647 is added to the Business and Professions Code, to read:

21647. Whenever any peace officer has probable cause to believe that property in the possession of a pawnbroker is stolen, he may place a hold on such property for a period not to exceed 90 days. The peace officer shall give the pawnbroker a written notice at the time the hold is placed, describing the item or items to be held. During such period the pawnbroker shall not release or dispose of such property, except pursuant to a court order or upon receipt of a written authorization signed by the clerk or person having charge of the property section for the police or sheriff's department of which the peace officer placing the hold on the property is a member pursuant to Chapter 12 (commencing with Section 1407) of Title 10 of Part 2 of the Penal Code. If the clerk or person having charge of the property section for any police or sheriff's department determines that the property has been stolen and authorizes release of the property to the owner, the owner of the property shall be given a statement by such clerk or person which clearly indicates that the law neither requires nor prohibits payment of a fee or any other condition in return for surrender of the property. A pawnbroker shall not be subject to civil liability for compliance with this section.

## CHAPTER 257

An act to amend Section 15701 of the Government Code, relating to the Franchise Tax Board.

[Approved by Governor June 27, 1980. Filed with Secretary of State June 28, 1980.]

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

SECTION 1. Section 15701 of the Government Code is amended to read:

15701. The Franchise Tax Board, with the consent and approval of two-thirds of the Senate, may appoint an executive officer who shall perform such duties as are delegated to him by the Franchise Tax Board. The executive officer may be removed by the Franchise Tax Board by a majority vote of the board. The question of removal shall be voted upon only by the statutory members of the board. Designees of the statutory members shall be ineligible to vote on the question of removal. The Legislature hereby requests the Franchise Tax Board to designate said executive officer as the person exempt from civil service pursuant to subdivision (e) of Section 4 of Article VII of the Constitution. The annual salary of the executive officer is provided for by subdivision (c) of Section 11554. The executive officer shall employ, in addition to existing employees of the Franchise Tax Commissioner, such other assistants and clerical and other employees as he deems necessary for the effective conduct of his work, and shall fix their compensation in accordance with law.

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## CHAPTER 258

An act to amend Section 12519 of the Government Code, relating to the Attorney General.

[Approved by Governor June 27, 1980 Filed with Secretary of State June 28, 1980.]

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

SECTION 1. Section 12519 of the Government Code is amended to read:

12519. The Attorney General shall give his opinion in writing to the Legislature or either house thereof, and to the Governor, the Secretary of State, Controller, Treasurer, State Lands Commission, Superintendent of Public Instruction, any state agency prohibited by law from employing legal counsel other than the Attorney General, and any district attorney when required, upon any question of law relating to their respective offices.

The Attorney General shall give his opinion in writing to a city prosecuting attorney when required, upon any question of law relating to criminal matters.

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## CHAPTER 259

An act to amend Sections 25200 and 25202 of the Health and Safety Code, relating to hazardous waste.

[Approved by Governor June 27, 1980 Filed with Secretary of State June 28, 1980 ]

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

SECTION 1. Section 25200 of the Health and Safety Code is amended to read:

25200. The department shall issue hazardous waste facilities permits to use and operate facilities which in the judgment of the department meet the building standards published in the State Building Standards Code relating to hazardous waste facilities and the other standards and requirements adopted pursuant to this chapter. The department may impose, as a condition of the permit, the requirement that the operator of a hazardous waste facility which receives hazardous waste from more than one producer shall comply with any order of the director which prohibits the facility operator from refusing to accept a hazardous waste based on geographical origin which is authorized to be accepted and may be accepted by the facility without extraordinary hazard.

SEC. 2. Section 25202 of the Health and Safety Code is amended to read:

25202. Compliance with conditions on the hazardous waste facilities permit and with regulations adopted by the department pursuant to this chapter shall be required to sustain the validity of such permit. The department may impose conditions on such permit, including, but not limited to, the types of hazardous wastes which may be accepted or disposed of, special operating conditions, and changes in the operation of the permitted facility necessary to comply with the regulations promulgated pursuant to this chapter.

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## CHAPTER 260

An act to amend Sections 44865 and 44867 of the Education Code, relating to teacher preparation and licensing.

[Approved by Governor June 27, 1980. Filed with Secretary of State June 28, 1980.]

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

SECTION 1. Section 44865 of the Education Code is amended to read:

44865. In lieu of any other credential authorizing the teaching in a position for which qualifications are prescribed by this section, a valid teaching credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing, based on a bachelor's degree, student teaching, and special fitness to perform, shall be deemed qualifying for assignment as a teacher in the following assignments, provided that the assignment of a teacher to a position for which qualifications are prescribed by this section shall be made only with the consent of the teacher:

(a) Home teacher.
(b) Classes organized primarily for adults.
(c) Hospital classes.
(d) Necessary small high schools.
(e) Continuation schools.
(f) Alternative schools.
(g) Opportunity schools.

SEC. 2. Section 44867 of the Education Code is amended to read:

44867. Except as provided in Section 44865, teachers in opportunity schools, classes, or programs shall have the same qualifications and shall be employed in the same manner as in other elementary and secondary schools of the school district in which the opportunity schools, classes, or programs are situated.

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## CHAPTER 261

An act to amend Section 22511.5 of the Vehicle Code, and to amend Section 19153 of the Welfare and Institutions Code, relating to disabled persons.

[Approved by Governor June 27, 1980 Filed with Secretary of State June 28, 1980 ]

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

SECTION 1. Section 22511.5 of the Vehicle Code is amended to read:

22511.5. (a) A disabled person is:

(1) Any person who has lost, or has lost the use of, one or more lower extremities or both hands, or who has significant limitation in the use of lower extremities, or who has a diagnosed disease or disorder which substantially impairs or interferes with mobility, or who is so severely disabled as to be unable to move without the aid of an assistant device.

(2) Any person who is blind to such an extent that the person's central visual acuity does not exceed 20/200 in the better eye, with corrective lenses, as measured by the Snellen test, or visual acuity that is greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than 20 degrees.

(3) Any person who suffers from lung disease to such an extent that his forced (respiratory) expiratory volume one second when measured by spirometry is less than one liter or his arterial oxygen tension ($pO_2$) is less than 60 mm/Hg on room air at rest.

(4) Any person who is impaired by cardiovascular disease to the extent that his functional limitations are classified in severity as class III or class IV according to standards accepted by the American Heart Association.

(b) Disabled persons shall be allowed to park for unlimited periods in parking zones restricted as to the length of time parking is permitted and shall be allowed to park in any metered parking space without being required to pay any parking meter fees. This section shall have no application to those zones in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles.

(c) As a condition to this privilege, the vehicle shall display a distinguishing license plate which shall be issued for a vehicle registered to the disabled person, or a vehicle which is not registered to the disabled person, but which is used primarily to transport a disabled person and which would otherwise qualify for a distinguishing license plate if the vehicle were registered to the disabled person. The distinguishing license plate shall be issued without additional fees by the Department of Motor Vehicles pursuant to procedures adopted by the department.

(d) Any disabled person, or vehicle owner as provided in subdivision (c) of this section, may also apply to the Department of Motor Vehicles for issuance of a distinguishing placard for parking purposes when displayed on the driver's side dashboard of a vehicle. The placard shall be at least six inches by twelve inches in size and blue in color.

The Department of Motor Vehicles may establish procedures for the issuance of such placards. The Department of Motor Vehicles may charge a fee sufficient to pay the actual cost to the department for issuance of placards.

(e) Prior to issuing a disabled person plate or placard, the Department of Motor Vehicles may require a certificate, signed by

a licensed physician or surgeon. The blindness of any person applying shall be certified by a licensed physician or surgeon who specializes in diseases of the eye or a licensed optometrist.

(f) A person who is temporarily disabled for a period of less than one year, may apply for a placard as prescribed in subdivision (d) of this section.

SEC. 2. Section 19153 of the Welfare and Institutions Code is amended to read:

19153. The term, "blind person" means either a person who has not more than 20/200 central visual acuity in the better eye after correction, or a person who has visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. Such blindness shall be certified by a licensed physician and surgeon who specializes in diseases of the eye or a licensed optometrist.

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## CHAPTER 262

An act to add Sections 717.1 and 827.6 to the Insurance Code, relating to insurance.

[Approved by Governor June 27, 1980. Filed with Secretary of State June 28, 1980.]

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

SECTION 1. Section 717.1 is added to the Insurance Code, to read:

717.1. Where the applicant is a wholly owned domestic subsidiary of an admitted domestic insurer the commissioner shall issue a certificate of authority to such applicant within 180 days of application unless the commissioner shall have made a finding that the applicant is substantially deficient in respect to one or more of the items set forth in Section 717.

SEC. 2. Section 827.6 is added to the Insurance Code, to read:

827.6. Any offer or sale of voting common stock by an insurer incorporated in this state shall be exempt from the provisions of this article if, immediately after the proposed sale and issuance, there will be only one class of stock of such insurer outstanding which is owned beneficially by no more than one domestic insurer, providing all of the following requirements have been met:

(1) All such stock shall be evidenced by certificates which have been stamped or printed prominently on their face a legend in a form to be prescribed by rule of the commissioner restricting the transfer of such stock in such manner as the rule provides.

(2) The offer and sale of such stock is not accompanied by the publication of any advertisement, and no selling expenses have been given, paid, or incurred in connection therewith.

(3) The consideration to be received by the issuer for the stock to be issued shall consist of only cash or cancellation of indebtedness for money borrowed or both upon the initial organization of the issuer, provided all such stock is issued for the same price per share.

(4) No promotional consideration has been given, paid, or incurred in connection with such issuance. Promotional consideration means any consideration paid directly or indirectly to a person who, acting alone or in conjunction with one or more other persons, takes the initiative in founding and organizing the business or enterprise of the issuer, for services rendered in connection with such founding or organizing.

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## CHAPTER 263

An act to amend Sections 10153.7 and 10223 of, to add Sections 10171.1 and 10171.3 to, and to repeal Sections 10217 and 10220 of, the Business and Professions Code, relating to real estate.

[Approved by Governor June 27, 1980. Filed with Secretary of State June 28, 1980.]

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

SECTION 1. Section 10153.7 of the Business and Professions Code is amended to read:

10153.7. All real estate salesperson licenses issued by the commissioner shall be for a period of four years.

Applicants must qualify in the appropriate examination and satisfy all other requirements prior to issuance of the license.

The four-year license may be renewed upon filing the required application and fee, and complying with the provisions of Article 2.5 (commencing with Section 10170).

SEC. 2. Section 10171.1 is added to the Business and Professions Code, to read:

10171.1. A person who on January 1, 1981, was licensed as a real estate broker only as an officer of a corporate broker pursuant to Section 10158 or 10211 shall not thereafter be eligible for the renewal of such license nor for the issuance of a license in an individual capacity or as an officer of a corporate broker licensed pursuant to Section 10158 or 10211, unless and until such person has completed the continuing education requirements of this chapter.

SEC. 3. Section 10171.3 is added to the Business and Professions Code, to read:

10171.3. On and after January 1, 1981, a real estate license, which has been revoked as the result of disciplinary action by the commissioner, shall not be reinstated, nor shall a restricted real estate license be issued to an applicant in connection with a petition for reinstatement, unless such applicant presents evidence of

completion of the continuing education required by this chapter. This requirement of evidence of continuing education shall not be imposed upon an applicant for reinstatement who has been required under Section 10182 to pass a qualifying examination as a condition to reinstatement.

SEC. 4. Section 10217 of the Business and Professions Code is repealed.

SEC. 5. Section 10220 of the Business and professions Code is repealed.

SEC. 6. Section 10223 of the Business and Professions Code is amended to read:

10223. The fee for filing an application for a permit required by Section 10238.3 shall be computed in accordance with Section 25608 of the Corporations Code. The fee for filing an application for an amendment to an existing permit shall be the amount provided for in subdivision (n) of Section 25608 of the Corporations Code.

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## CHAPTER 264

An act to add Section 629.5 to the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor June 27, 1980 Filed with Secretary of State June 28, 1980.]

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

SECTION 1. Section 629.5 is added to the Welfare and Institutions Code, to read:

629.5. In any case in which a minor is referred to the probation officer by a school because of school violence, the probation officer shall notify the school making the referral of the status, progress, and final action on the case and shall specify the reasons for the particular action.

SEC. 2. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code and Section 6 of Article XIII B of the California Constitution, no appropriation is made by this act pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

## CHAPTER 265

An act relating to parks and recreation.

[Approved by Governor June 27, 1980. Filed with Secretary of State June 28, 1980 ]

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

SECTION 1. Pursuant to Section 5096.27 of the Public Resources Code, the Legislature hereby permits by this act the existing use of Potrero-Palisades lands acquired by the City of Los Angeles (Acquisition No. 619. 0-1-7 (c)) under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 for ultimate park and recreational development, to continue for a period of five years commencing January 1, 1981; provided, that the City of Los Angeles holds all revenue derived from such use for the sole purpose of developing the lands for outdoor public recreational purposes as stated in the grant agreement between the city and the State of California.

This section shall remain in effect only until January 1, 1986, and as of such date is repealed.

SEC. 2. It is the intent of the Legislature, in enacting Section 1 of this act, that the land specified therein shall be utilized for park purposes and that, therefore, there shall be no subsequent extension of Section 1 of this act.

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## CHAPTER 266

An act to add Sections 355.8 and 701.1 to the Welfare and Institutions Code, relating to the juvenile court.

[Approved by Governor June 27, 1980. Filed with Secretary of State June 28, 1980.]

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

SECTION 1. Section 355.8 is added to the Welfare and Institutions Code, to read:

355.8. At the hearing, the court, on motion of the minor or of his or her parent or guardian, or on its own motion, shall order that the petition be dismissed and that the minor be discharged from any detention or restriction therefore ordered, after the presentation of evidence on behalf of the petitioner has been closed, if the court, upon weighing the evidence then before it, finds that the minor is not a person described by Section 300. If such a motion at the close of evidence offered by the petitioner is not granted, the minor may offer evidence without first having reserved that right.

SEC. 2. Section 701.1 is added to the Welfare and Institutions Code, to read:

701.1. At the hearing, the court, on motion of the minor or on its own motion, shall order that the petition be dismissed and that the minor be discharged from any detention or restriction therefore ordered, after the presentation of evidence on behalf of the petitioner has been closed, if the court, upon weighing the evidence then before it, finds that the minor is not a person described by Section 601 or 602. If such a motion at the close of evidence offered by the petitioner is not granted, the minor may offer evidence without first having reserved that right.

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## CHAPTER 267

An act to amend Section 423.2 of the Health and Safety Code, relating to health.

[Approved by Governor June 28, 1980 Filed with Secretary of State June 29, 1980 ]

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

SECTION 1. Section 423.2 of the Health and Safety Code is amended to read:

423.2. Local community high blood pressure control programs may include any or all of the following program components:

(a) Screening.
(b) Detection.
(c) Referral and followup.
(d) Diagnostic evaluation.
(e) Adherence management.
(f) Dropout retrieval.
(g) Patient education.
(h) Public education.
(i) Provider education.
(j) Such other components consistent with applicable federal program requirements as the state department may deem desirable in controlling high blood pressure and which are reflected in the state plan for high blood pressure control.

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## CHAPTER 268

An act to add Section 1574 to the Health and Safety Code, relating to adult day health care.

[Approved by Governor June 28, 1980. Filed with Secretary of State June 29, 1980.]

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

SECTION 1. Section 1574 is added to the Health and Safety Code, to read:

1574. The state department may delegate to local health departments the authority to verify compliance with the licensing and approval provisions of this chapter, and regulations adopted pursuant to this chapter to provide consultation, and to recommend disciplinary action by the department against those licensed or approved under the provisions of this chapter. In exercising the authority so delegated, the local health department shall conform to the requirements of this chapter and to the rules and regulations of the state department. Payment to the local health departments for services performed pursuant to this section shall be in accordance with a budget submitted by the local health department and approved by the state department. Such expenditures shall not exceed amounts appropriated by the Legislature for the purpose of such inspection and enforcement.

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## CHAPTER 269

An act to amend Sections 4733 and 6489 of the Health and Safety Code, relating to districts.

[Approved by Governor June 28, 1980. Filed with Secretary of State June 29, 1980.]

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

SECTION 1. Section 4733 of the Health and Safety Code is amended to read:

4733. The district board may fix the amount of compensation per meeting to be paid each member of the board for services for each meeting attended by the member. However, except where a member of a district board also serves as an elected official on the governing board of another local agency and receives compensation for such service, the compensation shall not exceed seventy-five dollars ($75) for each meeting of the district board attended by the member or for each day's service rendered as a member by request of the board, nor shall the compensation of a member exceed three hundred dollars ($300) in any one month, together with any expenses incident thereto. The compensation of a member of a district board who also serves as an elected official on the governing board of another local agency shall not exceed fifty dollars ($50) for each meeting of the district board attended by the member or for each day's service rendered as a member by request of the board, nor

shall the compensation of such a member exceed two hundred dollars ($200) in any one month, together with any expenses incident thereto.

SEC. 2. Section 6489 of the Health and Safety Code is amended to read:

6489. Each of the members of the board shall receive compensation in an amount not to exceed seventy-five dollars ($75) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of four days in any calendar month, together with any expenses incident thereto. However, where a member of a board also serves as an elected official on the governing board on another local agency and receives compensation for such service, compensation shall not exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of four days in any calendar month, together with any expenses incident thereto. The secretary of the sanitary board shall receive compensation to be set by the sanitary district board, which compensation shall be in lieu of any other compensation to which he may be entitled by reason of attendance at the meeting or meetings of the sanitary board.

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## CHAPTER 270

An act relating to the T. Hopkins Right-of-Way.

[Approved by Governor June 28, 1980. Filed with Secretary of State June 29, 1980.]

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

SECTION 1. The Legislature finds and declares that it is in the best interest of the people of the state that a portion of the Forest of Nisene Marks State Park, the Forest of Nisene Marks Memorial Parkway, commonly known as the T. Hopkins Right-of-Way, be improved.

SEC. 2. The Director of Parks and Recreation is authorized to negotiate with the County of Santa Cruz the use and development of that portion of the Forest of Nisene Marks Memorial Parkway beginning at the center line of the existing railroad tracks which run parallel to Soquel Drive and continuing 620 feet north along the Forest of Nisene Marks Memorial Parkway. The use and development plans are subject to the approval of the Nature Conservancy, which is the owner of the reversionary interests in the Forest of Nisene Marks State Park.

## CHAPTER 271

An act to add Section 8437 to the Fish and Game Code, relating to fish.

[Approved by Governor June 28, 1980. Filed with Secretary of State June 29, 1980 ]

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

SECTION 1. Section 8437 is added to the Fish and Game Code, to read:

8437. The following freshwater fish may be taken for commercial purposes pursuant to regulations adopted by the commission:

(a) Threadfin shad (Dorosoma petenense).

(b) Species of the following families:

(1) Lamprey (Petromyzontidae).
(2) Smelt (Osmeridae).
(3) Sucker (Catostomidae).
(4) Carp or minnow (Cyprinidae).
(5) Killifish (Cyprinodontidae).
(6) Livebearer (Peociliidae).
(7) Silverside (Antherinidae).
(8) Cichlid (Cichlidae).
(9) Mullet (Mudilidae).
(10) Sculpin (Cottidae).
(11) Stickleback (Casterosteidae).
(12) Goby (Gobiidae).

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## CHAPTER 272

An act to amend Section 8674 of the Business and Professions Code, relating to structural pest control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1980 Filed with Secretary of State June 29, 1980 ]

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

SECTION 1. Section 8674 of the Business and Professions Code is amended to read:

8674. The amount of the fees prescribed by this chapter is that fixed by the following schedules.

(a) A duplicate license fee of not more than two dollars ($2).

(b) A fee for filing a change of name of not more than two dollars ($2).

(c) An operator's examination fee of not more than twenty-five

dollars ($25).

(d) An operator's license fee of not more than fifty dollars ($50).

(e) An operator's license renewal fee of not more than fifty dollars ($50).

(f) A principal office registration fee of not more than fifty dollars ($50).

(g) A principal office registration renewal fee of not more than fifty dollars ($50).

(h) A branch office registration fee of not more than twenty-five dollars ($25).

(i) A branch office registration renewal fee of not more than twenty-five dollars ($25).

(j) A field representative examination fee of not more than fifteen dollars ($15).

(k) A field representative license fee of not more than fifteen dollars ($15).

(*l*) A field representative license renewal fee of not more than fifteen dollars ($15).

(m) A solicitor trainee permit fee of not more than twenty-five dollars ($25).

(n) An inspection report filing fee of not more than three dollars ($3).

(o) A fee for certifying a copy of an inspection report of not more than three dollars ($3).

(p) A fee for filing a notice of work completed of not more than two dollars ($2).

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 Structural Pest Control Board may lower or eliminate fees for their licenses for the forthcoming year it is necessary that this act go into immediate effect.

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## CHAPTER 273

An act to amend Section 85400 of the Education Code, relating to community colleges.

[Approved by Governor June 28, 1980. Filed with Secretary of State June 29, 1980.]

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

SECTION 1. Section 85400 of the Education Code is amended to read:

85400. The governing board of a community college district may, with the consent of the county superintendent of schools, establish

a revolving cash fund for the use of the chief accounting officer of the district, by adopting a resolution setting forth the necessity for the revolving cash fund, the officer for whom and the purposes for which the revolving cash fund shall be available, and the amount of the fund. The purposes for which the revolving cash fund shall be available shall include the purposes specified in Section 88166. The amount of the fund shall not be more than 2 percent of the district's estimated expenditures for the current fiscal year and shall not in any event exceed fifty thousand dollars ($50,000) for any community college district. Three certified copies of the resolution shall be transmitted to the county superintendent of schools. If the county superintendent approves the establishment of the fund, the county superintendent shall endorse his or her consent on the resolution and return one copy to the governing body of the district, and transmit one copy to the county auditor.

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## CHAPTER 274

An act to add Section 71810.5 to the Water Code, relating to municipal water districts, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature Filed with Secretary of State June 29, 1980]

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

SECTION 1. Section 71810.5 is added to the Water Code, to read:

71810.5. Notwithstanding the provisions of Section 71810 which limit the rate of interest which promissory notes issued by a district may bear, the Otay Municipal Water District may issue promissory notes which bear interest at a rate not exceeding 15 percent per year. All other provisions of Section 71810 shall be applicable to the issuance of such notes. No promissory notes shall be issued by the Otay Municipal Water District pursuant to this section after five years following the effective date of this section, provided that this provision shall not affect the validity of any such notes issued prior to such date.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because the Otay Municipal Water District is unable to issue promissory notes under current conditions to finance vital works within the district.

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 Otay Municipal Water District to finance urgently needed works within the district at the earliest possible time, it is necessary that this act go into immediate effect.

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## CHAPTER 275

An act to amend Sections 5087 and 5088 of the Business and Professions Code, relating to accountants.

[Became law without Governor's signature. Filed with Secretary of State June 30, 1980 ]

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

SECTION 1. Section 5087 of the Business and Professions Code is amended to read:

5087. The board may waive the examination requirements contained in Section 5082 and issue a certificate as a certified public accountant to any applicant who is a holder of a valid and unrevoked certificate as a certified public accountant issued under the laws of any state, if the board determines that the standards under which the applicant received such certificate or degree were as high as the standards established in this article and the applicant also complies with the following:

(1) He shall be over the age of 18, but shall not have committed acts or crimes constituting grounds for the denial of a certificate under Section 480; and

(2) He must be a bona fide resident of California, or have a place in California for the regular practice of public accountancy and be actively engaged in such practice although not necessarily so engaged personally in California.

SEC. 2. Section 5088 of the Business and Professions Code is amended to read:

5088. Any person who is the holder of a valid and unrevoked certificate as a certified public accountant issued under the laws of any state and who applies to the board for a certificate as a certified public accountant under the provisions of Section 5087 shall be deemed to be practicing temporarily in this state on professional business incident to his regular practice elsewhere, as provided in Section 5050, until such time as the board shall notify him that his application under this section has been granted or rejected.

Any person who has filed an application under Section 5087 for a certificate as certified public accountant may, with the knowledge and approval of the board, engage in the practice of public accountancy in this state as a certified public accountant until such time as his application for a certificate may be granted or rejected.

# CHAPTER 276

An act to amend and repeal Section 1463.14 of the Penal Code, and to amend, repeal, and add Sections 23101, 23102, 23102.1, 23103, 23104, 23105, and 23106 of the Vehicle Code, relating to public offenses, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1980 Filed with Secretary of State June 30, 1980 ]

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

SECTION 1. Section 1463.14 of the Penal Code is amended to read:

1463.14. Notwithstanding the provisions of Section 1463, of the moneys deposited with the county treasurer pursuant to Section 1463, thirty-five dollars ($35) for each conviction of a violation of Section 23101, 23102, 23103, 23104, 23105, or 23106 of the Vehicle Code shall be deposited in a special account which shall be used exclusively to pay for the cost of performing for the county, or a city within the county, analysis of blood, breath, or urine for alcohol content or for the presence of controlled substances, or for criminalistics laboratory services related to such testing.

On November 1 of each year, the treasurer of each county shall determine those moneys in the special account which were not expended during the preceding fiscal year, and shall transfer such moneys into the general fund of the county. The county may retain an amount of such money equal to its administrative cost incurred pursuant to this section, and shall distribute the remainder pursuant to Section 1463.

The Department of Justice shall promulgate rules and regulations to implement the provisions of this section.

This section shall become operative on July 1, 1980.

This section shall remain in effect only until July 1, 1982, and as of that date is repealed.

SEC. 2. Section 23101 of the Vehicle Code, as added by Section 3.5 of Chapter 790 of the Statutes of 1978, is amended to read:

23101. (a) It is unlawful for any person, while under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon a highway and when so driving do any act forbidden by law or neglect any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes death or bodily injury to any person other than himself.

(b) It is unlawful for any person, while under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle other than on a highway and when so driving do any act, or neglect any duty imposed by law, which act or neglect proximately causes death or bodily injury to any

person other than himself.

(c) Any person convicted under this section shall be punished by imprisonment in the state prison, or in the county jail for not less than 90 days nor more than one year, and by fine of not less than two hundred eighty-five dollars ($285) nor more than five thousand dollars ($5,000).

(d) If any person is convicted of an offense under this section within five years of a prior conviction of a violation of Section 23102 or 23105 and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 5 days but not more than one year and pay a fine of at least two hundred eighty-five dollars ($285) but not more than five thousand dollars ($5,000). If any person is convicted of an offense under this section within five years of a prior conviction of a violation of this section or Section 23106, and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 90 days but not more than one year, and pay a fine of at least two hundred eighty-five dollars ($285) but not more than five thousand dollars ($5,000).

(e) In no event does the court have the power to absolve a person who is convicted of an offense under this section within five years of a prior conviction of a violation of this section or Section 23102, 23105, or 23106 from the obligation of spending the minimum time in confinement as provided in this section and of paying a fine of at least two hundred eighty-five dollars ($285), except as provided in subdivision (f).

(f) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an offense under this section or Section 23102, 23105, or 23106 for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement and the minimum fine, as provided in this section. When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order. On appeal by the people from such an order striking such a prior conviction, it shall be conclusively presumed that such order was made only for the reasons specified in such order, and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

This section shall become operative on July 1, 1980.

This section shall remain in effect only until July 1, 1982, and as of that date is repealed.

SEC. 3. Section 23101 is added to the Vehicle Code, to read:

23101. (a) It is unlawful for any person, while under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon a highway and when so driving do any act forbidden by law or neglect any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes death or bodily injury to any person other than himself.

(b) It is unlawful for any person, while under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle other than on a highway and when so driving do any act, or neglect any duty imposed by law, which act or neglect proximately causes death or bodily injury to any person other than himself.

(c) Any person convicted under this section shall be punished by imprisonment in the state prison, or in the county jail for not less than 90 days nor more than one year, and by fine of not less than two hundred fifty dollars ($250) nor more than five thousand dollars ($5,000).

(d) If any person is convicted of an offense under this section within five years of a prior conviction of a violation of Section 23102 or 23105 and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 5 days but not more than one year and pay a fine of at least two hundred fifty dollars ($250) but not more than five thousand dollars ($5,000). If any person is convicted of an offense under this section within five years of a prior conviction of a violation of this section or Section 23106, and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 90 days but not more than one year, and pay a fine of at least two hundred fifty dollars ($250) but not more than five thousand dollars ($5,000).

(e) In no event does the court have the power to absolve a person who is convicted of an offense under this section within five years of a prior conviction of a violation of this section or Section 23102, 23105, or 23106 from the obligation of spending the minimum time in confinement as provided in this section and of paying a fine of at least two hundred fifty dollars ($250), except as provided in subdivision (f).

(f) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an offense under this section or Section 23102, 23105, or 23106 for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement and the minimum fine, as provided in this section. When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order. On appeal by the people from such an order striking such a prior conviction, it shall be conclusively presumed that such order was made only for the reasons specified in such order, and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

This section shall become operative on July 1, 1982.

SEC. 4. Section 23102 of the Vehicle Code, as added by Section 4.5 of Chapter 790 of the Statutes of 1978, is amended to read:

23102. (a) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon any

highway.

(b) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon other than a highway.

The department shall not be required to provide patrol or enforce the provisions of this subdivision.

(c) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 48 hours nor more than six months or by fine of not less than two hundred eighty-five dollars ($285) nor more than five hundred dollars ($500) or by both such fine and imprisonment. If, however, any person so convicted consents to, and does participate in and successfully completes, a driver improvement program or treatment program for persons who are habitual users of alcohol, or both such programs, as designated by the court, the court shall punish such person by a fine of not less than one hundred eighty-five dollars ($185) nor more than five hundred dollars ($500) or by imprisonment in the county jail for not less than 48 hours nor more than six months or by both such fine and imprisonment.

(d) Any person convicted of an offense under this section within five years of a prior conviction of an offense under this section or Section 23105 shall be punished by imprisonment in the county jail for not less than 48 hours nor more than one year and by a fine of not less than two hundred eighty-five dollars ($285) nor more than one thousand dollars ($1,000). Any person convicted of an offense under this section within five years of a prior conviction of a violation of Section 23101 or 23106 shall be punished by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred eighty-five dollars ($285) nor more than one thousand dollars ($1,000).

(e) If any person is convicted of an offense under this section within five years of a prior conviction under this section or under Section 23105 and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 48 hours but not more than one year and pay a fine of at least two hundred eighty-five dollars ($285) but not more than one thousand dollars ($1,000). If any person is convicted of an offense under this section within five years of a prior conviction under Section 23101 or 23106 and is granted probation, it shall be a condition of probation that such person be confined in jail for not less than five days nor more than one year and by a fine of not less than two hundred eighty-five dollars ($285) nor more than one thousand dollars ($1,000).

(f) In no event does the court have the power to absolve a person who is convicted of an offense under this section within five years of a prior conviction under this section or Section 23101, 23105, or 23106 from the obligation of spending the minimum time in confinement in the county jail as provided in this section and of paying a fine of at least two hundred eighty-five dollars ($285), except as provided in subdivision (g).

(g) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an offense under this section for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement in the county jail and the minimum fine, as provided in this section.

When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order.

On appeal by the people from such an order striking such a prior conviction it shall be conclusively presumed that such order was made only for the reasons specified in such order and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

(h) The court may order that any person convicted under this section, who is to be punished by imprisonment in jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(i) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

This section shall become operative on July 1, 1980.

This section shall remain in effect only until July 1, 1982, and as of that date is repealed.

SEC. 5. Section 23102 is added to the Vehicle Code, to read:

23102. (a) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon any highway.

(b) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon other than a highway.

The department shall not be required to provide patrol or enforce the provisions of this subdivision.

(c) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 48 hours nor more than six months or by fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) or by both such fine and imprisonment. If, however, any person so convicted consents to, and does participate in and successfully completes, a driver improvement program or treatment program for persons who are habitual users of alcohol, or both such programs, as designated by the court, the court shall punish such person by a fine of not less than one hundred fifty dollars ($150) nor more than five hundred dollars ($500) or by imprisonment in the county jail for not less than 48 hours nor more than six months or by both such fine and imprisonment.

(d) Any person convicted of an offense under this section within

five years of a prior conviction of an offense under this section or Section 23105 shall be punished by imprisonment in the county jail for not less than 48 hours nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). Any person convicted of an offense under this section within five years of a prior conviction of a violation of Section 23101 or 23106 shall be punished by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000).

(e) If any person is convicted of an offense under this section within five years of a prior conviction under this section or under Section 23105 and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 48 hours but not more than one year and pay a fine of at least two hundred fifty dollars ($250) but not more than one thousand dollars ($1,000). If any person is convicted of an offense under this section within five years of a prior conviction under Section 23101 or 23106 and is granted probation, it shall be a condition of probation that such person be confined in jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000).

(f) In no event does the court have the power to absolve a person who is convicted of an offense under this section within five years of a prior conviction under this section or Section 23101, 23105, or 23106 from the obligation of spending the minimum time in confinement in the county jail as provided in this section and of paying a fine of at least two hundred fifty dollars ($250), except as provided in subdivision (g).

(g) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an offense under this section for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement in the county jail and the minimum fine, as provided in this section.

When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order.

On appeal by the people from such an order striking such a prior conviction it shall be conclusively presumed that such order was made only for the reasons specified in such order and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

(h) The court may order that any person convicted under this section, who is to be punished by imprisonment in jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(i) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to

such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

This section shall become operative on July 1, 1982.

SEC. 6. Section 23102.1 of the Vehicle Code is amended to read:

23102.1. Notwithstanding the requirements of subdivisions (e) and (f) of Section 23102, the court may suspend execution of the sentence, as to the imprisonment of any person convicted for a second offense under Section 23102, if the person has consented to participate, for at least one year and in a manner satisfactory to the court, in a program approved pursuant to Chapter 9 (commencing with Section 11837) of Part 2 of Division 10.5 of the Health and Safety Code and the court has referred the person to such a program. The person shall, however, be required to pay a thirty-five dollar ($35) charge which shall be deposited in the special account and used as provided in Section 1463.14 of the Penal Code. If at any time the person is found by the court to have failed to comply with the rules and regulations of the program or does not successfully complete the program, the court shall revoke such suspension or shall revoke and terminate probation, or both, and shall proceed in the manner provided in subdivision (c) of Section 1203.2 of the Penal Code.

This section shall not be applicable to any person convicted for a third or subsequent offense, under Section 23102, and shall not affect the imposition of any fines on persons convicted for any offense under Section 23102.

This section shall become operative on July 1, 1980.

This section shall remain in effect only until July 1, 1982, and as of that date is repealed.

SEC. 7. Section 23102.1 is added to the Vehicle Code, to read:

23102.1. Notwithstanding the requirements of subdivisions (e) and (f) of Section 23102, the court may suspend execution of the sentence, as to the imprisonment of any person convicted for a second offense under Section 23102, if the person has consented to participate, for at least one year and in a manner satisfactory to the court, in a program approved pursuant to Chapter 9 (commencing with Section 11837) of Part 2 of Division 10.5 of the Health and Safety Code and the court has referred the person to such a program. If at any time the person is found by the court to have failed to comply with the rules and regulations of the program or does not successfully complete the program, the court shall revoke such suspension or shall revoke and terminate probation, or both, and shall proceed in the manner provided in subdivision (c) of Section 1203.2 of the Penal Code.

This section shall not be applicable to any person convicted for a third or subsequent offense, under Section 23102, and shall not affect the imposition of any fines on persons convicted for any offense under Section 23102.

This section shall become operative on July 1, 1982.

SEC. 8. Section 23103 of the Vehicle Code, as added by Section 5.5 of Chapter 790 of the Statutes of 1978, is amended to read:

23103. Any person who drives any vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving and upon conviction thereof shall be punished by imprisonment in the county jail for not less than five days nor more than 90 days or by fine of not less than sixty dollars ($60) nor more than five hundred dollars ($500) or by both such fine and imprisonment, except as provided in Section 23104.

This section shall become operative on July 1, 1980.

This section shall remain in effect only until July 1, 1982, and as of that date is repealed.

SEC. 9. Section 23103 is added to the Vehicle Code, to read:

23103. Any person who drives any vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving and upon conviction thereof shall be punished by imprisonment in the county jail for not less than five days nor more than 90 days or by fine of not less than twenty-five dollars ($25) nor more than two hundred fifty dollars ($250) or by both such fine and imprisonment, except as provided in Section 23104.

This section shall become operative on July 1, 1982.

SEC. 10. Section 23104 of the Vehicle Code, as added by Section 6.5 of Chapter 790 of the Statutes of 1978, is amended to read:

23104. Whenever reckless driving of a vehicle proximately causes bodily injury to any person, the person driving the vehicle shall upon conviction thereof, be punished by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than one hundred thirty-five dollars ($135) nor more than five hundred dollars ($500) or by both.

This section shall become operative on July 1, 1980.

This section shall remain in effect only until July 1, 1982, and as of that date is repealed.

SEC. 11. Section 23104 is added to the Vehicle Code, to read:

23104. Whenever reckless driving of a vehicle proximately causes bodily injury to any person, the person driving the vehicle shall upon conviction thereof be punished by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or by both.

This section shall become operative on July 1, 1982.

SEC. 12. Section 23105 of the Vehicle Code, as added by Section 7.5 of Chapter 790 of the Statutes of 1978, is amended to read:

23105. (a) It is unlawful for any person who is under the influence of any drug to drive a vehicle upon any highway.

(b) It is unlawful for any person who is under the influence of any drug to drive a vehicle upon other than a highway.

The department shall not be required to provide patrol or enforce the provisions of this subdivision.

(c) It is unlawful for any person who is addicted to the use of any drug, except such a person who is participating in a methadone

maintenance treatment program approved pursuant to Article 3 (commencing with Section 4350) of Chapter 1 of Part 1 of Division 4 of the Welfare and Institutions Code, to drive a vehicle upon any highway.

(d) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 48 hours nor more than six months or by fine of not less than two hundred eighty-five dollars ($285) nor more than five hundred dollars ($500) or by both such fine and imprisonment. If, however, any person so convicted consents to participate, and does participate in and successfully completes, a driver improvement program or a treatment program for persons who are habitual users of drugs, or both such programs, as designated by the court, a court shall punish such person by fine of not less than one hundred eighty-five dollars ($185) nor more than five hundred dollars ($500) or by imprisonment in the county jail for not less than 48 hours nor more than six months or by both such fine and imprisonment.

(e) Any person convicted of an offense under this section within five years of a prior conviction of an offense under this section or Section 23102 shall be punished by imprisonment in the county jail for not less than 48 hours nor more than one year and by a fine of not less than two hundred eighty-five dollars ($285) nor more than one thousand dollars ($1,000). Any person convicted of an offense under this section within five years of a prior conviction of a violation of Section 23101 or 23106 shall be punished by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred eighty-five dollars ($285) nor more than one thousand dollars ($1,000).

(f) If any person is convicted of an offense under this section within five years of a prior conviction under this section or under Section 23102 and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 48 hours but not more than one year and pay a fine of at least two hundred eighty-five dollars ($285) but not more than one thousand dollars ($1,000). If any person is convicted of an offense under this section within five years of a prior conviction under Section 23101 or 23106 and is granted probation, it shall be a condition of probation that such person be confined in jail for not less than five days nor more than one year and by a fine of not less than two hundred eighty-five dollars ($285) nor more than one thousand dollars ($1,000).

(g) In no event does the court have the power to absolve a person who is convicted of an offense under this section within five years of a prior conviction under this section or Section 23101, 23102, or 23106 from the obligation of spending the minimum time in confinement in the county jail as provided in this section and of paying a fine of at least two hundred eighty-five dollars ($285), except as provided in subdivision (h).

(h) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an

offense under this section for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement in the county jail and the minimum fine, as provided in this section.

When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order.

On appeal by the people from such an order striking such a prior conviction it shall be conclusively presumed that such order was made only for the reasons specified in such order and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

(i) The court may order that any person convicted under this section, who is to be punished by imprisonment in jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(j) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

This section shall become operative on July 1, 1980.

This section shall remain in effect only until July 1, 1982, and as of that date is repealed.

SEC. 13. Section 23105 is added to the Vehicle Code, to read:

23105. (a) It is unlawful for any person who is under the influence of any drug to drive a vehicle upon any highway.

(b) It is unlawful for any person who is under the influence of any drug to drive a vehicle upon other than a highway.

The department shall not be required to provide patrol or enforce the provisions of this subdivision.

(c) It is unlawful for any person who is addicted to the use of any drug, except such a person who is participating in a methadone maintenance treatment program approved pursuant to Article 3 (commencing with Section 4350) of Chapter 1 of Part 1 of Division 4 of the Welfare and Institutions Code, to drive a vehicle upon any highway.

(d) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 48 hours nor more than six months or by fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) or by both such fine and imprisonment. If, however, any person so convicted consents to participate, and does participate in and successfully completes, a driver improvement program or a treatment program for persons who are habitual users of drugs, or both such programs, as designated by the court, a court shall punish such person by fine of not less than one hundred fifty dollars ($150) nor more than five hundred dollars ($500) or by imprisonment in the county jail for not less than 48 hours nor more than six months or by both such fine and imprisonment.

(e) Any person convicted of an offense under this section within five years of a prior conviction of an offense under this section or Section 23102 shall be punished by imprisonment in the county jail for not less than 48 hours nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). Any person convicted of an offense under this section within five years of a prior conviction of a violation of Section 23101 or 23106 shall be punished by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000).

(f) If any person is convicted of an offense under this section within five years of a prior conviction under this section or under Section 23102 and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 48 hours but not more than one year and pay a fine of at least two hundred fifty dollars ($250) but not more than one thousand dollars ($1,000). If any person is convicted of an offense under this section within five years of a prior conviction under Section 23101 or 23106 and is granted probation, it shall be a condition of probation that such person be confined in jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000).

(g) In no event does the court have the power to absolve a person who is convicted of an offense under this section within five years of a prior conviction under this section or Section 23101, 23102, or 23106 from the obligation of spending the minimum time in confinement in the county jail as provided in this section and of paying a fine of at least two hundred fifty dollars ($250), except as provided in subdivision (h).

(h) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an offense under this section for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement in the county jail and the minimum fine, as provided in this section.

When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order.

On appeal by the people from such an order striking such a prior conviction it shall be conclusively presumed that such order was made only for the reasons specified in such order and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

(i) The court may order that any person convicted under this section, who is to be punished by imprisonment in jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(j) If the person convicted under this section is under the age of

21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

This section shall become operative on July 1, 1982.

SEC. 14. Section 23106 of the Vehicle Code, as added by Section 8.5 of Chapter 790 of the Statutes of 1978, is amended to read:

23106. (a) It is unlawful for any person, while under the influence of any drug, to drive a vehicle upon a highway and when so driving do any act forbidden by law or neglect any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes death or bodily injury to any person other than himself.

(b) It is unlawful for any person, while under the influence of any drug, to drive a vehicle other than on a highway and when so driving do any act, or neglect any duty imposed by law, which act or neglect proximately causes death or bodily injury to any person other than himself.

(c) Any person convicted under this section shall be punished by imprisonment in the state prison, or in the county jail for not less than 90 days nor more than one year, and by fine of not less than two hundred eighty-five dollars ($285) nor more than five thousand dollars ($5,000).

(d) If any person is convicted of an offense under this section within five years of a prior conviction under Section 23102 or 23105 and is granted probation, it shall be a condition of probation that such person be confined in jail for at least five days but not more than one year and pay a fine of at least two hundred eighty-five dollars ($285) but not more than five thousand dollars ($5,000). If any person is convicted of an offense under this section within five years of a prior conviction of a violation of this section or Section 23101 and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 90 days but not more than one year and pay a fine of at least two hundred eighty-five dollars ($285) but not more than five thousand dollars ($5,000).

(e) In no event does the court have the power to absolve a person who is convicted of an offense under this section within five years of a prior conviction of a violation of this section or Section 23101, 23102, or 23105 from the obligation of spending the minimum time in confinement as provided in this section and of paying a fine of at least two hundred eighty-five dollars ($285), except as provided in subdivision (f).

(f) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an offense under this section or Section 23101, 23102, or 23105 for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement and the minimum fine, as provided in this section. When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order. On

appeal by the people from such an order striking such a prior conviction, it shall be conclusively presumed that such order was made only for the reasons specified in such order, and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

This section shall become operative on July 1, 1980.

This section shall remain in effect only until July 1, 1982, and as of that date is repealed.

SEC. 15. Section 23106 is added to the Vehicle Code, to read:

23106. (a) It is unlawful for any person, while under the influence of any drug, to drive a vehicle upon a highway and when so driving do any act forbidden by law or neglect any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes death or bodily injury to any person other than himself.

(b) It is unlawful for any person, while under the influence of any drug, to drive a vehicle other than on a highway and when so driving do any act, or neglect any duty imposed by law, which act or neglect proximately causes death or bodily injury to any person other than himself.

(c) Any person convicted under this section shall be punished by imprisonment in the state prison, or in the county jail for not less than 90 days nor more than one year, and by fine of not less than two hundred fifty dollars ($250) nor more than five thousand dollars ($5,000).

(d) If any person is convicted of an offense under this section within five years of a prior conviction under Section 23102 or 23105 and is granted probation, it shall be a condition of probation that such person be confined in jail for at least five days but not more than one year and pay a fine of at least two hundred fifty dollars ($250) but not more than five thousand dollars ($5,000). If any person is convicted of an offense under this section within five years of a prior conviction of a violation of this section or Section 23101 and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 90 days but not more than one year and pay a fine of at least two hundred fifty dollars ($250) but not more than five thousand dollars ($5,000).

(e) In no event does the court have the power to absolve a person who is convicted of an offense under this section within five years of a prior conviction of a violation of this section or Section 23101, 23102, or 23105 from the obligation of spending the minimum time in confinement as provided in this section and of paying a fine of at least two hundred fifty dollars ($250), except as provided in subdivision (f).

(f) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an offense under this section or Section 23101, 23102, or 23105 for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement

and the minimum fine, as provided in this section. When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order. On appeal by the people from such an order striking such a prior conviction, it shall be conclusively presumed that such order was made only for the reasons specified in such order, and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

This section shall become operative on July 1, 1982.

SEC. 16. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because self-financing authority is provided in this act to cover costs that may be incurred in carrying on any program or performing any service required to be carried on or performed by this act.

SEC. 17. 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:

Funding for the state-run blood-alcohol laboratory program will expire July 1, 1980. This bill continues a source of funding for this program. In order that there be no interruption in this funding source, it is necessary that this act take immediate effect.

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## CHAPTER 277

An act to amend Section 209 of the Health and Safety Code, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1980. Filed with Secretary of State June 30, 1980 ]

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

SECTION 1. Section 209 of the Health and Safety Code is amended to read:

209. (a) The Legislature hereby finds and declares that unambiguous and rational laws are vital elements in providing public health services to meet the needs of the people of the State of California; that duplicative and unwieldy legislative requirements presently hamper the optimal effectiveness of public health care administration; and that coordinated and integrated public health legislation is a high priority of the Legislature. Therefore it is the intent of the Legislature in enacting this section to accomplish the following:

(1) To develop consistent, uniform, and rational organization of the statutes relating to protection of the public health, so that this

code and related statutes can be most easily used as a working tool for government, industry and the public.

(2) To retain standards in the delivery of public health services and to make the state sharing of local public health costs dependent on meeting these standards.

(3) To eliminate obsolete programs which no longer serve a useful purpose, to amend existing programs to better reflect current public health concepts, and to identify gaps in existing public health programs which require new, innovative approaches based on current state of the art.

(4) To maximize cooperation between state and local departments and agencies that share responsibility in the protection of public health.

(b) The director shall conduct a comprehensive review of the statutes governing the protection of the public health, as principally embodied in this code. The review shall be conducted by the director in cooperation with the California Conference of Local Health Officers and shall produce the following:

(1) A list of those sections of law that should be deleted due to ambiguity, conflict with other statutes, inappropriateness, or obsolescence.

(2) A reorganization by chapter and section for all public health laws.

(3) Recommendations regarding new or expanded legislation that should be added to balance or provide equity, avoid conflict, or meet defined needs.

(4) A process to provide continuous review of public health statutes and regulations to avoid obsolescence and identify need for new legislation.

(c) A report shall be submitted to the Legislature at the conclusion of the review, but no later than December 31, 1982. The report shall address the objectives of the review, specified in subdivision (a) and shall be jointly submitted by the director and the California Conference of Local Health Officers, with addendums as appropriate to further explain the recommendations of either party.

(d) The director, in consultation with the California Conference of Local Health Officers, shall appoint and convene a working task force to further define the objectives, major phases of the project, timeline for completion of the project, and content of the report to the Legislature. This task force shall be representative of state and local program administrators in the public health field and persons knowledgeable with respect to public health statutes and regulations.

(e) The director may contract for services necessary for completion of the project that cannot be provided through existing resources.

SEC. 2. Notwithstanding any other provision of law, two hundred twenty-five thousand dollars ($225,000) of the unencumbered balance of Item 266 of the Budget Act of 1979 (Ch. 259, Stats. 1979)

is hereby reappropriated and made available to the State Department of Health Services for expenditure without regard to fiscal year for the purposes of Section 209 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 the necessity are:

In order to provide for state and local cooperation to improve state public health statutes and regulations without delay, it is necessary that this act take effect immediately.

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## CHAPTER 278

An act to amend Sections 25252.6, 53827, 53843, 53854, and 53859.04 of, and to add Sections 29126.1 and 29390.1 to, the Government Code, relating to local agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1980 Filed with Secretary of State June 30, 1980 ]

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

SECTION 1. Section 25252.6 of the Government Code is amended to read:

25252.6. The board of supervisors may in its discretion establish and determine the amount of, or may by resolution authorize the county auditor to establish and determine the amount of, a revolving cash trust fund for the purpose of eliminating delays which adversely affect the official operation of offices and departments of the county or of judicial districts therein resulting from regular deposits in and withdrawals from a trust fund established for the use of any such officer or department head. The amount of the revolving cash trust fund shall not exceed the amount of the trust fund. The revolving cash trust fund shall be used by the officer or department head for payment of services, expenses or other charges which are legally payable out of the deposits in the trust fund.

SEC. 2. Section 29126.1 is added to the Government Code, to read:

29126.1. At any regular or special meeting the board may cancel any unused appropriation in whole or in part upon determining that the source of funding of the appropriation will be unrealized in whole or part. A corresponding reduction shall be made to the approved revenue estimates.

SEC. 3. Section 29390.1 is added to the Government Code, to read:

29390.1. By resolution, the board of supervisors may provide that

an application to have a shortage in county funds replenished shall be made with the auditor of the county instead of with the board and may authorize the auditor to perform the functions of the board to replenish the shortage. In the event the board authorizes the auditor to perform such functions of the board, the auditor shall render a written report and give an account to the board of shortage reimbursements at the end of the fiscal year and at such other times as the board directs.

SEC. 4. Section 53827 of the Government Code is amended to read:

53827. The sale shall be made to the bidder offering the lowest rate of interest or whose bid represents the lowest net cost to the local agency. The rate of interest shall not exceed 10 percent a year.

SEC. 5. Section 53843 of the Government Code is amended to read:

53843. In any county which finds it necessary to borrow current operating requirements, as provided in the foregoing sections, the board of supervisors shall either:

(1) Advertise for bids by publication for two weeks in a newspaper of general circulation in the county, setting forth the date upon which the amount will be required, which shall be not less than three weeks following the date of the first publication, the amount required and the repayment date. Bids shall be opened at the time set forth in the notice which shall be during a regular meeting of the board; and the board, unless it rejects all bids, shall accept the bid which offers the loan to the county at the lowest net interest cost not in excess of 10 percent, or

(2) After finding that time is of the essence, direct the county treasurer to negotiate for a loan to the county and to solicit and receive bids without advertising for them. The board of supervisors, unless it rejects all bids, shall accept the bid which offers the loan to the county at the lowest net interest cost not in excess of 10 percent, or

(3) After finding that any political subdivision subject to this article periodically requires advances of current operating requirements prior to receipt of tax revenues, direct the county treasurer, upon request of such political subdivision, to solicit and receive bids for loans from time to time without advertising for them. The board of supervisors, unless it rejects all bids, shall accept the bid which offers the loan to the county at the lowest net interest cost not in excess of 10 percent.

SEC. 6. Section 53854 of the Government Code is amended to read:

53854. Any note issued under this article may be negotiable, may be payable to order or to bearer and may be in any denomination. Such note shall be payable not later than the last day of the fiscal year in which it is issued; provided that such note may be made payable during the fiscal year succeeding the fiscal year in which issued, but in no event later than 15 months after the date of issue, when such

note is payable only from revenue received or accrued during the fiscal year in which issued. Such note may bear interest not to exceed 10 percent per annum, payable as provided therein. Such interest may be represented by coupons attached to said note.

SEC. 7. Section 53859.04 of the Government Code is amended to read:

53859.04. Any grant anticipation note issued under this article may be negotiable or may be payable to order or to bearer and may be in any denomination. Except as limited by the Constitution of the State of California, such note shall be payable not later than 36 months after the date of issue and shall be payable solely, except as provided in Section 53859.07, from committed and appropriated funds of grants or loans of the state or federal government to the local agency that the granting or loaning authority states shall be paid on specified dates or events within a 36-month period from the dating of the grant anticipation notes issued. Such note may be sold at public or private sale at a discount of not to exceed 2 percent of the par value thereof. Such note may bear interest not to exceed 10 percent per annum, payable as provided on its face. Such interest may be represented by coupons attached to such note or notes.

In those instances where the Constitution of the State of California limits a local agency from incurring an indebtedness or liability in any year which is in excess of income and revenue for that year, a note or notes issued pursuant to this article may be made payable during the fiscal year next succeeding the fiscal year in which they have been issued, but in no event later than 15 months after the date of issue; provided that such note or notes shall be payable only from income and revenue received or accrued during the fiscal year in which the note or notes were issued.

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:

Recent changes in the law allow certain local agencies to pay up to 10 percent interest on their bonds. Currently the law limits to 8 percent the interest which may be paid by local agencies on borrowed funds secured by tax and revenue anticipation instruments, thus effectively precluding local agencies from meeting their short-term financial needs during current economic conditions. In order that local agencies may incur short-term obligations at the increased 10 percent interest rate during the 1980–81 fiscal year, it is necessary that this bill take effect immediately.

# CHAPTER 279

An act to add Section 44830.7 to the Education Code, relating to schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1980. Filed with Secretary of State June 30, 1980.]

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

SECTION 1. Section 44830.7 is added to the Education Code, to read:

44830.7. Every contract for employment for a position requiring certification qualifications between a school district governing board and a person who possesses certification qualifications from another state shall provide that employment shall terminate upon notice by the Commission for Teacher Preparation and Licensing to the district and the employee, that the employee does not have the necessary qualifications for the credential required by law for the position for which the service was rendered.

SEC. 2. A sum not to exceed seven hundred thousand dollars ($700,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to the San Marcos Unified School District for the 1979–80 fiscal year for any purpose for which money in the district general fund may be used.

SEC. 3. The allocation made pursuant to Section 2 of this act shall be repaid as follows:

For each of the fiscal years, 1980–81 to 1984–85, inclusive, the State Controller shall deduct from the apportionment made to the San Marcos Unified School District an amount equal to one-fifth of the amount actually allocated to the district pursuant to Section 2 of this act, together with amounts representing interest at a rate equal to the rate established for the most recent sale of state bonds as of the date of disbursement of funds to the district.

SEC. 4. As a condition for receipt of the allocation made pursuant to Section 2, the San Marcos Unified School District shall, not later than 30 months following receipt of such allocation, submit to the San Diego County Superintendent of Schools and the Superintendent of Public Instruction a review of actions it has taken to resolve the financial problems which created the need for such allocation.

SEC. 5. Due to the unique circumstances concerning the school district subject to the provisions of Section 2 of this act, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the Constitution.

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 that the requirement that contracts between school districts and a person who possesses certification qualifications from another state provide that possession of a valid California teaching or service credential is a necessary condition for continued employment may be effective for the entire 1980–81 fiscal year; and in order that the San Marcos Unified School District may continue its current operations, it is necessary that this act take effect immediately.

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## CHAPTER 280

An act to amend Sections 13431, 20767 and 21140.1 of the Business and Professions Code, relating to petroleum products, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1980 Filed with Secretary of State June 30, 1980 ]

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

SECTION 1. Section 13431 of the Business and Professions Code, as added by Assembly Bill No. 2779 of the 1979–80 Regular Session of the Legislature, is amended to read:

13431. The following persons shall pay to the director a maximum fee of two cents ($0.02) for each gallon of motor oil sold or purchased on or after July 1, 1980, as hereinafter provided:

(a) The first person who produced the motor oil shall pay the fee when the motor oil is sold to any retail establishment or motor oil dealer including any sold to the federal government, or its agencies.

(b) A retailer shall pay the fee for motor oil received when he or she transports or causes to be transported motor oil into this state from out of state.

(c) On any other sale of motor oil the dealer shall pay the fee except that this subdivision shall not apply to any person selling motor oil at retail.

(d) The assessment provided for in this section shall only be paid once on any particular motor oil.

The provisions of this section shall not apply to motor oil exported for sale outside this state.

SEC. 1.5. Section 20767 of the Business and Professions Code is amended to read:

20767. The following persons shall pay to the director a maximum fee of two cents ($0.02) for each gallon of motor oil sold or purchased on or after July 1, 1980, as hereinafter provided:

(a) The first person who produced the motor oil shall pay the fee when the motor oil is sold to any retail establishment or motor oil

dealer including any sold to the federal government, or its agencies.

(b) A retailer shall pay the fee for motor oil received when he transports or causes to be transported motor oil into this state from out of state.

(c) On any other sale of motor oil the dealer shall pay the fee except that this subdivision shall not apply to any person selling motor oil at retail.

(d) The assessment provided for in this section shall only be paid once on any particular motor oil.

The provisions of this section shall not apply to motor oil exported for sale outside this state.

SEC. 2. Section 21140.1 of the Business and Professions Code is amended to read:

21140.1. Notwithstanding the terms of any franchise, a retail gasoline station owned or operated by a franchisee shall not be precluded from purchasing gasoline, diesel fuel, or gasohol from any available source if the franchisor is unable or refuses to supply the franchisee with such products.

Failure to deliver contracted, agreed upon, or requested quantities of gasoline, diesel fuel, or gasohol within 72 hours of such specified contract time, agreement, or request shall constitute an inability or refusal to supply a franchisee. Requests for deliveries of gasoline, diesel fuel, or gasohol may be telephoned to the franchisor, except that when the franchisee intends to seek gasoline, diesel fuel, or gasohol from another supplier pursuant to Section 21140.1 should the franchisor be unable or refuse to supply him, a request for gasoline, diesel fuel, or gasohol must be made in writing to a franchisor at least 48 hours before desired delivery.

Once such notice has been given, and the franchisor has failed to deliver contracted, agreed upon, or requested quantities of gasoline, diesel fuel, or gasohol, no further written request shall be required from the franchisee until such time as the franchisor notifies the franchisee in writing that the franchisor is prepared to deliver contracted, agreed upon, or requested quantities of gasoline, diesel fuel, or gasohol.

Nondelivery of gasoline, diesel fuel, or gasohol by the franchisor due to accident, fire, theft or other similar acts shall not constitute an inability or refusal to supply the franchisee.

If the franchisee sells gasoline supplied from a source other than the franchisor, the franchisee shall prominently post a sign disclosing this fact to the public on each pump dispensing gasoline, diesel fuel, or gasohol purchased from other than the franchisor. The sign shall not be smaller than 8" x 10" with letters not less than three inches in height.

This provision shall not be construed to permit a franchisee to purchase more gasoline, diesel fuel, or gasohol than may be allowed by any federal statute or regulation.

SEC. 2.5. It is the intent of the Legislature, if this bill and Assembly Bill No. 2779 are both chaptered and become effective on

or before January 1, 1981, regardless of the order of chaptering, that Section 1.5 of this act shall remain operative until January 1, 1981, at which time it shall be repealed and Section 1 of this act shall become operative.

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 Department of Food and Agriculture to effectively carry out its regulatory functions with respect to the sale of petroleum products, it is necessary that this act go into immediate effect.

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## CHAPTER 281

An act to add Section 18907 to the Government Code, relating to state employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1980 Filed with Secretary of State June 30, 1980 ]

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

SECTION 1. Section 18907 is added to the Government Code, to read:

18907. (a) Notwithstanding the provisions of Sections 18903, 18905, and 18906, any probationary and permanent employee of the Department of Forestry assigned to Orange Ranger Unit who, on or before the period commencing January 1, 1980, to June 30, 1980, voluntarily resigns from state service and accepts similar employment with the County of Orange in a fire protection organization shall, upon request of the employee, be placed upon a departmental reemployment list for the employee's class. Reemployment eligibility shall be limited to a total of three offers of employment. Reemployment lists established pursuant to this section shall expire June 30, 1983. Reemployment lists established under Section 19054 shall take precedence over reemployment lists established under this section.

(b) Upon the expiration of reemployment lists established pursuant to this section, the appointing power may reinstate any employee pursuant to the provisions of Section 19140.

(c) Notwithstanding any other provision of law, any employee returning to state service pursuant to subdivision (a) or (b), shall be credited with sick leave equal to that which the employee had accumulated upon leaving state service provided, however, that any sick leave credits assumed by the County of Orange, shall be reduced by the amount of credits used while employed by the county.

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 Department of Forestry's contract with the County of Orange for fire protection services will be terminated on June 30, 1980. Currently under the contract, there are 470 state employees. In order to avoid layoffs and provide the County of Orange with experienced personnel for fire protection services for a county operated fire department, the Department of Forestry would like to encourage these employees to voluntarily leave state service and accept employment with the county, by way of providing reemployment privileges. Thus, it is necessary that this act take effect immediately as an urgency statute.

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## CHAPTER 282

An act to add Section 20862.7 to the Government Code and to provide for the transfer of certain Department of Forestry real property in Orange County, relating to fire protection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1980 Filed with Secretary of State June 30, 1980.]

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

SECTION 1. Section 20862.7 is added to the Government Code, to read:

20862.7. Notwithstanding any other provision of law, any employee who voluntarily resigns from state service during the period January 1, 1980, through June 30, 1980, shall be credited at retirement with additional service credit pursuant to Section 20862.5 for sick leave accumulated while employed by the state and assumed and maintained by the county pursuant to the agreement with the Department of Forestry, and certified as unused to the board by the county. County employees having accumulated sick leave credits for both state and county service shall be deemed to draw from county earned sick leave balances existing at the time sick leave is taken prior to the drawing from state earned balances.

This section applies only to probationary and permanent employees of the Department of Forestry assigned to the Orange Ranger Unit who, before the June 30, 1980, cancellation of the local government fire protection contract between the department and the County of Orange, voluntarily resign from state service and accept similar employment by Orange County in a fire protection organization.

SEC. 2. The Director of General Services shall convey to the

County of Orange title to all real property, facilities, and equipment administered by the Department of Forestry in providing fire protection to lands in the County of Orange, upon the county's election, under the provisions of Section 4129 of the Public Resources Code, to provide fire protection to state responsibility lands located in the County of Orange.

SEC. 3. Conveyance of property, facilities, and equipment transferred pursuant to Section 2 of this act is conditioned upon the agreement by the County of Orange to accept the sick leave credits accumulated and unused by the Department of Forestry employees assigned to the Orange Ranger Unit who, because of the termination by June 30, 1980, of the agreement whereby the Department of Forestry provides fire protection for lands of local responsibility, voluntarily resign from state service to accept employment by the county in a county fire protection organization between February 1, 1980, and July 1, 1980.

SEC. 4. Notwithstanding any other provisions of law, until the conveyance of title as provided for by Section 2 of this act is completed, the Director of General Services shall lease the property, facilities, and equipment to the County of Orange for the sum of one dollar ($1) per year.

SEC. 5. Notwithstanding any other provision of law, the Director of Forestry and County of Orange are authorized to enter into an agreement providing for the orderly transfer of fire protection responsibility from the state to the county, including but not limited to, the provisions referred to in Sections 2 and 3 of this act and including provisions for state reimbursement for actual cost of sick leave balances assumed by the county and provisions for apportionment of retirement, disability and worker compensation costs relating to transferred employees.

SEC. 6. The Legislature hereby finds and declares that termination of the fire protection contract with the County of Orange and the related effects constitute a special local problem to which a general statute of statewide uniform application could not apply and warrant special or local legislation within the meaning of Section 16 of Article IV of the California Constitution.

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 fire protection contract with the County of Orange, whereby the Department of Forestry provides direct fire protection to certain areas in that county will terminate on or about June 30, 1980, which is long before the effective date of ordinary statutes enacted in 1980 at the 1979–80 Regular Session of the Legislature. In order that the transitions and transfers provided for by this bill may be timely and orderly and in order to provide uninterrupted fire protection it is necessary this act take effect immediately.

## CHAPTER 283

An act to amend Section 10054 of the Business and Professions Code and to make an appropriation from the Real Estate Fund to augment Item 154 of the Budget Act of 1979, relating to real estate, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1980 Filed with Secretary of State June 30, 1980.]

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

SECTION 1. Section 10054 of the Business and Professions Code is amended to read:

10054. The commissioner shall appoint a Real Estate Advisory Commission comprising 10 members, six of whom shall be real estate brokers licensed under this part and four of whom shall be public members. The commissioner shall preside at commission meetings.

The members shall serve without compensation but each shall be allowed his actual and necessary expenses in the discharge of his duties.

SEC. 2. The sum of two hundred eighty-four thousand dollars ($284,000) is hereby appropriated from the separate account in the Real Estate Fund for purposes of real estate education, research, and recovery to the State Controller in augmentation of Item 154 of the Budget Act of 1979 (Chapter 259, Statutes of 1979) for recovery act purposes.

SEC. 3. This 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:

An inability to pay court orders directed against the separate account in the Real Estate Fund for purposes of real estate education, research, and recovery will result in a failure of the State of California to meet its lawful obligations. In order to meet those obligations and to avoid costly litigation, it is necessary that this act take effect immediately.

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## CHAPTER 284

An act making an appropriation for construction of a Department of Motor Vehicles office building and parking facilities in Oceanside, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1980 Filed with Secretary of State June 30, 1980.]

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

SECTION 1. The sum of three hundred forty-two thousand five hundred sixty-three dollars ($342,563) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund in augmentation of paragraph (d) of Item 394 of the Budget Act of 1977 (Ch. 219, Stats. 1977) for allocation, subject to the prior approval of the State Public Works Board, to the Department of Motor Vehicles for the construction of an office building and parking facilities in Oceanside.

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:

(1) The absence of an adequate Department of Motor Vehicles office in Oceanside results in inconvenience and delay in service to the community.

(2) Prompt completion of the building will result in a cost saving to the public. Therefore, it is necessary that this act take effect immediately.

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## CHAPTER 285

An act to amend Section 18551 of, and to add Section 18607 to, the Health and Safety Code, to amend Sections 61, 62, 441, 6006, 6010, 6012.8, 6012.9, 6379, 10784, 10785, 11914, 20508, and 20509 of, to amend and renumber Sections 5801 and 10759 of, to repeal Sections 109.7 and 109.8 of, and to add Part 13 (commencing with Section 5800) to Division 1 of, the Revenue and Taxation Code, to amend Sections 5352, 5357, 5901, and 9250, to add Sections 4602.2, 5350.6, and 5405 to, and to repeal and add Section 5400 of, the Vehicle Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1980. Filed with Secretary of State June 30, 1980.]

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

SECTION 1. Section 18551 of the Health and Safety Code is amended to read:

18551. The department shall establish regulations for mobilehome foundation systems which shall be applicable throughout the state. When established, these regulations supersede any ordinance enacted by any city, county, or city and county applicable to mobilehome foundation systems. The department may approve alternate foundations systems to those provided by regulation where the department is satisfied of equivalent

performance. The department shall document approval of such alternate systems by its stamp of approval on the plans and specifications for the alternate foundation system.

(a) Prior to installation of a mobilehome on a foundation system, the mobilehome owner or a licensed contractor shall obtain a building permit from the appropriate local agency. To obtain such a permit, the owner or contractor shall provide the following:

(1) Written evidence acceptable to the local agency that the mobilehome owner owns or holds title to the real property where the mobilehome is to be installed on a foundation system.

(2) Written evidence acceptable to the local agency that the mobilehome owner owns the mobilehome or, in the event that the legal owner is not the registered owner, written evidence provided by the legal owner that such legal owner consents to the attachment of the mobilehome upon the discharge of any personal lien, which may be conditioned upon the satisfaction by the registered owner of the obligation secured by the lien.

(3) Plans and specifications required by department regulations or a department-approved alternate for the mobilehome foundation system.

(4) The mobilehome manufacturer's installation instructions, or plans and specifications signed by a California licensed architect or engineer covering the installation of an individual mobilehome in the absence of the mobilehome manufacturer's instructions.

(5) Building permit fees established by ordinance of the city, county, or city and county of the appropriate local agency.

(6) A fee payable to the department in the amount of eleven dollars ($11) for each transportable section of the mobilehome, which shall be immediately transmitted to the department with a copy of the building permit and such other information concerning the mobilehome as the department may prescribe on forms provided by the department.

On the same day that the certificate of occupancy for the mobilehome is issued by the appropriate local agency, the local agency shall record with the county recorder of the county in which the real property is situated and on which the mobilehome has been installed a document naming the owner of the real property, describing the real property with certainty, and stating that a mobilehome has been affixed to such real property by installation on a foundation system pursuant to this section.

When recorded, the document referred to above shall be indexed by the county recorder to the named owner and shall be deemed to give constructive notice as to its contents to all persons thereafter dealing with the real property.

If the mobilehome is registered with the Department of Motor Vehicles, such local agency shall notify the Department of Motor Vehicles that the mobilehome has been installed on a foundation system.

Fees received by the department pursuant to this subdivision shall

be deposited in the Mobilehome Revolving Fund established under Section 18060.2 and shall be designated for enforcement of consumer protections provided in Part 2 (commencing with Section 18000) of this division, relating to mobilehomes. To the extent these fees are utilized for enforcement of consumer protections, the provisions of Section 18060.3 shall not apply.

The director, through contract or interagency agreement with the Department of Motor Vehicles, may utilize the fees collected pursuant to this subdivision to ensure the enforcement of consumer protections otherwise provided by provisions of the Vehicle Code.

(b) The Department of Motor Vehicles shall cancel the registration of a mobilehome which is permanently affixed to a foundation system. For the purposes of this subdivision, permanent affixation to a foundation system shall be deemed to have occurred on the day a certificate of occupancy is issued to the mobilehome owner and the document referred to in paragraph (6) of subdivision (a) is recorded. Cancellation shall be effective as of such date and the Department of Motor Vehicles shall enter such cancellation on its records upon receipt of a copy of the certificate of occupancy. This subdivision shall not be construed to affect the application of existing laws, or Department of Motor Vehicles' regulations or procedures with regard to the cancellation of registration, except as to the requirement therefor and the effective date thereof.

(c) Once installed on a foundation system in compliance with the provisions of subdivisions (a) and (b), a mobilehome shall be deemed a fixture and a real property improvement to the real property to which it is affixed. Physical removal of the mobilehome shall thereafter be prohibited without the consent of all persons or entities who, at the time of such removal, have title to any estate or interest in the real property to which the mobilehome is affixed.

For the purposes of this part:

(1) "Physical removal" shall include, without limitation, the unattaching of the mobilehome from the foundation system, except for temporary purposes of repair or improvement thereto.

(2) Consent to removal shall not be required from the owners of rights-of-way or easements or the owners of subsurface rights or interests in or to minerals, including, but not limited to, oil, gas, or other hydrocarbon substances.

(d) At least 30 days prior to a legal removal of the mobilehome from the foundation system and transportation away from the real property to which it was formerly affixed, the mobilehome owner shall notify the department and the county assessor of the intended removal of the mobilehome. The department shall require written evidence that the necessary consents have been obtained pursuant to this section and shall require application for either a transportation permit or mobilehome registration as the department may decide is appropriate to the circumstances. Immediately upon removal, as defined in this section, the mobilehome shall be deemed to have become personal property and subject to all laws governing

the same as applicable to a mobilehome.

(e) Notwithstanding any other provision of law, any mobilehome installed on a foundation system, attached, or otherwise permanently affixed to real property without compliance with the provisions of subdivisions (a) and (b), shall not be deemed a fixture or improvement to such real property. This subdivision shall not be construed to affect the application of sales and use or property taxes.

(f) Once installed on a foundation system, a mobilehome shall be subject to state enforced health and safety standards for mobilehomes, enforced pursuant to Section 18040.

(g) No local agency shall require that any mobilehome currently on private property be placed on a foundation system.

SEC. 2. Section 18607 is added to the Health and Safety Code, to read:

18607. Every person owning or operating a mobilehome park shall keep such records as are necessary to report to the county assessor those mobilehomes which are in the park on March 1 of the current year but were not in the park on March 1 of the preceding year as required by Section 5841 of the Revenue and Taxation Code, and commencing January 1, 1982, shall maintain the duplicate registration cards required by Section 4602.2 of the Vehicle Code and make them available to the county assessor upon request.

SEC. 2.5. Section 61 of the Revenue and Taxation Code is amended to read:

61. Except as otherwise provided in Section 62, change in ownership, as defined in Section 60, includes, but is not limited to:

(a) The creation, renewal, sublease, assignment, or other transfer of the right to produce or extract oil, gas, or other minerals for so long as they can be produced or extracted in paying quantities. The balance of the property, other than the mineral rights, shall not be reappraised pursuant to this section.

(b) The creation, renewal, sublease, or assignment of a taxable possessory interest in tax exempt real property for any term.

(c) (1) The creation of a leasehold interest in taxable real property for a term of 35 years or more (including renewal options), the termination of a leasehold interest in taxable real property which had an original term of 35 years or more (including renewal options), and any transfer of a leasehold interest having a remaining term of 35 years or more (including renewal options); or (2) any transfer of a lessor's interest in taxable real property subject to a lease with a remaining term (including renewal options) of less than 35 years.

Only that portion of a property subject to such lease or transfer shall be considered to have undergone a change of ownership.

For the purpose of this subdivision, for 1979–80 and each year thereafter, it shall be conclusively presumed that all homes eligible for the homeowners' exemption, other than mobilehomes located on rented or leased land and subject to taxation pursuant to Part 13 (commencing with Section 5800), which are on leased land have a renewal option of at least 35 years on the lease of such land, whether

or not in fact such renewal option exists in any contract or agreement.

(d) The creation, transfer, or termination of any joint tenancy interest, except as provided in subdivision (f) of Section 62 and in Section 63.

(e) The creation, transfer, or termination of any tenancy-in-common interest, except as provided in subdivision (a) of Section 62 and in Section 63.

(f) Any vesting of the right to possession or enjoyment of a remainder or reversionary interest which occurs upon the termination of a life estate or other similar precedent property interest, except as provided in subdivision (d) of Section 62 and in Section 63.

(g) Any interests in real property which vest in persons other than the trustor (or, pursuant to Section 63, his spouse) when a revocable trust becomes irrevocable.

(h) The transfer of stock of a cooperative housing corporation, as defined in Section 17265, vested with legal title to real property which conveys to the transferee the exclusive right to occupancy and possession of such property, or a portion thereof.

(i) The transfer of any interest in real property between a corporation, partnership, or other legal entity and a shareholder, partner, or any other person.

SEC. 2.6. Section 62 of the Revenue and Taxation Code is amended to read:

62. Change in ownership shall not include:

(a) Any transfer between coowners which results in a change in the method of holding title to the real property without changing the proportional interests of the coowners, such as a partition of a tenancy in common.

(b) Any transfer for the purpose of perfecting title to the property.

(c) (1) The creation, assignment, termination, or reconveyance of a security interest; or (2) the substitution of a trustee under a security instrument.

(d) Any transfer into a trust for so long as (1) the transferor is the present beneficiary of the trust, or (2) the trust is revocable; or any transfer by a trustee of such a trust described in either clause (1) or (2) back to the trustor; or, any creation or termination of a trust in which the trustor retains the reversion and in which the interest of others does not exceed 12 years duration.

(e) Any transfer by an instrument whose terms reserve to the transferor an estate for years or an estate for life; however, the termination of such an estate for years or estate for life shall constitute a change in ownership, except as provided in subdivision (d) of Section 62 and in Section 63.

(f) The creation or transfer of a joint tenancy interest if the transferor, after such creation or transfer, is one of the joint tenants.

(g) Any transfer of a lessor's interest in taxable real property

subject to a lease with a remaining term (including renewal options) of 35 years or more. For the purpose of this subdivision, for 1979–80 and each year thereafter, it shall be conclusively presumed that all homes eligible for the homeowners' exemption, other than mobilehomes located on rented or leased land and subject to taxation pursuant to Part 13 (commencing with Section 5800), which are on leased land have a renewal option of at least 35 years on the lease of such land, whether or not in fact such renewal option exists in any contract or agreement.

(h) Any purchase, redemption, or other transfer of the shares or units of participation of a group trust, pooled fund, common trust fund, or other collective investment fund established by a financial institution.

(i) Any transfer of stock or membership certificate in a housing cooperative which was financed under one mortgage provided such mortgage was insured under Section 213, 221(d)(3), 221(d)(4), or 236 of the National Housing Act, as amended, or such housing cooperative was financed or assisted pursuant to Section 514, 515, or 516 of the Housing Act of 1949 or Section 202 of the Housing Act of 1959, or the housing cooperative was financed by a direct loan from the California Housing Finance Agency, and provided that the regulatory and occupancy agreements were approved by the governmental lender or insurer, and provided that the transfer is to the housing cooperative or to a person or family qualifying for purchase by reason of limited income. Any subsequent transfer from the housing cooperative to a person or family not eligible for state or federal assistance in reduction of monthly carrying charges or interest reduction assistance by reason of the income level of such person or family shall constitute a change of ownership.

SEC. 3. Section 109.7 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 109.8 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 441 of the Revenue and Taxation Code is amended to read:

441. Every person owning taxable personal property, other than a mobilehome subject to Part 13 (commencing with Section 5800), having an aggregate cost of thirty thousand dollars ($30,000) or more shall file a signed property statement with the assessor. Every person owning personal property which does not require the filing of a property statement or real property shall upon request of the assessor file a signed property statement. Failure of the assessor to request or secure the property statement does not render any assessment invalid.

(a) The property statement shall be declared to be true under the penalty of perjury and filed with the assessor between the lien date and 5 p.m. on the last Friday in May, annually, or between the lien date and such earlier time as the assessor may appoint.

(b) If the assessor appoints a time other than the last Friday in

May, it shall be no earlier than April 1. In this event the penalty provided by Section 463 shall apply if the property statement is not filed with the assessor by 5 o'clock p.m. on the last Friday in May or if:

(1) The property statement is not filed within the time appointed by the assessor; and

(2) The assessor has given notice by certified or registered mail no earlier than 15 days after the time appointed by the assessor of nonreceipt of the property statement within the appointed time; and

(3) The property statement has not been filed with the assessor within 15 days following the date of receipt of such notice.

(c) The property statement may be filed with the assessor through the United States mail, properly addressed with postage prepaid. This subdivision shall be applicable to every taxing agency, including but not limited to, a chartered city and county, or chartered city.

(d) At any time, as required by the assessor for assessment purposes, every person shall make available for examination information or records regarding his property. In this connection details of property acquisition transactions, construction and development costs, rental income, and other data relevant to the determination of an estimate of value are to be considered as information essential to the proper discharge of the assessor's duties.

(e) In the case of a corporate owner of property, the property statement shall be signed either by an officer of the corporation or an employee or agent who has been designated in writing by the board of directors to sign such statements on behalf of the corporation.

(f) The assessor may refuse to accept any property statement he determines to be in error.

SEC. 6. Section 5801 of the Revenue and Taxation Code is amended and renumbered to read:

5790. All proceeds derived from the tax, interest, and penalties imposed by this part shall be allocated by the auditor as promptly as is feasible in the following manner:

(a) If the domicile of the racehorse was located within a city and any school district, the proceeds from such racehorse shall be distributed one-third to the city, one-third to the school district, and one-third to the county.

(b) If the domicile of the racehorse was located outside of any city but was located within one or more school districts, the proceeds from such racehorse shall be distributed one-half to the school district or districts and one-half to the county.

(c) If the domicile of the racehorse was located in both an elementary school district and a high school district, the proceeds allocable to school districts shall be divided equally between the elementary and high school districts to the exclusion of all other school districts.

The details of the method of allocation shall be supplied by the

county auditor, and shall fairly carry out the purposes of this section.

SEC. 7. Part 13 (commencing with Section 5800) is added to Division 1 of the Revenue and Taxation Code, to read:

## PART 13. TAXATION OF MOBILEHOMES

### CHAPTER 1. GENERAL PROVISIONS and DEFINITIONS

5800. This part shall be known and may be cited as "The Mobilehome Property Tax Law."

5801. (a) As used in this part, "Mobilehome" means a mobilehome as defined in Sections 18008 and 18211 of the Health and Safety Code which:

(1) Was first sold new on or after July 1, 1980; or,

(2) Was first sold new on or before June 30, 1980, and with respect to which the license fee required to be paid pursuant to Part 5 (commencing with Section 10701) of Division 2 has been delinquent for 120 days or more.

(b) "Mobilehome" as used in this part does not include a mobilehome which has become real property by being affixed to land on a permanent foundation system or otherwise and is taxed as all other real property is taxed.

5802. (a) Except as provided in subdivision (b), "base year value" as used in this part means the full cash value of a mobilehome on the date the mobilehome is purchased or changes ownership. If the mobilehome undergoes any new construction after it is purchased or changes ownership, the base year value of the new construction is its full cash value on the date on which the new construction is completed, and if uncompleted, on the lien date.

(b) The base year value of a mobilehome for which the license fee is delinquent as defined in paragraph (2) of subdivision (a) of Section 5801 shall be its full cash value on the lien date for the fiscal year in which it is first enrolled.

5803. "Full cash value" means the "full cash value" or the "fair market value," as determined pursuant to Section 110, of a mobilehome similarly equipped and installed, including any value attributable to a mobilehome accessory building or structure as defined in Section 18213 of the Health and Safety Code which is sold along with the mobilehome, giving recognition, however, to the exemption provided in subdivision (m) of Section 3 of Article XIII of the Constitution. "Full cash value" does not include any value attributable to the particular site where the mobilehome is located on rented or leased land which would make the sales price of the mobilehome at that location different from the price at some other location on rented or leased land.

5804. As used in this part, "taxable value of a mobilehome" means the base year value, or the base year value as adjusted pursuant to Section 5813, plus the value of any new construction as determined pursuant to Section 5825.

## CHAPTER 2. DETERMINATION OF TAXABLE VALUES

5810. Except as otherwise provided in this part, mobilehomes shall be subject to property taxation in the same manner and to the same extent, and shall be subject to the other provisions of this division in the same manner and to the same extent as any other personal property on the roll as defined in Section 109.

5811. The amount of local property tax on a mobilehome shall be determined by applying the appropriate assessment ratio and tax rate to the taxable value of the mobilehome. The "appropriate tax rate" is the rate determined under Section 2237 for the tax rate area in which the mobilehome is situated.

5812. (a) The base year value of a mobilehome which is purchased or which changed ownership shall be entered on the roll for the lien date next succeeding the date of the purchase or change in ownership. The value of any new construction shall be entered on the roll for the lien date next succeeding the date of completion of the new construction. The value of new construction in progress on the lien date shall be entered on the roll as of the lien date.

(b) The base year value of a mobilehome described in paragraph (2) of subdivision (a) of Section 5801 shall be entered on the roll for the lien date next succeeding the date: (1) on which it is discovered; or (2) if the notice required by Section 5357 of the Vehicle Code has been furnished, on the 121st day following the date upon which the fee became delinquent.

5813. For each lien date after the lien date for which the base year value is determined, the taxable value of a mobilehome shall be the lesser of:

(a) Its base year value, compounded annually since the base year by an inflation factor, which shall be the percentage change in the cost of living, as defined in Section 2212, provided, that any percentage increase shall not exceed 2 percent of the prior year's value; or

(b) Its full cash value, as defined in Section 110, as of the lien date, taking into account reductions in value due to damage, destruction, depreciation, obsolescence, or other factors causing a decline in value; or

(c) If the mobilehome is damaged or destroyed by disaster, misfortune, or calamity, its value determined pursuant to (b) shall be its base year value until the mobilehome is restored, repaired or reconstructed or other provisions of law require establishment of a new base year value.

## CHAPTER 3. CHANGE IN OWNERSHIP

5814. A "change in ownership" means a transfer of a present interest in a mobilehome, including the beneficial use thereof, the value of which is substantially equal to the value of the absolute ownership.

"Purchased" or "purchase" means a change in ownership for consideration.

5815. Except as otherwise provided in Section 5816, change in ownership, as defined in Section 5814, includes but is not limited to:

(a) (1) The creation of a leasehold interest in a mobilehome for a term of 35 years or more (including renewal options), the termination of a leasehold interest in a mobilehome which had an original term of 35 years or more (including renewal options), and any transfer of a leasehold interest having a remaining term of 35 years or more (including renewal options), or (2) any transfer of a lessor's interest in a mobilehome subject to a lease with a remaining term (including renewal options) of less than 35 years.

Only that portion of a property subject to such lease or transfer shall be considered to have undergone a change of ownership.

(b) The creation, transfer, or termination of any joint tenancy interest, except as provided in subdivision (f) of Section 5816 and in Section 5817.

(c) The creation, transfer, or termination of any tenancy-in-common interest, except as provided in subdivision (a) of Section 5816 and in Section 5817.

(d) Any vesting of the right to possession or enjoyment of a remainder or reversionary interest which occurs upon the termination of a life estate or other similar precedent property interest, except as provided in subdivision (d) of Section 5816 and in Section 5817.

(e) Any interest in a mobilehome which vests in persons other than the trustor (or, pursuant to Section 5817, his spouse) when a revocable trust becomes irrevocable.

(f) The transfer of any interest in a mobilehome between a corporation, partnership, or other legal entity and a shareholder, partner, or any other person.

5816. Change in ownership shall not include:

(a) Any transfer between co-owners which results in a change in the method of holding title to the mobilehome without changing the proportional interest of the co-owners.

(b) Any transfer for the purpose of perfecting title to the mobilehome.

(c) The creation, assignment, termination, or reconveyance of a security interest; or the substitution of a trustee under a security instrument.

(d) Any transfer into a trust for so long as (1) the transferor is the present beneficiary of the trust, or (2) the trust is revocable; or any transfer by a trustee of such a trust described in either clause (1) or (2) back to the trustor; or any creation or termination of a trust in which the trustor retains the reversion and in which the interest of others does not exceed 12 years duration.

(e) Any transfer by an instrument whose terms reserve to the transferor an estate for years or an estate for life; however, the termination of such an estate for years or estate for life shall

constitute a change in ownership, except as provided in subdivision (d) and in Section 5817.

(f) The creation or transfer of a joint tenancy interest if the transferor, after such creation or transfer, is one of the joint tenants.

(g) Any transfer of a lessor's interest in a mobilehome subject to a lease with a remaining term (including renewal options) of 35 years or more.

5817. Notwithstanding Sections 5814, 5815, 5816, and 5819, a change of ownership shall not include any interspousal transfer, including, but not limited to:

(a) Transfers to a trustee for the beneficial use of a spouse, or the surviving spouse of a deceased transferor, or by a trustee of such a trust to the spouse of the trustor,

(b) Transfers which take effect upon the death of a spouse,

(c) Transfers to a spouse or former spouse in connection with a property settlement agreement or decree of dissolution of a marriage or legal separation, or

(d) The creation, transfer, or termination solely between spouses, of any co-owner's interest.

5818. (a) Except as provided in subdivision (c), the purchase or transfer of ownership interests in legal entities, such as corporate stock or partnership interests, shall not be deemed to constitute a transfer of any mobilehome owned by the legal entity.

(b) Any corporate reorganization, by merger or consolidation, where all of the corporations involved are members of an affiliated group, and which qualifies as a reorganization under Section 368 of the United States Internal Revenue Code and which is accepted as a nontaxable event by similar California statutes, or any transfer of a mobilehome among members of an affiliated group, shall not be a change of ownership. The taxpayer shall furnish proof, under penalty of perjury, to the assessor that the transfer meets the requirements of this subdivision.

For purposes of this subdivision "affiliated group" means one or more chains of corporations connected through stock ownership with a common parent corporation if:

(1) One hundred percent of the voting stock, exclusive of any share owned by directors, of each of the corporations, except the parent corporation, is owned by one or more of the other corporations; and

(2) The common parent corporation owns, directly, 100 percent of the voting stock, exclusive of any shares owned by directors, of at least one of the other corporations.

(c) When a corporation, partnership, other legal entity or any other person obtains control, as defined in Section 25105, of any corporation through the purchase or transfer of corporate stock, exclusive of any shares owned by directors, such purchase or transfer of such stock shall be a change in ownership of any mobilehome owned by the corporation in which the controlling interest is obtained.

5819. Whenever a mobilehome is purchased or a change in ownership of a mobilehome occurs, the assessor shall reappraise such mobilehome at its full cash value.

(a) Upon the termination of a joint tenancy interest, only the interest or portion which is thereby transferred from one owner to another owner shall be reappraised, except that:

(1) Upon termination of an original transferor's interest in any joint tenancy interest described in subdivision (f) of Section 5816, the entire interest in the mobilehome held by the original transferor prior to the creation of the joint tenancy shall be reappraised unless it vests, in whole or in part, in the remaining original transferor, in which case there shall be no reappraisal.

(2) Upon the termination of an interest in any joint tenancy interest described in subdivision (f) of Section 5816, other than an original transferor's interest, there shall be no reappraisal if the interest is transferred either to an original transferor or to all remaining joint tenants. For the purpose of this subdivision, spouses of original transferors shall be considered to be original transferors. At such time as the joint tenancy interests of the remaining original transferor of a mobilehome are finally transferred or terminated, the person(s), if any, who next holds joint tenancy interests in said mobilehome immediately following such final transfer or termination shall become the new original transferor.

(b) Except as provided in subdivision (a), if a 5 percent or more undivided interest in a mobilehome is purchased or changes ownership, then only the interest or portion transferred shall be reappraised. A purchase or change in ownership of an undivided interest of less than 5 percent shall not be reappraised, provided, however, that transfers during any assessment year shall be cumulated for the purpose of determining the percentage transferred.

5820. The transferee, or the trustee in the case of a trust, shall report change in ownership information to the assessor as provided in Article 2.5 (commencing with Section 480) of Chapter 3 of Part 2.

## CHAPTER 4. NEW CONSTRUCTION

5825. (a) "Newly constructed" and "new construction" means:

(1) Any substantial addition to a mobilehome since the last lien date; and

(2) Any alteration of the mobilehome which constitutes a major rehabilitation thereof or which converts the property to a different use.

(b) Any rehabilitation, renovation, or modernization which converts a mobilehome to the substantial equivalent of a new mobilehome is a major rehabilitation of such mobilehome.

(c) Notwithstanding the provisions of subdivisions (a) and (b), if a mobilehome has been damaged or destroyed by misfortune or

calamity, "newly constructed" and "new construction" does not mean any timely reconstruction of the mobilehome, or portion thereof, where the mobilehome after reconstruction is substantially equivalent to the mobilehome prior to damage or destruction. Any reconstruction of a mobilehome, or portion thereof, which is not substantially equivalent to the damaged or destroyed mobilehome, shall be deemed to be new construction and only that portion which exceeds substantially equivalent reconstruction shall have a new base year value determined pursuant to Section 110.1.

The assessor shall determine the new base year value for the portion of any mobilehome which has been newly constructed. The base year value of the remainder of the mobilehome assessed, which did not undergo new construction, shall not be changed. New construction in progress on the lien date shall be appraised at its full value on such date and each lien date thereafter until the date of completion at which time the entire portion of the mobilehome which is newly constructed shall be reappraised at its full value.

## CHAPTER 5. COLLECTION OF TAXES ON MOBILEHOMES

5830. The assessment of any mobilehome shall be entered on the secured roll and shall be subject to all provisions of law applicable to taxes on the secured roll, provided, however:

(a) If the taxes on any mobilehome are not a lien on real property of the owner of the mobilehome pursuant to Section 2188.1, 2189, or 2189.3 and are unpaid when the last installment of taxes on the secured roll becomes delinquent, the tax collector may use the procedures applicable to the collection of delinquent taxes on the unsecured roll; and

(b) If the taxes on any mobilehome which are not a lien on real property of the owner of the mobilehome remain unpaid at the time set for the sale of the mobilehome on the secured roll to the state for delinquent taxes, the mobilehome and the taxes on such mobilehome, together with any penalties and costs which may have accrued thereon while on the secured roll, shall be transferred to the unsecured roll.

(c) The taxes on mobilehomes may be paid in two installments as provided in Chapter 2.1 (commencing with Section 2700) of Part 5, notwithstanding the provisions of Section 2605 and whether or not the board of supervisors has adopted a resolution in accordance with Section 2700.

5831. (a) Except as provided in subdivision (f), the assessor shall, upon or prior to completion of the local roll:

(1) Notify each assessee whose mobilehome's taxable value has increased of the taxable value of that mobilehome as it shall appear on the completed local roll; and

(2) Notify each assessee whose mobilehome is to be placed on the local roll pursuant to subdivsion (b) of Section 5812 because its license fee has become delinquent for 120 days or more of the fact

that the mobilehome is to be placed on the local roll and of the taxable value of the mobilehome. Such notification shall also be given to the legal owner, if any, of such mobilehome, at the same time it is given to the assessee.

(b) The information given by the assessor to the assessee and legal owner, as applicable, pursuant to paragraph (1) or (2) of subdivision (a) shall include a notification of hearings by the county board of equalization, which shall include the period during which assessment protests will be accepted and the place where they may be filed. The information shall also include an explanation of the stipulation procedure set forth in Section 1607 and the manner in which the assessee may request use of this procedure.

(c) The information shall also include the full value of the property.

(d) The information shall be furnished by the assessor to the assessee personally or by regular United States mail directed to him at his latest address known to the assessor.

(e) Neither the failure of the assessee to receive the information nor the failure of the assessor to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

(f) This section shall not apply to annual increases in the valuation of property which reflect the inflation rate, not to exceed 2 percent, pursuant to Section 5813.

(g) This section does not apply to increases in assessed value caused solely by changes in the assessment ratio provided for in Section 401.

5832. Upon application, the county tax collector may issue tax clearance certificates. Such certificates shall be used to permit registration of used mobilehomes pursuant to Article 11 (commencing with Section 5400) of Chapter 1 of Division 3 of the Vehicle Code and for such other purposes as may be prescribed by the Controller. The certificates may indicate that the county tax collector finds that no local property tax is due or is likely to become due, or that any applicable local property taxes have been paid or are to be paid in a manner not requiring the withholding of registration or the transfer of registration. The certificates shall be in such form as the Controller may prescribe, and shall be executed, issued, and accepted for clearance of registration or permit issuance on such conditions as the Controller may prescribe.

The issuance, alteration, forgery, or use of any such certificate in a manner contrary to the requirements of the Controller constitutes a misdemeanor.

## CHAPTER 6. ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

5840. The board shall make such rules and regulations and prepare such forms as are necessary for the administration of, and to carry out the intent and purposes of, this part.

5841. On or before July 31, 1980, and thereafter annually between March 1 and March 31, the owner or operator of every mobilehome park as defined in Section 18214 of the Health and Safety Code shall file a report with the assessor of the county where the mobilehome park is located. The report shall be in such form and contain such information as the board may prescribe, and shall set forth the name and address of the owner of, the make, model and license or decal number, and the space number of every mobilehome which: (1) for the report due July 31, 1980, is in the park on July 1, 1980; or (2) for the reports due annually, is in the park on March 1 of the present year but was not in the park on March 1 of the preceding year.

5842. The board, the Department of Motor Vehicles, the Department of Housing and Community Development and any county assessor shall exchange or otherwise provide to one another any information relevant to the regulations, titling and taxation of mobilehomes. Such information shall be held confidential by the party receiving the information, except to the extent the information is open to public inspection pursuant to Sections 408, 408.1, and 833 of the Revenue and Taxation Code, and Section 1808 of the Vehicle Code.

SEC. 7.1. Section 6006 of the Revenue and Taxation Code is amended to read:

6006. "Sale" means and includes:

(a) Any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) The furnishing and distributing of tangible personal property for a consideration by social clubs and fraternal organizations to their members or others.

(d) The furnishing, preparing, or serving for a consideration of food, meals, or drinks.

(e) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(f) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(g) Any lease of tangible personal property in any manner or by any means whatsoever, for a consideration, except a lease of:

(1) Motion picture, including television, films and tapes.

(2) Linen supplies and similar articles when an essential part of the lease agreement is the furnishing of the recurring service of

laundering or cleaning the articles.

(3) Household furnishings with a lease of the living quarters in which they are to be used.

(4) Mobile transportation equipment for use in transportation of persons or property as defined in Section 6023.

(5) Tangible personal property leased in substantially the same form as acquired by the lessor or leased in substantially the same form as acquired by a transferor, as to which the lessor establishes to the satisfaction of the board that the lessor or his transferor acquired the property in a transaction that was a retail sale with respect to which the retailer has reported and paid the sales tax to the board or as to which the lessor or the transferor has paid use tax measured by the purchase price of the property. For purposes hereof, transferor shall mean the following:

(A) A person from whom the lessor acquired the property in a transaction described in subdivision (b) of Section 6006.5.

(B) A decedent from whom the lessor acquired the property by will or the laws of succession.

(6) A mobilehome, as defined in Sections 18008 and 18211 of the Health and Safety Code, other than a mobilehome originally sold new prior to July 1, 1980, and not subject to local property taxation.

SEC. 7.2. Section 6010 of the Revenue and Taxation Code is amended to read:

6010. "Purchase" means and includes:

(a) Any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) When performed outside this state or when the customer gives a resale certificate pursuant to Article 3 (commencing with Section 6091) of Chapter 2 of this part, the producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(d) A transfer for a consideration of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(e) Any lease of tangible personal property in any manner or by any means whatsoever, for consideration, except a lease of:

(1) Motion picture, including television, films and tapes.

(2) Linen supplies and similar articles when an essential part of the lease agreement is the furnishing of the recurring service of laundering or cleaning the articles.

(3) Household furnishings with a lease of the living quarters in

which they are to be used.

(4) Mobile transportation equipment for use in transportation of persons or property as defined in Section 6023.

(5) Tangible personal property leased in substantially the same form as acquired by the lessor or leased in substantially the same form as acquired by a transferor, as to which the lessor establishes to the satisfaction of the board that the lessor or his transferor acquired the property in a transaction that was a retail sale with respect to which the retailer has reported and paid sales tax to the board or as to which the lessor or the transferor has paid use tax measured by the purchase price of the property. For purposes hereof, transferor shall mean the following:

(A) A person from whom the lessor acquired the property in a transaction described in subdivision (b) of Section 6006.5.

(B) A decedent from whom the lessor acquired the property by will or the laws of succession.

(6) A mobilehome, as defined in Sections 18008 and 18211 of the Health and Safety Code, other than a mobilehome originally sold new prior to July 1, 1980, and not subject to local property taxation.

SEC. 7.3. Section 6012.8 of the Revenue and Taxation Code, as added by Section 9 of Chapter 1160 of the Statutes of 1979, is amended to read:

6012.8. (a) For the purposes of this part, "gross receipts" from the sale of a new mobilehome, and the "sales price" of a new mobilehome sold or stored, used or otherwise consumed in this state for installation on a foundation system, pursuant to Section 18551 of the Health and Safety Code, for occupancy as a residence shall be 40 percent of the sales price of the mobilehome to the consumer.

(b) For purposes of this section, "mobilehome" is as defined in Sections 18008 and 18211 of the Health and Safety Code.

(c) If a purchaser certifies in writing to a retailer that the mobilehome purchased will be consumed in a manner or for a purpose entitling the retailer to exclude 60 percent of the gross receipts or sales price from the measure of tax, and uses the mobilehome in some other manner or for some other purpose, the purchaser shall be liable to the state for payment of tax measured by 60 percent of the gross receipts or the sales price.

(d) There are exempted from the taxes imposed by this part, the gross receipts from the sale of, and the storage, use, or other consumption in this state of any used mobilehome, the initial retail sale of which qualified for the partial exemption from tax provided for by this section.

(e) This section shall remain effective only until July 1, 1980, and as of such date is repealed.

SEC. 7.4. Section 6012.8 of the Revenue and Taxation Code, as added by Section 9.5 of Chapter 1160 of the Statutes of 1979, is amended to read:

6012.8. (a) For the purposes of this part, "gross receipts" from the sale of a new mobilehome, and the " sales price" of a new

mobilehome sold or stored, used or otherwise consumed in this state shall be 75 percent of the sales price of the mobilehome to the retailer, if such mobilehome is sold by the retailer to the purchaser for installation on a foundation system pursuant to Section 18551 of the Health and Safety Code for occupancy as a residence, and is thereafter subject to property taxation. The retailer shall be considered to be the consumer for purposes of this part if the sale by the retailer would otherwise have been subject to sales tax and if the retailer is not also the manufacturer of the mobilehome. If the retailer of the mobilehome is the manufacturer, tax shall be measured by an amount equal to 75 percent of the sales price at which a similar mobilehome ready for installation would be sold by the manufacturer to a retailer-consumer in this state.

(b) For purposes of this section, a "mobilehome" is defined in Sections 18008 and 18211 of the Health and Safety Code.

(c) If a purchaser certifies in writing to a retailer that the mobilehome purchased will be consumed in a manner or for a purpose entitling the retailer to exclude 25 percent of the gross receipts or sales price to the retailer from the measure of tax, and uses the property in some other manner or for some other purpose which would not be subject to any other exclusion or exemption under this part, the purchaser shall be liable for payment of tax measured by the amount of the sales price to the purchaser less an amount equal to 75 percent of the gross receipts or sales price of the mobilehome to the retailer.

(d) There are exempted from the taxes imposed by this part, the gross receipts from the sale of, and the storage, use, or other consumption in this state of any used mobilehome, the initial retail sale of which qualified for the partial exemption from tax provided for by this section.

(e) This section shall become operative July 1, 1980.

SEC. 7.5. Section 6012.9 of the Revenue and Taxation Code is amended to read:

6012.9. (a) For the purposes of this part, "gross receipts" from the sale of a new mobilehome, and the " sales price" of a new mobilehome sold or stored, used or otherwise consumed in this state shall be 75 percent of the sales price of the mobilehome to the retailer, if such mobilehome is sold by the retailer to the purchaser for installation for occupancy as a residence pursuant to the requirements of Section 18613 of the Health and Safety Code, and is thereafter subject to property taxation. The retailer shall be considered to be the consumer for purposes of this part if the sale by the retailer would otherwise have been subject to sales tax and if the retailer is not also the manufacturer of the mobilehome. If the retailer of the mobilehome is the manufacturer, tax shall be measured by an amount equal to 75 percent of the sales price at which a similar mobilehome ready for installation would be sold by the manufacturer to a retailer-consumer in this state.

(b) For the purpose of this section, a "mobilehome" is defined in

Sections 18008 and 18211 of the Health and Safety Code.

(c) If a purchaser certifies in writing to a retailer that the mobilehome purchased will be consumed in a manner or for a purpose entitling the retailer to exclude 25 percent of the gross receipts or sales price to the retailer from the measure of tax, and uses the property in some other manner or for some other purpose which would not be subject to any other exclusion or exemption under this part, the purchaser shall be liable for payment of tax measured by the amount of the sales price to the purchaser less an amount equal to 75 percent of the gross receipts or sales price of the mobilehome to the retailer.

(d) There are exempted from the taxes imposed by this part, the gross receipts from the sale of, and the storage, use, or other consumption in this state of any used mobilehome, the initial retail sale of which qualified for the partial exemption from tax provided for by this section.

SEC. 7.6. Section 6379 of the Revenue and Taxation Code is amended to read:

6379. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use, or other consumption in this state of any used mobilehome, as defined in Sections 18008 and 18211 of the Health and Safety Code, which is subject to property tax pursuant to Part 13 (commencing with Section 5800) of Division 1.

SEC. 8. Section 10759 of the Revenue and Taxation Code, as added by Chapter 1180 of the Statutes of 1979, is amended and renumbered to read:

10759.5. (a) Notwithstanding the provisions of Section 10758, on or after July 1, 1980, any mobilehome, with respect to which the license fee required to be paid by this part has been delinquent for a period of 120 days or more, shall no longer be subject to the provisions of this part. Instead, such mobilehome shall be subject to the provisions of law governing local property taxation.

(b) The provisions of subdivision (a) do not apply to any mobilehome during the period in which it is the subject of any probate proceedings in this state.

(c) With regard to any mobilehome subject to local property taxation pursuant to the provisions of subdivision (a), the delinquent taxes and fees due under this part and under Article 2 (commencing with Section 9250) of Chapter 6 of Division 3 of the Vehicle Code as reported by the Department of Motor Vehicles shall be added to the applicable property tax bill; the delinquent taxes and fees may be added to the secured roll and may be collected and distributed in the same manner as property taxes; or, in the alternative, may be added to the unsecured roll, collected like and distributed like all other taxes on such roll. If the amount of delinquent fees cannot be determined by the Department of Motor Vehicles, there shall be added a penalty for failure to register in the amount of one hundred dollars ($100) or 8 percent of the current value of the mobilehome,

whichever is more.

Whenever there is a transfer of registration, the liability for delinquent fees and penalties is that of the seller and not the buyer of the mobilehome.

(d) The State Board of Equalization shall adopt and amend as necessary rules and regulations to carry out as well as enforce the provisions of this section.

(e) For purposes of this section, "mobilehome" is defined in Section 396 of the Vehicle Code.

(f) If any mobilehome owner disputes the amount of delinquent taxes and fees reported by the Department of Motor Vehicles, the owner shall pay the amount reported to the county tax collector. If the Department of Motor Vehicles determines that a refund is due, it shall notify the auditor who shall refund the overpayment or erroneous payment of fees and taxes to the owner.

SEC. 9. Section 10784 of the Revenue and Taxation Code is amended to read:

10784. (a) The license fee imposed by this part does not apply to any mobilehome as defined in Sections 18008 and 18211 of the Health and Safety Code which is sold and installed on a foundation system, pursuant to Section 18551 of the Health and Safety Code.

(b) Any mobilehome exempted from the provisions of this part shall be subject to local property taxation.

SEC. 10. Section 10785 of the Revenue and Taxation Code is amended to read:

10785. (a) The license fee imposed by this part shall not apply to any new mobilehome as defined in Sections 18008 and 18211 of the Health and Safety Code, which is sold and installed for occupancy, in accordance with Section 18613 of the Health and Safety Code, on or after July 1, 1980.

(b) Any new mobilehome exempted from the provisions of this part shall be subject to local property taxation.

SEC. 11. Section 11914 of the Revenue and Taxation Code is amended to read:

11914. The purchaser of a new mobilehome which is sold and installed for occupancy in accordance with Section 18613 of the Health and Safety Code, on or after July 1, 1980, shall be subject to the tax imposed pursuant to this chapter. Mobilehomes held in the mobilehome dealer's inventory shall be exempt from the provisions of this chapter.

SEC. 11.5. Section 20508 of the Revenue and Taxation Code is amended to read:

20508. "Residential dwelling" means a dwelling occupied by the claimant as the principal place of residence, and so much of the land surrounding it as is reasonably necessary for use of the dwelling as a home, owned by the claimant, the claimant and his spouse, or by the claimant and some other individual, and located in this state. It shall also include a residential unit in a cooperative housing corporation (as defined in Section 17265) occupied by the owner of

shares or a membership interest in such corporation as his or her principal residence, mobilehomes which are assessed as realty for local property tax purposes and the land on which situated, houseboats, and other similar living accommodations, as well as a part of a multidwelling or multipurpose building and a part of the land upon which it is built. It shall also include premises occupied by reason of the claimant's ownership of a dwelling located on land owned by a nonprofit incorporated association, of which the claimant is a member, when such association requires the claimant to pay a pro rata share of the property taxes levied against the association's land. It shall also include premises occupied by a claimant wherein he is required by law to pay a property tax by reason of his ownership (including a possessory interest) in the dwelling, the land, or both. It shall also include a dwelling unit which is a mobilehome owned by a claimant, subject to property taxation pursuant to Part 13 (commencing with Section 5800), and located on land which is owned or rented by such claimant. (Owned includes the interest of a vendee in possession under a land sale contract but not the interest of the vendor, the interest of the holder of a life estate interest, but not the interest of a remainderman, and of one or more joint tenants or tenants in common. Except in the case of an unrecorded land sale contract, ownership must be evidenced by a duly recorded document.)

SEC. 11.6. Section 20509 of the Revenue and Taxation Code is amended to read:

20509. "Rented residence" means premises rented and occupied by the claimant as his or her principal place of residence during the calendar year for which assistance is claimed. The term "rented residence" shall not include:

(a) Premises which are exempt from property taxation, except those premises on which the owner pays possessory interest taxes, or makes payments in lieu of property taxes which are substantially equivalent to property taxes paid on properties of comparable market value.

(b) Premises which are not located in this state.

For the purposes of this section, the term "premises" means a house or a dwelling unit used to provide living accommodations in a building or structure and the land incidental thereto, but does not include land only, except in the case where the dwelling unit is a mobilehome subject to the license fee imposed by Part 5 (commencing with Section 10701) of this division. "Rented residence" includes a dwelling unit which is a mobilehome subject to the license fee imposed by Part 5 (commencing with Section 10701) of this division owned by the claimant and located on land which is owned or rented by such claimant.

SEC. 12. Section 4602.2 is added to the Vehicle Code, to read:

4602.2. With respect to mobilehomes, commencing January 1, 1982, the registration card issued to the owner shall be in two parts. One part is to be retained in the vehicle as required by Section 4454.

The other part shall be filed by the owner with the mobilehome park operator, if the mobilehome is situated in a mobilehome park. The two parts shall contain identical registration information, except that the part to be filed with the mobilehome park operator shall bear the notation "Duplicate copy to be filed with the mobilehome park operator as required by law."

SEC. 13. Section 5350.6 is added to the Vehicle Code, to read:

5350.6. (a) For the purposes of registration of mobilehomes pursuant to this article, "mobilehome" shall include, as a single unit with one registration, two or more units that are manufactured or fabricated for later assembly as a single unit which are actually sold to be assembled into a single unit.

(b) Subdivision (a) shall apply to mobilehomes upon application for original registration.

(c) Subdivision (a) shall apply to mobilehomes described in subdivision (a) upon transfer of ownership thereof, unless the owner or transferee of such a mobilehome which is currently registered in this state as separate units, requests the continuation of such separate registration.

(d) The owner of a currently registered mobilehome described in subdivision (a) may request the department to register the mobilehome as a single unit as specified in subdivision (a).

SEC. 14. Section 5352 of the Vehicle Code is amended to read:

5352. Subject to the exemptions stated in Sections 5353 and 5400 of this code and Section 18551 of the Health and Safety Code, registration of any trailer coach in this state is required annually.

SEC. 15. Section 5357 of the Vehicle Code is amended to read:

5357. On or before the last day of each calendar month, the department shall furnish a listing of all mobilehomes with respect to which the license fee has become delinquent for a period of 120 days or more, as provided for in Section 10759.5 of the Revenue and Taxation Code, since the last listing was furnished and, beginning July 1, 1981, a listing of all new registrations and transfers of title to mobilehomes since the last listing to the county assessor of the county in which the mobilehome is sited.

Such listing shall show: the name and address of the registered owner and legal owner, if any, the license number, the year model, the make, and the vehicle identification number of the mobilehome; the county where the mobilehome is located; the expiration date of the last registration and the amount of any delinquent license or registration fees and the amount of any applicable penalties; and such other information as the department and the assessors shall agree.

SEC. 16. Section 5400 of the Vehicle Code is repealed.

SEC. 17. Section 5400 is added to the Vehicle Code, to read:

5400. On or after July 1, 1980, all mobilehomes which are subject to local property taxation pursuant to Part 13 of Division 1 of the Revenue and Taxation Code shall be subject to vehicle registration only at the time of initial sale, resale, or other transfer of title.

SEC. 17.3. Section 5405 is added to the Vehicle Code, to read:

5405. The department shall withhold the registration or the transfer of registration of any mobilehome subject to this article other than a new mobilehome for which application is being made for an original registration, until the applicant presents a tax clearance certificate issued pursuant to Section 5832 of the Revenue and Taxation Code by the tax collector of the county where the mobilehome is located.

SEC. 17.5. Section 5901 of the Vehicle Code is amended to read:

5901. (a) Every dealer or lessor-retailer, upon transferring by sale, lease or otherwise any vehicle, whether new or used, of a type subject to registration under this code, shall, not later than the end of the fifth calendar day thereafter, not counting the day of sale, give written notice of the transfer to the department at its headquarters upon an appropriate form provided by it, and with respect to mobilehomes shall send a copy of the notice to the assessor of the county where the mobilehome is to be installed, along with a copy of the manufacturer's label required by Section 18064 of the Health and Safety Code for that mobilehome or a copy of the sales invoice or other document showing the make and model of the mobilehome, the accessories included, and any added construction features or materials in such form as prescribed by the Department of Housing and Community Development after consultation with the assessors.

(b) Except as otherwise provided in this subdivision or in subdivision (c), in the case of a vehicle under 6,001 pounds, manufacturer's maximum gross vehicle weight rating, the dealer or lessor-retailer shall indicate on the form the actual mileage of the vehicle as indicated by the vehicle's odometer at the time of the transfer. However, if the vehicle dealer or lessor-retailer has knowledge that the mileage displayed on the odometer is incorrect, such licensee shall indicate on the form the true mileage, if known, of the vehicle at the time of the transfer. A vehicle dealer or lessor-retailer need not give the notice when selling or transferring a new unregistered vehicle to a dealer or lessor-retailer.

(c) When the dealer or lessor-retailer is not in possession of the vehicle that is sold or transferred, the person in physical possession of such vehicle shall give the information required by subdivision (b).

(d) A "sale" shall be deemed completed and consummated when the purchaser of that vehicle has paid the purchase price, or, in lieu thereof, has signed a purchase contract or security agreement, and taken physical possession or delivery of that vehicle.

SEC. 18. Section 9250 of the Vehicle Code is amended to read:

9250. (a) A registration fee of eleven dollars ($11) shall be paid to the department for the registration of every vehicle or mobilehome of a type subject to registration, except as are expressly exempted under this code from the payment of registration fees.

The registration fee imposed by this section shall apply to all vehicles described in Section 5004, whether or not special

identification plates are issued to such vehicle.

(b) Mobilehomes and trailer coaches shall be subject to the fee provided in subdivision (a) for each unit of the mobilehome or trailer coaches.

SEC. 19. On or before September 1, 1980, the Department of Motor Vehicles shall furnish each county assessor with a listing of all mobilehomes in the assessor's county with respect to which the vehicle license fee has been delinquent for 120 days or more on July 1, 1980. Such listing shall include the information required by Section 5357 of the Vehicle Code.

SEC. 20. Whenever any information is required to be reported by, or any duty is assigned to the Department of Motor Vehicles by any section of this act, with respect to the regulation, licensing or taxation of mobilehomes, the same reports and duties will be required of the Department of Housing and Community Development if the responsibility for registration, licensing, and titling of mobilehomes is transferred from the Department of Motor Vehicles to the Department of Housing and Community Development.

SEC. 21. For purposes of paragraph (2) of subdivision (a) of Section 5801 of the Revenue and Taxation Code, whether the license fee has been delinquent for 120 days shall be determined beginning July 1, 1980, so that any mobilehome for which the license fee has been delinquent for 120 days or more as of that date will become subject to the property tax, as will any mobilehome for which the 120th day of delinquency is July 2, 1980, or thereafter.

SEC. 22. (a) No appropriation is made and no reimbursement is required by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the Legislature finds and declares that there are savings as well as costs in this act which, in the aggregate, do not result in additional net costs.

(b) Notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to this section because the initial reduction in existing sales tax revenues caused by this bill will be more than offset in future years by the increases in property tax revenue provided by this act and therefore local governments will experience no undue hardships.

SEC. 23. The provisions of this act, other than Section 7.3, shall become operative on July 1, 1980.

SEC. 24. 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:

Chapters 1160 and 1180 of the Statutes of 1979 applied property taxation to new mobilehomes purchased after July 1, 1980. In order for the provisions of this act to apply to such mobilehomes it is necessary for this act to take effect immediately.

## CHAPTER 286

An act relating to special funds, and making an appropriation therefor, to take effect immediately, usual current expenses.

[Approved by Governor June 30, 1980 Filed with Secretary of State June 30, 1980 ]

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

SECTION 1. Notwithstanding the provisos contained in Item 437 of the Budget Act of 1979, the following sums of money, or so much thereof as may be necessary, are hereby appropriated from the unencumbered balances of the following funds to meet contingencies and emergencies during the 1979–80 fiscal year, as follows:

(a) From the Accountancy Fund, fifty-three thousand nine hundred three dollars ($53,903) to the State Board of Accountancy for expenditure in accordance with the provisions of Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code.

(b) From the State Funeral Directors and Embalmers Fund, forty-seven thousand seven hundred sixty-four dollars ($47,764) to the State Board of Funeral Directors and Embalmers for expenditure in accordance with the provisions of Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code.

(c) From the California State Board of Landscape Architects Fund, thirty-four thousand two hundred sixty-five dollars ($34,265) to the California State Board of Landscape Architects for expenditure in accordance with the provisions of Chapter 3.5 (commencing with Section 5615) of Division 3 of the Business and Professions Code.

(d) From the California State Board of Architectural Examiners Fund, one hundred five thousand six hundred sixteen dollars ($105,616) to the California State Board of Architectural Examiners for expenditure in accordance with the provisions of Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code.

(e) From the Tax Preparers Fund, six thousand dollars ($6,000) to the Tax Preparer Program for expenditure in accordance with the provisions of Chapter 20.6 (commencing with Section 9891) of Division 3 of the Business and Professions Code.

(f) From the Shorthand Reporters' Fund, five thousand dollars ($5,000) to the Certified Shorthand Reporters Board for expenditure in accordance with the provisions of Chapter 13 (commencing with Section 8000) of Division 3 of the Business and Professions Code.

(g) From the Private Investigator and Adjuster Fund, seventy thousand nine hundred twenty-two dollars ($70,922) to the Bureau of Collection and Investigative Services for expenditure in

accordance with the provisions of Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code.

SEC. 2. The sum of ninety-eight thousand six hundred thirty-three dollars ($98,633) is hereby appropriated from the California Environmental License Plate Fund to the Department of Motor Vehicles in augmentation of Item 179 of the Budget Act of 1979 (Ch. 259, Stats. 1979) in order to carry out the provisions of Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code for the remainder of the 1979–80 fiscal year.

SEC. 3. 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.

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## CHAPTER 287

An act to add Sections 1232.11, 1232.12, and 1232.13 to the Government Code, relating to continuation of state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1980. Filed with Secretary of State June 30, 1980.]

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

SECTION 1. Section 1232.11 is added to the Government Code, to read:

1232.11. On or after June 30, 1980, no state officer or employee shall be deemed to have a break in service or to have terminated his employment, for any purpose, nor to have incurred any change in his authority, status, or jurisdiction or in his salary or other conditions of employment, solely because of the failure to enact a Budget Bill for the 1980–81 fiscal year prior to the end of the preceding fiscal year.

Every person who entered state service between June 30, 1980, and the effective date of the Budget Bill for the 1980–81 fiscal year shall be deemed a state officer or employee, as the case may be, from the time he entered state service until that date, notwithstanding the failure to enact a Budget Bill for the 1980–81 fiscal year prior to his entry into service.

SEC. 2. Section 1232.12 is added to the Government Code, to read:

1232.12. Funds from each appropriation made in the Budget Act of 1980 may be expended to pay such salary adjustments as are authorized by salary-fixing authorities to provide an increase in the compensation for officers and employees during the month of July 1980 to provide compensation equivalent to that which they would have otherwise received had the Budget Act of 1980 been adopted prior to July 1, 1980.

SEC. 3. Section 1232.13 is added to the Government Code, to read:

1232.13. Funds from each appropriation made in the Budget Act of 1980 may be expended to pay any obligation incurred between the commencement of the 1980–81 fiscal year and the effective date of the Budget Act of 1980, which would otherwise have been authorized by the Budget Act of 1980, had that act been adopted prior to July 1980 subject to the same limitations, conditions, and requirements.

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 failure to enact prior to July 1, 1980, a Budget Bill for the 1980–81 fiscal year will create serious questions regarding the continuity of employment of state personnel, as well as other fiscal matters, and it is therefore essential that this act take immediate effect.

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## CHAPTER 288

An act to amend Section 42243.6 of the Education Code, relating to state funds, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1980 Filed with Secretary of State June 30, 1980 ]

I am reducing the appropriation in Section 4 of Senate Bill 1426 from $474,358,712 to $208 million.

The remaining funds will provide $126 million for revenue limit deficits and court mandates for our schools

The remaining $208 million will be available for capitol outlay purposes.

With this reduction, I approve Senate Bill No 1426.

EDMUND G. BROWN JR., Governor

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

SECTION 1. Section 42243.6 of the Education Code is amended to read:

42243.6. The revenue limit of a school district, as determined under Section 42237 or 42238, may be increased by the amount necessary to pay costs mandated by the courts, as defined in Section 2205 of the Revenue and Taxation Code, pursuant to final court orders issued after January 1, 1978, to pay costs mandated by the federal government, as defined in Section 2206 of the Revenue and Taxation Code, pursuant to any federal statutes or regulations enacted or issued after January 1, 1978, and to pay costs mandated by an initiative enactment, as defined in Section 2206.5 of the Revenue

and Taxation Code, by means of any initiative statutes or amendments adopted or enacted after January 1, 1978.

Prior to payment of any revenue limit increases, the Controller shall review any revenue limit increase under this section and any data related to the establishment thereof. If the Controller determines that such limit exceeds a limit which would be necessary to meet the federally mandated, initiative-mandated, or court-mandated costs, or if the Controller determines that such limit has been increased to pay any cost mandated by a court which has resulted from litigation entered into in order to avoid the revenue limits established by this chapter, or if the Controller determines that a school district has erroneously concluded that it is subject to costs mandated by the courts or costs mandated by the federal government, or if the Controller determines that the increase of the revenue limit is excessive or unreasonable, the Controller shall immediately notify the governing board of the school district of such determination, and the school district shall reduce its revenue limit by an appropriate amount. In the event that a school district fails to make such a reduction in its revenue limit, the Controller shall request the Attorney General to bring an action under Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure to force a reduction in the limit.

An increase in the revenue limit heretofore or hereafter established pursuant to the provisions of this section shall not be invalidated and may continue to be in effect to meet recurring costs resulting from any program or activity undertaken or implemented by a school district in order to comply with a mandate by the federal government, by initiative enactment, or by the courts, notwithstanding the reversal, repeal, stay, or invalidation of such mandate, if the reversal, repeal, stay, or invalidation of the mandate occurred or occurs after the school district has increased its revenue limit to satisfy continuing contractual obligations entered into in order to undertake, implement or continue the mandated program or activity.

The increase in the revenue limit shall not continue in effect if the reversal, repeal, stay, or invalidation of the mandate is upheld by a final court order.

SEC. 2. (a) The Superintendent of Public Instruction shall recalculate and reapportion the 1979–80 fiscal year second principal apportionment for school districts as it pertains to the revenue limits pursuant to all applicable laws including, but not limited to, Sections 42237 to 42246, inclusive, and Section 42902 of the Education Code 30 days after the effective date of this section.

(b) There is hereby appropriated, in addition to all other funds appropriated and transferred to Section A of the State School Fund, from the General Fund to Section A of the State School Fund, the

sum of seventy-four million nine hundred forty-four thousand nine hundred eighty-four dollars ($74,944,984) for the purpose of making apportionments pursuant to subdivision (a).

SEC. 3. For the 1979–80 fiscal year, the State Controller shall transfer from the General Fund to Section A of the State School Fund the sum of fifty million six hundred ninety-six thousand three hundred four dollars ($50,696,304) to make the payment of revenue limit adjustments authorized by Section 42243.6 of the Education Code for the 1979–80 fiscal year, in addition to any other funds transferred into Section A of the State School Fund and apportioned for such purpose.

SEC. 4. There is hereby appropriated from the General Fund to the State School Building Lease-Purchase Fund the sum of four hundred seventy-four million three hundred fifty-eight thousand seven hundred twelve dollars ($474,358,712) for the purposes of Chapter 22 (commencing with Section 17700) of Part 10 of the Education Code.

SEC. 5. The amendments to Section 42243 6 of the Education Code made by this act shall be operative for the 1980–81 fiscal year and fiscal years thereafter.

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 that the provisions of this act may be implemented at the commencement of the 1980–81 fiscal year, it is necessary that this act take effect immediately.

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## CHAPTER 289

An act to amend Sections 81002, 82007, 82015, 82046, 84216, and 90002 of, to amend and renumber Sections 84216.5 and 84226 of, to add Sections 82013, 82018, 82031, 82036, 82036.5, 84200, 84201, 84202, 84203, 84204, 84205, 84206, 84207, 84208, 84209, 84210, 84211, 84212, 84214, and 84215 to, and to repeal Sections 81005, 82013, 82018, 82031.5, 82036, 84200, 84201, 84202, 84203, 84204, 84204.1, 84204.2, 84205, 84206, 84207, 84207.5, 84210, 84211, 84212, 84213, 84214, and 84215 of, the Government Code, relating to elections.

[Approved by Governor July 1, 1980 Filed with Secretary of State July 1, 1980 ]

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

SECTION 1. Section 81002 of the Government Code is amended to read:

81002. The people enact this title to accomplish the following purposes:

(a) Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited.

(b) The activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials.

(c) Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided.

(d) The state ballot pamphlet should be converted into a useful document so that voters will not be entirely dependent on paid advertising for information regarding state measures.

(e) Laws and practices unfairly favoring incumbents should be abolished in order that elections may be conducted more fairly.

(f) Adequate enforcement mechanisms should be provided to public officials and private citizens in order that this title will be vigorously enforced.

SEC. 1.1. Section 82007 of the Government Code is amended to read:

82007. "Candidate" means an individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials, for nomination for or election to any elective office, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to any elective office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any officeholder who is the subject of a recall election. An individual who becomes a candidate shall retain his or her status as a candidate until such time as that status is terminated pursuant to Section 84214. "Candidate" does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

SEC. 1.2. Section 82013 of the Government Code is repealed.

SEC. 1.3. Section 82013 is added to the Government Code, to read:

82013. "Committee" means any person or combination of persons who directly or indirectly:

(a) Receives contributions totaling five hundred dollars ($500) or more in a calendar year;

(b) Makes independent expenditures totaling five hundred dollars ($500) or more in a calendar year; or

(c) Makes contributions totaling five thousand dollars ($5,000) or more in a calendar year to or at the behest of candidates or committees.

A person or combination of persons that becomes a committee shall retain its status as a committee until such time as that status is terminated pursuant to Section 84214.

SEC. 1.4. Section 82015 of the Government Code is amended to read:

82015. "Contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of a candidate, committee or elected officer is a contribution to the candidate, committee or elected officer unless full and adequate consideration is received for making the expenditure.

The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fundraising events; the candidate's own money or property used on behalf of his or her candidacy; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.

The term "contribution" further includes any transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.

The term "contribution" does not include amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution. However, the fact that such amounts have been received shall be indicated in the appropriate campaign statement.

The term "contribution" does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office if the costs for the meeting or fundraising event are five hundred dollars ($500) or less.

Notwithstanding the foregoing definition of "contribution," the term does not include volunteer personal services or payments made by any individual for his or her own travel expenses if such payments

are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her.

SEC. 1.5. Section 81005 of the Government Code is repealed.

SEC. 2. Section 82018 of the Government Code is repealed.

SEC. 3. Section 82018 is added to the Government Code, to read:

82018. "Cumulative amount" means the amount of contributions received or expenditures made in the calendar year. If, however, pursuant to subdivision (c) of Section 84200 or Section 84208, a filer is required to file a campaign statement or independent expenditure report in one year in connection with an election to be held in another year, the period over which the cumulative amount is calculated shall end on the closing date of the postelection statement or report filed in connection with the election. If, however, pursuant to subdivision (d) of Section 84200, a filer is required to file a campaign statement in connection with the qualification of a measure and such qualification effort extends into two calendar years, the period over which the cumulative amount is calculated shall end on the closing date for the campaign statements required by subdivision (j) of Section 84202. For a person filing a campaign statement with a period modified by the provisions of this section, the next period over which the cumulative amount is calculated shall begin on the day after the closing date of such statement.

SEC. 3.2. Section 82031 is added to the Government Code, to read:

82031. "Independent expenditure" means an expenditure made by any person in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.

SEC. 3.3. Section 82031.5 of the Government Code is repealed.

SEC. 4. Section 82036 of the Government Code is repealed.

SEC. 5. Section 82036 is added to the Government Code, to read:

82036. "Late contribution" means any contribution including a loan which totals in the aggregate one thousand dollars ($1,000) or more that is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure before the date of the election at which the candidate or measure is to be voted on but after the closing date of the last campaign statement required to be filed before the election.

SEC. 5.1. Section 82036.5 is added to the Government Code, to read:

82036.5. "Late independent expenditure" means any independent expenditure which totals in the aggregate one thousand dollars ($1,000) or more and is made for or against any

specific candidate or measure involved in an election before the date of the election but after the closing date of the last campaign statement required to be filed prior to the election by a candidate or committee participating in such election.

SEC. 6. Section 82046 of the Government Code is amended to read:

82046. (a) "Period covered" by a statement or report required to be filed by this title, other than a campaign statement, means, unless a different period is specified, the period beginning with the day after the closing date of the most recent statement or report which was required to be filed, and ending with the closing date of the statement or report in question. If the person filing the statement or report has not previously filed a statement or report of the same type, the period covered begins on the day on which the first reportable transaction occurred. Nothing in this chapter shall be interpreted to exempt any person from disclosing transactions which occurred prior to the effective date of this title according to the laws then in effect.

(b) "Period covered" by a campaign statement required to be filed by this title means, unless a different period is specified, the period beginning the day after the closing date of the most recent campaign statement which was required to be filed and ending with the closing date of the statement in question. If a person has not previously filed a campaign statement, the period covered begins on January 1.

SEC. 7. Section 84200 of the Government Code is repealed.

SEC. 8. Section 84200 is added to the Government Code, to read:

84200. (a) All candidates and committees shall file campaign statements on July 31 and January 31 if they have made or received contributions or made expenditures during the six calendar months before the closing date of such statements. All elected officers shall file campaign statements no later than July 31 and January 31; provided that this requirement does not apply to elected officers whose salaries are less than one hundred dollars ($100) a month or to judges, unless such elected officer or judge is a candidate or committee which receives contributions or makes expenditures during the applicable six-month period. Filers specified in subdivision (c) shall not file the campaign statement required by this subdivision for the six-month period in which an election referred to in subdivision (c) is held.

(b) In addition to the campaign statements required by subdivision (a), candidates, elected officers, their controlled committees, and any committee formed primarily to support or oppose a candidate or a measure that has made or received contributions of five hundred dollars ($500) or more or made expenditures of five hundred dollars ($500) or more during the

threshold periods specified below, and all other committees which, in an even-numbered year, have made or received contributions of five hundred dollars ($500) or more or made expenditures of five hundred dollars ($500) or more during the threshold periods specified below, or, in an odd-numbered year, have made contributions or independent expenditures of five hundred dollars ($500) or more during the threshold periods specified below shall file campaign statements on the following dates:

(1) No later than March 22, with a five hundred dollar ($500) threshold period of January 1 through March 17.

(2) No later than 12 days before the first Tuesday after the first Monday in June, with a five hundred dollar ($500) threshold period of March 18 through 17 days before the first Tuesday after the first Monday in June.

(3) September 22, with a five hundred dollar ($500) threshold period of July 1 through September 17.

(4) Twelve days before the first Tuesday after the first Monday in November, with a five hundred dollar ($500) threshold period of September 18 through 17 days before the first Tuesday after the first Monday in November.

Notwithstanding the above, elected officers, candidates, and their controlled committees and committees formed primarily to support or oppose a candidate whose activities within a threshold period consist only of receiving contributions and making expenditures solely in connection with their own or their candidate's campaigns are not required to file campaign statements pursuant to this subdivision during any six-month period (from January 1 to June 30 or from July 1 to December 31) in which the candidate's office is not to be voted on or in the case of an elected officer, when the elected officer is not a candidate for an office being voted on in a six-month period.

Filers specified in subdivision (c) shall not file the campaign statements required by this subdivision during the six months in which an election referred to in subdivision (c) is held.

Filers specified in subdivision (d) shall not file the campaign statements required by this subdivision until after the filing date for the campaign statement required by subdivision (d).

(c) If an election is held on a date other than the first Tuesday after the first Monday in June, or the first Tuesday after the first Monday in November, candidates voted on in such elections, their controlled committees and committees formed or existing primarily to support or oppose such candidates or measures voted on in such election shall file campaign statements in connection with the election and shall also file the campaign statements required by subdivisions (a) and (b) for any six-month period in which such an election is not held. Statements filed in connection with such

elections shall be filed no later than 40 days before the election, no later than 12 days before the election, and no later than 65 days after the election; provided, however, if a subsequent runoff election is held within 60 days of the first election, the postelection statement shall be filed 65 days after the runoff election. If, however, pursuant to this subdivision, a candidate or committee is required to file campaign statements in connection with a subsequent runoff resulting from that election which is held within 60 days of the first election, such statements shall be filed no later than 40 days prior to the first election (or March 22, if the first election is on the first Tuesday after the first Monday in June, or September 22, if the first election is on the first Tuesday after the first Monday in November) no later than 12 days prior to the first election, no later than 12 days prior to the runoff and no later than 65 days after the runoff election.

(d) Committees formed or existing primarily to support or oppose the qualification of a measure and proponents of a state measure shall file campaign statements not later than 35 days after the deadline for filing petitions or the date of notification that the measure has either qualified or failed to qualify, whichever is earlier. A committee filing pursuant to this subdivision shall not be required to file semiannual campaign statements under subdivision (a) until after the filing date for the campaign statement required by this subdivision.

SEC. 9. Section 84201 of the Government Code is repealed.

SEC. 10. Section 84201 is added to the Government Code, to read:

84201. The commission may by regulation or written advice permit candidates and committees to file campaign statements combining statements and reports required to be filed by this title.

SEC. 11. Section 84202 of the Government Code is repealed.

SEC. 12. Section 84202 is added to the Government Code, to read:

84202. The closing dates for the campaign statements required by Section 84200 shall be as follows:

(a) December 31 of the previous calendar year for campaign statements required by subdivision (a) of Section 84200 to be filed on January 31.

(b) June 30 for campaign statements required by subdivision (a) of Section 84200 to be filed on July 31.

(c) March 17 for the campaign statement required by subdivision (b) of Section 84200 to be filed on March 22.

(d) Seventeen days before the first Tuesday after the first Monday in June for campaign statements required by subdivision (b) of Section 84200 to be filed 12 days before such date.

(e) September 17 for campaign statements required by subdivision (b) of Section 84200 to be filed on September 22.

(f) Seventeen days before the first Tuesday after the first Monday in November for campaign statements required by subdivision (b) of Section 84200 to be filed 12 days before such date.

(g) Forty-five days before the election for campaign statements required by subdivision (c) of Section 84200 to be filed 40 days before the election.

(h) Seventeen days before the election for campaign statements required by subdivision (c) of Section 84200 to be filed 12 days before the election.

(i) Fifty-eight days after the election for campaign statements required by subdivision (c) of Section 84200 to be filed 65 days after the election.

(j) Twenty-eight days after the deadline for filing petitions or the date of notification that the measure has either qualified or failed to qualify, whichever is earlier, for campaign statements required by subdivision (d) of Section 84200 to be filed 35 days after such date.

SEC. 13. Section 84203 of the Government Code is repealed.

SEC. 14. Section 84203 is added to the Government Code, to read:

84203. (a) Any committee which has filed a preelection campaign statement in connection with an election under subdivision (c) of Section 84200, may designate such campaign statement as final and shall not be required to file any further campaign statements in connection with that election if:

(1) It has made no expenditures and received no contributions since the closing date of the campaign statement designated as final; and

(2) It has no intention of making any expenditures or receiving any contributions in the period between the closing date of the campaign statement designated as final and the closing date of the postelection statement it would be required to file were it not for this section.

(b) Prior to the filing date for the next campaign statement the committee would be required to file were it not for this section, the committee treasurer shall execute a declaration and file it in the same manner and in the same places as a campaign statement. The declaration shall state that the committee has complied with the requirements of paragraphs (1) and (2) of subdivision (a).

(c) Notwithstanding subdivisions (a) and (b), a committee shall file the campaign statements required by subdivision (c) of Section 84200 if it makes expenditures or receives contributions after the closing date of the campaign statement it has designated as final.

SEC. 15. Section 84204 of the Government Code is repealed.

SEC. 16. Section 84204 is added to the Government Code, to read:

84204. (a) Any candidate who has filed a preelection campaign statement in connection with an election under subdivision (c) of Section 84200 may designate such campaign statement as final and shall not be required to file any further campaign statements in connection with that election if:

(1) He or she has made no expenditures and received no contributions since the closing date of the campaign statement designated as final;

(2) He or she has no intention of making any expenditures or receiving any contributions in the period between the closing date of the campaign statement designated as final and the closing date of the postelection statement he or she would be required to file were it not for this section; and

(3) No committee is making expenditures or receiving contributions on behalf of or in support of his or her candidacy.

(b) Prior to the filing date for the next campaign statement the candidate would be required to file were it not for this section, he or she shall execute a declaration and file it in the same manner and in the same places as a campaign statement. The declaration shall state that he or she has complied with the requirements of paragraphs (1), (2), and (3) of subdivision (a).

(c) Notwithstanding subdivisions (a) and (b), a candidate shall file the campaign statements required by subdivision (c) of Section 84200 if he or she makes expenditures or receives contributions after the closing date of the campaign statement designated as final.

SEC. 17. Section 84204.1 of the Government Code is repealed.

SEC. 18. Section 84204.2 of the Government Code is repealed.

SEC. 19. Section 84205 of the Government Code is repealed.

SEC. 20. Section 84205 is added to the Government Code, to read:

84205. A candidate shall not be required to file any of the campaign statements required by subdivision (c) of Section 84200 if, on or before the filing date for the first preelection campaign statement, he or she files a declaration stating that to the best of his or her knowledge less than five hundred dollars ($500) in contributions or expenditures will be received or made in behalf of or in support of his or her candidacy, provided, however, that the candidate shall file campaign statements under subdivision (c) of Section 84200 if five hundred dollars ($500) in contributions or expenditures are eventually received or made. This declaration shall be signed by the candidate under penalty of perjury and shall be filed in the same manner and in the same places as a campaign statement.

(b) Whenever subdivision (c) of Section 84200 requires the filing of a campaign statement by a candidate or elected officer, the candidate or elected officer may in lieu thereof file a statement signed under penalty of perjury that to the best of his or her knowledge less than five hundred dollars ($500) has been received or expended or will be received or expended on behalf of or in support of his or her candidacy. The statement shall also contain the name, street address and treasurer of any committee of which he or she has knowledge which has received contributions or made expenditures on behalf of his or her candidacy and whether the committee is controlled by the candidate or officeholder.

(c) For the purposes of this section, in calculating whether five hundred dollars ($500) in expenditures have been made, payments for a filing fee or for the costs of a statement of qualifications shall

not be included if such payments have been made from the candidate's personal funds.

SEC. 21. Section 84206 of the Government Code is repealed.

SEC. 22. Section 84206 is added to the Government Code, to read:

84206. (a) Each candidate or committee that makes or receives a late contribution shall report the late contribution to each office with which the candidate or committee is required to file its next campaign statement pursuant to Section 84215. The candidate or committee that makes the late contribution shall report his or her full name and street address and the full name and street address of the person to whom the late contribution has been made, and the date and amount of the late contribution. The recipient of the late contribution shall report his or her full name and street address, and the date and amount of the late contribution. The recipient shall also report the full name of the contributor, his or her street address, occupation and the name of his or her employer or if self-employed, the name of the business.

(b) A late contribution shall be reported by mailgram, telegram or personal delivery within 48 hours of the time it is made in the case of the candidate or committee that makes the contribution and within 48 hours of the time it is received in the case of the recipient. A late contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(c) A late contribution need not be reported nor shall it be deemed accepted if it is not cashed, negotiated or deposited and is returned to the contributor within 48 hours of its receipt.

(d) A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this chapter.

SEC. 23. Section 84207 of the Government Code is repealed.

SEC. 24. Section 84207 is added to the Government Code, to read:

84207. (a) A committee that makes a late independent expenditure shall report the late independent expenditure by mailgram, telegram or personal delivery within 48 hours of the time it is made. A late independent expenditure shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(b) A committee that makes a late independent expenditure shall report its full name and street address, as well as the name, office and district of the candidate if the report is related to a candidate, or if the report is related to a measure, the number or letter of the measure, the jurisdiction in which the measure is to be voted upon, and the amount and the date, as well as a description of the late independent expenditure.

(c) A committee that makes a late independent expenditure shall file a late independent expenditure report in the places where it would be required to file campaign statements under Sections 84200 and 84215 as if it were formed or existing primarily to support or

oppose the candidate or measure for or against which it is making the late independent expenditure.

(d) A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this chapter.

SEC. 25. Section 84207.5 of the Government Code is repealed.

SEC. 26. Section 84208 is added to the Government Code, to read:

84208. (a) In addition to any campaign statements required by Section 84200, if a committee has made independent expenditures totaling five hundred dollars ($500) or more in a calendar year to support or oppose a candidate, a measure or qualification of a measure, it shall file independent expenditure reports at the times and in the places where it would be required to file campaign statements under Sections 84200 and 84215, as if it were formed or existing primarily to support or oppose such candidate or measure or qualification of such measure. No independent expenditure report need be filed to cover a period for which there has been no activity to report.

(b) The closing date for an independent expenditure report shall be the same as those specified in Section 84202 for campaign statements required to be filed on the same date.

(c) The period covered by an independent expenditure report related to a candidate or measure shall begin on the day after the closing date of the most recent independent expenditure report related to that candidate or measure and end on the closing date of the report in question. If no previous independent expenditure report has been filed in connection with the election, the period covered shall begin on January 1 of the year in which the report is filed.

(d) An independent expenditure report shall contain the following information:

(1) The name, street address, and telephone number of the committee and of the committee's treasurer, and the number assigned to the committee by the Secretary of State.

(2) If the report is related to a candidate, the full name of the candidate and the office and district for which the candidate seeks nomination or election. If the report is related to a measure or qualification of a measure, the number or letter of the measure, or if none has yet been assigned, a brief description of the subject matter of the measure, and the jurisdiction in which the measure is to be voted on or would be voted on if it qualified.

(3) The total amount of expenditures related to the candidate or measure during the period covered by the report made to persons who have received less than one hundred dollars ($100).

(4) The total amount of expenditures related to the candidate or measure during the period covered by the report made to persons who have received one hundred dollars ($100) or more.

(5) For each person to whom an expenditure of one hundred dollars ($100) or more related to the candidate or measure has been made during the period covered by the report and for each person

who has provided consideration for an expenditure of one hundred dollars ($100) or more during the period covered by the report:

(A) His or her full name.

(B) His or her street address.

(C) If the person is a committee, the name of the committee, the number assigned to the committee by the Secretary of State, or if no number has been assigned, the full name and street address of the treasurer of the committee.

(D) The amount of the expenditure.

(E) A brief description of the consideration for which each such expenditure was made and the value of the consideration if less than the total amount of the expenditure.

(F) The cumulative amount of expenditures to such person.

(6) A list of all the filing officers with whom the committee filed its most recent campaign statement.

SEC. 27. Section 84209 is added to the Government Code, to read:

84209. A candidate and any committee or committees which he or she controls may file consolidated campaign statements under this chapter. Such consolidated statements shall be filed in each place each of the committees and the candidate would be required to file campaign statements if separate statements were filed.

SEC. 28. Section 84210 of the Government Code is repealed.

SEC. 29. Section 84210 is added to the Government Code, to read:

84210. (a) Notwithstanding any other provisions of this chapter, a committee pursuant to subdivision (a) of Section 82013 that makes contributions of fifteen thousand dollars ($15,000) or more to support or oppose candidates or state measures voted upon in a special election held on a date other than the first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November shall file reports at the times and in the places where it would be required to file campaign statements under subdivisions (b) and (c) of Section 84200 and Section 84215 if it were formed or existing primarily to support or oppose such candidates or measures, and if not otherwise required to file campaign statements in connection with that special election.

(b) The closing dates for special election reports required to be filed by this section shall be the same as those specified in Section 84202 for campaign statements required to be filed on the same date.

(c) The period covered for the first report required by subdivision (a) to be filed in connection with a special election shall begin on the day after the closing date of the filer's last regularly scheduled campaign statement or January 1 if the last campaign statement was in the previous year. The period covered for subsequent reports for that special election shall begin on the day after the closing date of the previous report filed for that special election.

(d) The reports required by subdivision (a) shall be filed in the same places where committees must file pursuant to Section 84215 as if they were formed or existing primarily to support or oppose candidates or measures to be voted upon in the special election.

(e) Special election reports shall contain the following information:

(1) Identification of the filer.

(2) An itemized list of contributors from whom one hundred dollars ($100) or more has been received and the total amount of contributions received for the period covered by the report.

(3) An itemized list of expenditures of one hundred dollars ($100) or more and the total amount of all expenditures made which are directly related to the election.

(f) A filer may designate a report filed under this section as final pursuant to provisions contained in Section 84203.

(g) The filing of a special election report does not relieve the committee of its obligation to file campaign statements required by Section 84200. Information contained on the special election report shall be repeated on the next regularly scheduled campaign statement required to be filed.

SEC. 30. Section 84211 of the Government Code is repealed.

SEC. 31. Section 84211 is added to the Government Code, to read:

84211. Each campaign statement required by this article shall contain the following information:

(a) The total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received.

(b) The total amount of expenditures made during the period covered by the campaign statement and the total cumulative amount of expenditures made.

(c) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of one hundred dollars ($100) or more.

(d) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of less than one hundred dollars ($100).

(e) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement.

(f) If the cumulative amount of contributions (including loans) received from a person is one hundred dollars ($100) or more and a contribution or loan has been received from that person during the period covered by the campaign statement:

(1) His or her full name;

(2) His or her street address;

(3) His or her occupation;

(4) The name of his or her employer or if self-employed, name of business;

(5) The date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan; and

(6) The cumulative amount of contributions.

(g) For each person, other than the filer, who is directly,

indirectly or contingently liable for repayment of a loan received during the period covered by the campaign statement:

(1) His or her full name;

(2) His or her street address;

(3) His or her occupation;

(4) The name of his or her employer or if self-employed, name of business; and

(5) The amount of his or her maximum liability.

(h) The total amount of expenditures made during the period covered by the campaign statement to persons who have received one hundred dollars ($100) or more.

(i) The total amount of expenditures made during the period covered by the campaign statement to persons who have received less than one hundred dollars ($100).

(j) For each person to whom an expenditure of one hundred dollars ($100) or more has been made during the period covered by the campaign statement:

(1) His or her full name;

(2) His or her street address;

(3) The amount of each expenditure;

(4) A brief description of the consideration for which each expenditure was made;

(5) In the case of an expenditure which is a contribution, the cumulative amount of contributions made to a candidate, elected officer or committee, the full name of the candidate and the office and district for which he or she seeks nomination or election. In the case of a contribution in support of or opposition to a measure, the number or letter of the measure and the jurisdiction in which the measure or candidate is voted upon; and

(6) The information required in paragraphs (1) through (4) above, for each person, if different from the payee, who has provided consideration for an expenditure of one hundred dollars ($100) or more during the period covered by the campaign statement.

For purposes of subdivisions (h), (i) and (j) only, the terms "expenditure" or "expenditures" means any individual payment or accrued expense, unless it is clear from surrounding circumstances that a series of payments or accrued expenses are for a single service or product.

(k) In the case of a controlled committee, an official committee of a political party, or an organization formed or existing primarily for political purposes, the amount and source of any miscellaneous receipt.

(*l*) If a committee is listed pursuant to subdivision (f), (g), (j), (k) or (p), the number assigned to the committee by the Secretary of State shall be listed or if no number has been assigned, the full name and street address of the treasurer of the committee.

(m) In a campaign statement filed by a committee supporting or opposing more than one candidate or measure, the amount of expenditures for or against each candidate or measure during the

period covered by the campaign statement and the cumulative amount of expenditures for or against each such candidate or measure.

(n) In a campaign statement filed by a candidate who is a candidate in both an election held on the first Tuesday after the first Monday in June and an election held on the first Tuesday after the first Monday in November, his or her controlled committee, or a committee primarily formed to support or oppose such a candidate, the total amount of contributions received and the total amount of expenditures made for the period January 1 through June 30 and the total amount of contributions received and expenditures made for the period July 1 through December 31.

(o) The full name, residential and business addresses and telephone number of the filer, or in the case of a campaign statement filed by a committee, the name, street address and telephone number of the committee and of the committee treasurer.

(p) If the campaign statement is filed by a candidate, the name, street address and treasurer of any committee of which he or she has knowledge which has received contributions or made expenditures on behalf of his or her candidacy and whether such committee is controlled by the candidate.

(q) A contribution need not be reported nor shall it be deemed accepted if it is not cashed, negotiated or deposited and is returned to the contributor before the closing date of the campaign statement on which the contribution would otherwise be reported.

(r) If the campaign statement is filed in connection with the qualification of a measure, it shall contain the information required by paragraphs (1) through (4) of subdivision (j) for each person who has directly, indirectly or through an intermediary received payments cumulatively totaling one hundred dollars ($100) or more for circulation of petitions to qualify a measure for the ballot.

SEC. 33. Section 84212 of the Government Code is repealed.

SEC. 33.1. Section 84212 is added to the Government Code, to read:

84212. The forms promulgated by the commission for disclosure of the information required by Sections 84210 and 84211 shall provide for the reporting of loans and similar transactions in a manner that does not result in substantial overstatement or understatement of total contributions and expenditures.

SEC. 34. Section 84213 of the Government Code is repealed.

SEC. 34.5. Section 84214 of the Government Code is repealed.

SEC. 35. Section 84214 is added to the Government Code, to read:

84214. Committees and candidates shall terminate their filing obligation pursuant to regulations adopted by the commission which insure that a committee or candidate will have no activity which must be disclosed pursuant to this chapter subsequent to the termination. Such regulations shall not require the filing of any campaign statements other than those required by this chapter. In no case shall a committee which qualifies solely under subdivision

(b) or (c) of Section 82013 be required to file any notice of its termination.

SEC. 35.4. Section 84215 of the Government Code is repealed.

SEC. 35.5. Section 84215 is added to the Government Code, to read:

84215. All candidates, elected officers, committees and proponents of state ballot measures except as provided in subdivision (e) shall file two copies of the campaign statements required by Section 84200 with the clerk of the county in which they are domiciled. A committee is domiciled at the address listed on its campaign statement unless it is domiciled outside California in which case its domicile shall be deemed to be Los Angeles County for the purpose of this section. In addition, campaign statements shall be filed at the following places:

(a) Statewide elected officers, candidates for such offices, their controlled committees, committees formed primarily to support such candidates or elected officers, and all other committees and filers not specified in subdivisions (b) through (e) below:

(1) The original and one copy with the Secretary of State.

(2) Two copies with the Registrar-Recorder of Los Angeles County.

(3) Two copies with the Registrar of Voters of the City and County of San Francisco.

(b) Members of the Legislature or Board of Equalization, court of appeal justices, superior court judges, candidates for those offices, their controlled committees and committees formed or existing primarily to support or oppose such candidates or officeholders:

(1) The original and one copy with the Secretary of State.

(2) Two copies with the clerk of the county with the largest number of registered voters in the districts affected.

(c) Elected officers in jurisdictions other than legislative districts, Board of Equalization districts or appellate court districts which contain parts of two or more counties, candidates for such offices, their controlled committees and committees formed or existing primarily to support or oppose candidates or measures in one such jurisdiction shall file the original and one copy with the clerk of the county with the largest number of registered voters in the jurisdiction.

(d) County elected officers, municipal court judges, candidates for such offices, their controlled committees and committees formed or existing primarily to support or oppose candidates or measures in any number of jurisdictions within one county, other than those specified in subdivision (e), shall file the original and one copy with the clerk of the county.

(e) City elected officers, candidates for city office, their controlled committees and committees formed or existing primarily to support or oppose candidates or measures in one city shall file the original and one copy with the clerk of the city. Such elected officers, candidates, and committees need not file with the clerk of the county

in which they are domiciled.

(f) Notwithstanding the above, no committee, candidate, or elected officer shall be required to file more than the original and one copy, or two copies, of a campaign statement with any one county or city clerk or with the Secretary of State.

(g) If a committee is required to file campaign statements required by Section 84200 in places designated in subdivisions (d) and (e), it shall continue to file such statements in such places, in addition to any other places required by this title, until the end of the calendar year.

SEC. 36. Section 84216 of the Government Code is amended to read:

84216. For purposes of this chapter, a loan received by a candidate or committee is a contribution unless the loan is received from a commercial lending institution in the ordinary course of business or it is clear from the surrounding circumstances that it is not made for political purposes. A loan which is not a contribution, but which is used by a candidate or committee for political purposes, shall be reported in the manner described in Section 84211.

SEC. 36.5. Section 84216.5 of the Government Code is amended and renumbered to read:

84213. A candidate shall verify his or her campaign statement and the campaign statement of each committee subject to his or her control. The verification shall be in accordance with the provisions of Section 81004 except that it shall state that to the best of his or her knowledge the treasurer of each controlled committee used all reasonable diligence in the preparation of the committee's statement. This section does not relieve the treasurer of any committee from the obligation to verify each campaign statement filed by the committee pursuant to Section 81004.

SEC. 37. Section 84226 of the Government Code is amended and renumbered to read:

84217. When the Secretary of State receives any campaign statement filed pursuant to the federal Election Campaign Act, (2 U.S.C.A. Section 431 et seq.) the Secretary of State shall send a copy of the statement to the following officers:

(a) Statements of candidates for President, Vice President or United States Senator and committees supporting such candidates—one copy with the Registrar-Recorder of Los Angeles County and one copy with the Registrar of Voters of the City and County of San Francisco;

(b) Statements of candidates for United States Representative in Congress and committees supporting such candidates—one copy with the clerk of the county which contains the largest percentage of the registered voters in the election district which the candidate or any of the candidates seek nomination or election and one copy with the clerk of the county within which the candidate resides or in which the committee is domiciled, provided that if the committee is not domiciled in California the statement shall be sent to the

Registrar-Recorder of Los Angeles County. No more than one copy of each statement need be filed with the clerk of any county.

SEC. 38. Section 90002 of the Government Code is amended to read:

90002. (a) Audits and investigations of lobbyists shall be performed on an annual basis and shall cover reports filed during a period of one year.

(b) No audit or investigation of any candidate, controlled committee, or committee primarily supporting or opposing a candidate or a measure in connection with a report or statement required by Chapter 4 of this title, shall begin until after the last date for filing the first report or statement following the general, runoff or special election for the office for which the candidate ran, or following the election at which the measure was adopted or defeated, except that audits and investigations of statewide candidates, their controlled committees, and committees primarily supporting or opposing such statewide candidates supporting candidates who were defeated in the primary election and who are not required to file statements for the general election may begin after the last date for filing the first report or statement following the primary election. When the campaign statements or reports of a candidate, controlled committee, or a committee primarily supporting or opposing a candidate are audited and investigated, the audit and investigation shall cover all campaign statements and reports filed for the primary and general or special or runoff elections and any previous campaign statement or report filed pursuant to Section 84200 since the last election for that office. When the campaign statements or reports of a committee primarily supporting or opposing a measure are audited and investigated, the audit and investigation shall cover all campaign statements and reports from the beginning date of the first campaign statement filed by the committee in connection with the measure. For all other committees, the audit and investigation shall cover all campaign statements filed during the previous two calendar years.

This section shall become operative January 1, 1982.

SEC. 39. The Legislature finds and declares that the provisions of this act further the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

SEC. 40. The amendments affected by this act shall not be construed to deprive any person or public agency of any substantial right or duty which would not have existed or hereafter exists had such amendments not been effected.

## CHAPTER 290

An act to amend Section 703.5 of the Evidence Code, and to add Section 936.5 to the Penal Code, relating to governmental proceedings.

[Approved by Governor July 1, 1980. Filed with Secretary of State July 1, 1980.]

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

SECTION 1. Section 703.5 of the Evidence Code is amended to read:

703.5. No person presiding at any judicial or quasi-judicial proceeding shall be competent to testify, in any subsequent civil proceeding, as to any statement or conduct occurring at the prior proceeding, except as to a statement or conduct that could (a) give rise to civil or criminal contempt, (b) constitute a crime, (c) be the subject of investigation by the State Bar or Commission on Judicial Performance, or (d) give rise to disqualification proceedings under subdivision (5) of Section 170 of the Code of Civil Procedure.

SEC. 2. Section 936.5 is added to the Penal Code, to read:

936.5. (a) When requested to do so by the grand jury of any county, the presiding judge of the superior court may employ special counsel and special investigators, whose duty it shall be to investigate and present the evidence of the investigation to the grand jury.

(b) Prior to the appointment, the presiding judge shall conduct an evidentiary hearing and find that a conflict exists that would prevent the local district attorney, the county counsel, and the Attorney General from performing such investigation. Notice of the hearing shall be given to each of them unless he or she is a subject of the investigation. The finding of the presiding judge may be appealed by the district attorney, the county counsel, or the Attorney General. The order shall be stayed pending the appeal made under this section.

(c) The authority to appoint is contingent upon the certification by the auditor-comptroller of the county, that the grand jury has funds appropriated to it sufficient to compensate the special counsel and investigator for services rendered pursuant to the court order. In the absence of a certification the court has no authority to appoint. In the event the county board of supervisors or a member thereof is under investigation, the county has an obligation to appropriate the necessary funds.

## CHAPTER 291

An act to amend Section 31470.2 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 1, 1980 Filed with Secretary of State July 1, 1980 ]

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

SECTION 1. Section 31470.2 of the Government Code is amended to read:

31470.2. All sheriffs, undersheriffs, chief deputies sheriff, jailers, turnkeys, deputies sheriff, bailiffs, constables, deputies constable, motorcycle officers, aircraft pilots, heads and assistant heads of all divisions of the office of the sheriff, detectives and investigators in the office of the district attorney, marshals and all regularly appointed deputies marshals are eligible.

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## CHAPTER 292

An act to amend Sections 7200 and 7205 of the Business and Professions Code, relating to guide dogs for the blind.

[Approved by Governor July 1, 1980. Filed with Secretary of State July 1, 1980.]

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

SECTION 1. Section 7200 of the Business and Professions Code is amended to read:

7200. There is in the Department of Consumer Affairs a State Board of Guide Dogs for the Blind in whom enforcement of this chapter is vested. The board shall consist of seven members appointed by the Governor. One member shall be the Director of Rehabilitation or his designated representative. The remaining members shall be persons who have shown a particular interest in dealing with the problems of the blind, and at least two of them shall be blind persons who use guide dogs.

SEC. 2. Section 7205 of the Business and Professions Code is amended to read:

7205. Each member of the board, except the Director of Rehabilitation or his or her designated representative, shall receive a per diem and expenses as provided in Section 103. The Director of Rehabilitation or his or her designated representative shall receive the necessary expenses for each day actually spent in the performance of his or her duties.

## CHAPTER 293

An act to amend Section 3247 of the Civil Code, relating to payment bonds for public works, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 1, 1980. Filed with Secretary of State July 1, 1980.]

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

SECTION 1. Section 3247 of the Civil Code is amended to read:

3247. (a) Every original contractor to whom is awarded a contract by a public entity involving an expenditure in excess of fifteen thousand dollars ($15,000) for any public work shall, before entering upon the performance of the work, file a payment bond with and approved by the officer or public entity by whom the contract was awarded.

A public entity shall state in its call for bids for any such contract that such bond is required in the case of such an expediture.

(b) A payment bond filed and approved in accordance with this section shall be sufficient to enter upon the performance of work under a duly authorized contract which supplements the contract for which such payment bond was filed, if the requirement of a new bond is waived by the public entity.

(c) For purposes of this section, providers of architectural, engineering, and land surveying services pursuant to a contract with a public entity for any public work shall not be deemed an original contractor and shall not be required to post or file the payment bond required in subdivisions (a) and (b). This subdivision shall apply to all contracts entered into subsequent to January 1, 1971.

The amendment to this section made during the 1980 portion of the 1979–80 Regular Session of the Legislature does not constitute a change in, but is declaratory of, existing law.

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:

Public agencies and providers of architectural, engineering and land surveying services for such agencies face considerable delay in receiving payment of lawfully allocated grant and loan funds for certain public works projects due to ambiguities in the law which require immediate clarification. It is therefore necessary that this bill take effect immediately.

## CHAPTER 294

An act to add Section 960.6 to the Streets and Highways Code, relating to highways.

[Approved by Governor July 1, 1980. Filed with Secretary of State July 1, 1980.]

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

SECTION 1. Section 960.6 is added to the Streets and Highways Code, to read:

960.6. The board of supervisors may, by ordinance or resolution, delegate to a county official, subject to such rules or regulations as the board may impose, the authority to lease any real property acquired by the county for highway purposes for a renewable term not exceeding three years and for a rental amount not exceeding five hundred dollars ($500) per month. Proceeds from the lease of such property shall be paid into the county treasury to the credit of any fund designated by the board of supervisors which is available for highway purposes.

At least five working days prior to entering into a lease under this section, a notice of intention to enter into such a lease shall be posted in a public place.

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## CHAPTER 295

An act to amend Section 18752.6 of the Business and Professions Code, relating to karate matches and contests.

[Approved by Governor July 1, 1980. Filed with Secretary of State July 1, 1980.]

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

SECTION 1. Section 18752.6 of the Business and Professions Code is amended to read:

18752.6. (a) The commission shall by rule and regulation regulate professional and amateur full-contact karate matches and contests, which shall be fought on the basis of the best effort of the contestants.

(b) Professional and amateur full-contact karate exhibitions shall be governed by provisions in Article 7.5 (commencing with Section 18755) of this chapter, relating to wrestling exhibitions, except that in such case, regulations therein shall apply to "professional and amateur full-contact karate exhibitions" rather than "wrestling exhibitions."

(c) The commission shall by rule and regulation prescribe the

length or duration of professional and amateur full-contact karate matches and contests, the manner in which the contestants or participants shall engage in such matches and contests, and such further safeguards and conditions as shall insure fair, sportsmanlike, and scientific professional and amateur full-contact karate contests and matches.

The commission shall approve all protective gear. No professional or amateur full-contact karate match, contest, or exhibition shall be conducted unless each participant uses approved protective gear on the hands and feet of the participant.

(d) No person under the age of 18 years shall participate in any professional or amateur full-contact karate exhibition, match, or contest, except that any person of the age of 16 years or over, who is registered in amateur full-contact karate in this state, may participate in amateur full-contact karate contests or matches conducted in this state. Every contestant in amateur full-contact karate contest or sparring match under the age of 18 years shall wear an approved protective headgear.

(e) Any professional or amateur full-contact karate contest conforming to the rules, regulations, and requirements of this chapter is deemed a professional or amateur full-contact karate contest and not a prizefight.

(f) The licensed promoter shall be the real party in interest and shall receive at least 25 percent of the net receipts of any contest to qualify as the real party in interest. Upon a finding by the commission that the licensed promoter is not the real party in interest for such an event the commission may revoke the promoter's license.

(g) The commission shall not function as a sanctioning body nor shall it grant titles to fighters or to individual events. This function shall be retained by such full-contact karate amateur or professional associations operating on a local, statewide, regional, national or international level who shall, when operating in California, observe such rules and regulations as have been set forth by the commission. The commission may seek counsel from the advisory committee as to the validity of any association wishing to grant state titles in order to protect the public from advertising misrepresentations.

(h) While full-contact karate, wrestling, and boxing are all fighting sports subject to licensing in California, the Legislature recognizes that full-contact karate is an entirely separate sport.

It is the intent of the Legislature that persons or clubs who possess boxing promoters' licenses and wrestling promoters' licenses should, to the fullest extent possible, subject to their contractual obligations with respect to the conduct of boxing or wrestling matches, contests or other legitimate rentals, for sports or other events, make their premises available for lease or rental by persons or clubs holding professional or amateur full-contact karate promoters' licenses for the conduct of professional or amateur full-contact karate programs.

# CHAPTER 296

An act to amend Sections 25210.4a and 61600 of the Government Code, Section 5782.2 of the Public Resources Code, and Section 99400 of the Public Utilities Code, relating to transportation.

[Approved by Governor July 1, 1980. Filed with Secretary of State July 1, 1980.]

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

SECTION 1. Section 25210.4a of the Government Code is amended to read:

25210.4a. The term "miscellaneous extended services" as used in this chapter shall include, but shall not be limited to, the following:

(1) Water service including the acquisition, construction, operation, replacement, maintenance and repair of water supply and distribution systems, including land, easements and rights-of-way and water rights.

(2) Sewer service, including the acquisition, construction, operation, replacement, maintenance and repair of sewage collection, transportation and disposal systems, including land, easements and rights-of-way.

(3) Pest or rodent control.

(4) Street and highway sweeping.

(5) Street and highway lighting including the acquisition, construction, replacement, maintenance and repair of a street or highway lighting system, including land, easements and rights-of-way.

(6) Refuse collection.

(7) Garbage collection.

(8) Ambulance service.

(9) Area planning by an area planning commission established pursuant to Article 11 (commencing with Section 65600) of Chapter 3 of Title 7.

(10) Soil conservation and drainage control.

(11) Animal control.

(12) Services provided by a municipal advisory council established pursuant to Section 31010.

(13) Transportation services.

SEC. 2. Section 61600 of the Government Code is amended to read:

61600. A district formed under this law may exercise the powers hereinafter granted for such of the following purposes as have been designated in the petition for formation of such district and for such others of the following purposes as the district shall adopt as hereinafter provided:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection,

and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

(c) The collection or disposal of garbage or refuse matter.

(d) Protection against fire.

(e) Public recreation by means of parks, including, but not limited to, aquatic parks and recreational harbors, playgrounds, golf courses, swimming pools or recreation buildings.

(f) Street lighting.

(g) Mosquito abatement.

(h) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.

(i) To acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.

(j) The opening, widening, extending, straightening, surfacing, and maintaining, in whole or part of any street in such district, subject to the consent of the governing body of the county or city in which said improvement is to be made.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which said improvement is to be made.

(*l*) The conversion of existing overhead electric and communication facilities to underground locations, which facilities are owned and operated by either a "public agency" or a "public utility" as defined in Section 5896.2 of the Streets and Highways Code, and to take proceedings for and to finance the cost of such conversion in accordance with the provisions of Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code, subject to the consent of the public agency or public utility responsible for the owning, operation and maintenance of such facilities. Nothing herein contained shall be construed as giving a district formed under this law the power to install, own or operate such facilities as are described in this subdivision.

(m) To contract for ambulance service to serve the residents of the district as convenience requires, if a majority of the voters in the district, voting in an election thereon, approve.

(n) To provide and maintain public airports and landing places for aerial traffic.

(o) To provide transportation services.

SEC. 3. Section 5782.2 of the Public Resources Code is amended to read:

5782.2. The board of directors may:

(a) Organize, promote, conduct, and advertise programs of community recreation;

(b) Establish systems of recreation and recreation centers, including parks and parkways;

(c) Acquire, construct, improve, maintain and operate recreation centers within or without the territorial limits of the public authority; and

(d) Provide transportation services.

SEC. 4. Section 99400 of the Public Utilities Code, as amended by Section 26 of Chapter 1002 of the Statutes of 1979, is amended to read:

99400. Claims may be filed with the transportation planning agency by cities and counties under this article for the following purposes:

(a) Local streets and roads, including facilities provided for exclusive use by pedestrians and bicycles.

(b) Payments to the National Railroad Passenger Corporation for passenger rail service under Section 403(b) of the Federal Rail Passenger Service Act (45 U.S.C., Sec. 563(b)).

(c) Payment to any of the following entities which are under contract with a county or a city for public transportation or for transportation services for any group, as determined by the transportation planning agency, requiring special transportation assistance:

(1) A common carrier, as defined in Section 211, engaged in the transportation of persons, as defined in Section 208.

(2) A private entity operating under a franchise or license.

(3) A nonprofit corporation organized pursuant to Division 2 (commencing with Section 9000) of Title 1 of the Corporations Code.

(4) An operator.

(5) A county service area.

(6) A community services district.

(7) A recreation and park district.

(8) A public utility district.

If the county or the city is being served by an operator, the contract entered into by such a county or city with an entity specified in paragraph (1), (2), (3), (5), (6), (7), or (8) of subdivision (c) shall specify the level of service to be provided, the operating plan to implement that service, and how that service is to be coordinated with the public transportation service provided by the operator. Prior to approving any claim filed under this section, the transportation planning agency, or the county transportation commission in a county with such a commission, shall make a finding that the transportation services contracted for under subdivision (c) are responding to a transportation need not currently being met within the community or jurisdiction of the claimant and that, where appropriate, the services are integrated with the existing transportation service.

This section shall remain in effect only until July 1, 1983, and as of that date is repealed, unless a later enacted statute, which is chaptered before July 1, 1983, deletes or extends such date.

# CHAPTER 297

An act to amend Section 2900.5 of the Penal Code, relating to criminal sentencing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 1, 1980. Filed with Secretary of State July 1, 1980 ]

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

SECTION 1. Section 2900.5 of the Penal Code is amended to read:

2900.5. (a) In all felony and misdemeanor convictions, either by plea or by verdict, when the defendant has been in custody, including but not limited to any time spent in a jail, camp, work furlough facility, halfway house, rehabilitation facility, hospital, prison, juvenile detention facility, or similar residential institution, all days of custody of the defendant, including days served as a condition of probation in compliance with a court order, and including days credited to the period of confinement pursuant to Section 4019, shall be credited upon his term of imprisonment, or credited to any fine which may be imposed, at the rate of not less than thirty dollars ($30) per day, or more, in the discretion of the court imposing the sentence. If the total number of days in custody exceeds the number of days of the term of imprisonment to be imposed, the entire term of imprisonment shall be deemed to have been served. In any case where the court has imposed both a prison or jail term of imprisonment and a fine, any days to be credited to the defendant shall first be applied to the term of imprisonment imposed, and thereafter such remaining days, if any, shall be applied to the fine.

(b) For the purposes of this section, credit shall be given only where the custody to be credited is attributable to proceedings related to the same conduct for which the defendant has been convicted. Credit shall be given only once for a single period of custody attributable to multiple offenses for which a consecutive sentence is imposed.

(c) For the purposes of this section, "term of imprisonment" includes any period of imprisonment imposed as a condition of probation or otherwise ordered by a court in imposing or suspending the imposition of any sentence, and also includes any term of imprisonment, including any period of imprisonment prior to release on parole and any period of imprisonment and parole, prior to discharge, whether established or fixed by statute, by any court, or by any duly authorized administrative agency.

(d) It shall be the duty of the court imposing the sentence to determine the date or dates of any admission to and release from custody prior to sentencing, and the total number of days to be credited pursuant to the provisions of this section. The total number

of days to be credited shall be contained in the abstract of judgment provided for in Section 1213.

(e) It shall be the duty of any agency to which a person is committed to apply the credit provided for in this section for the period between the date of sentencing and the date the person is delivered to such 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:

In order to clarify ambiguities currently existing with respect to the application of credit for days served toward completion of criminal sentences and to insure that the proper credits are applied, it is necessary that this act go into immediate effect.

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## CHAPTER 298

An act to amend Sections 1071, 1074, and 1075 of the Streets and Highways Code, relating to highways.

[Approved by Governor July 1, 1980. Filed with Secretary of State July 1, 1980]

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

SECTION 1. Section 1071 of the Streets and Highways Code is amended to read:

1071. Whenever the board of supervisors finds that the estimated expense of any necessary work upon any county highway exceeds the sum of twenty thousand dollars ($20,000), the board shall order definite surveys of the proposed work to be made and shall direct the preparation of profiles, cross-sections, plans, and specifications.

SEC. 2. Section 1074 of the Streets and Highways Code is amended to read:

1074. Whenever the board finds that the estimated expense of any work to be done upon any county highway is twenty-five thousand dollars ($25,000) or less, the board or the purchasing agent may let a contract covering both work and material, or purchase the material and let a contract for doing the work, or purchase the materials and do the work by day labor, without calling for bids.

SEC. 3. Section 1075 of the Streets and Highways Code is amended to read:

1075. In any county which has appointed a road commissioner pursuant to Section 2006, the board may authorize such road commissioner to have any work upon county highways done under his or her supervision and direction. Such work may be done:

(a) By letting a contract covering both work and material. In such event the contract shall be let to the lowest responsible bidder as

provided in this article.

(b) By purchasing the material and letting a contract for the performance of the work. In such event the material shall be bought at the lowest possible cost and the contract let to the lowest responsible bidder as provided in this article.

(c) By purchasing the material and having the work done by day labor, in which case advertising for bids is not required.

(d) By authorizing the county road commissioner to execute changes for any such contract in an amount not to exceed five thousand dollars ($5,000) for contracts of fifty thousand dollars ($50,000) or less, or 10 percent for contracts over fifty thousand dollars ($50,000), but in no event to exceed a net total addition of twenty-five thousand dollars ($25,000).

(e) By purchasing the material and letting a contract for the work or by letting a contract covering both work and material without advertising for bids when the estimated cost of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, or other emergency exceeds twenty-five thousand dollars ($25,000) and the public interest and necessity demand immediate action to safeguard life, health, or property.

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## CHAPTER 299

An act to add Section 27361.8 to the Government Code, relating to recording fees.

[Approved by Governor July 1, 1980 Filed with Secretary of State July 1, 1980.]

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

SECTION 1. Section 27361.8 is added to the Government Code, to read:

27361.8. Whenever any instrument, paper, or notice is recorded which requires additional indexing by the county recorder to give notice required by law and does not refer to a previously recorded document by reference, as covered in Section 27361.2, an additional fee of one dollar ($1) shall be charged for each group of 10 names or fractional portion thereof after the initial group of 10 names.

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## CHAPTER 300

An act to amend Section 217.1 of, and to repeal Sections 216, 217, and 221 of, the Penal Code, relating to crimes.

[Approved by Governor July 1, 1980. Filed with Secretary of State July 1, 1980.]

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

SECTION 1. Section 216 of the Penal Code is repealed.

SEC. 2. Section 217 of the Penal Code is repealed.

SEC. 3. Section 217.1 of the Penal Code is amended to read:

217.1. Every person who commits any assault upon the President or Vice President of the United States, the Governor of any state or territory, any United States justice or judge, or the secretary of any of the executive departments of the United States, is guilty of a felony.

SEC. 4. Section 221 of the Penal Code is repealed.

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## CHAPTER 301

An act to amend Section 6080 of the Harbors and Navigation Code, relating to harbor districts.

[Approved by Governor July 1, 1980 Filed with Secretary of State July 1, 1980 ]

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

SECTION 1. Section 6080 of the Harbors and Navigation Code is amended to read:

6080. All work authorized to be done under this part, exceeding in cost the sum of five thousand dollars ($5,000) shall be awarded upon competitive bidding, except that work consisting solely of new construction is required to be awarded upon competitive bidding only if it exceeds in cost the sum of ten thousand dollars ($10,000). Notice of the proposed letting of such a contract shall be given by advertisement for a period of two weeks or published pursuant to Section 6066 of the Government Code, in a newspaper of general circulation, published, printed, and circulated, in the district. The board may authorize additional publication in other newspapers of general circulation in the district when it deems that such publication would best serve the public interest. The contract shall be awarded to the lowest responsible bidder.

The board may, without advertising for bids, negotiate with the government of the United States for the purpose of assisting the board in the performance of any of the work authorized by this part, and the board may contribute to the United States all or any portion of the estimated cost of any work authorized by this part which is to be done by or under contract with the United States.

## CHAPTER 302

An act to add Sections 12510.5 and 12510.6 to the Business and Professions Code, relating to petroleum products, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 1, 1980 Filed with Secretary of State July 1, 1980 ]

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

SECTION 1. Section 12510.5 is added to the Business and Professions Code, to read:

12510.5. Notwithstanding the provisions of Section 12510, a person who sells at retail less than 5,000 gallons of gasoline per month or less than 60,000 gallons of gasoline per year shall be authorized to use, until January 1, 1982, a measuring device which is presently limited by design to computing one-half the total price by multiplying the amount delivered by one-half the price per unit.

SEC. 2. Section 12510.6 is added to the Business and Professions Code, to read:

12510.6. Notwithstanding the provisions of Section 12510, any person who sells gasoline at retail who has made a good faith effort to modify or replace existing measuring devices, so that they can automatically compute the total price by multiplying the amount delivered by the price per unit, shall be authorized to use, until October 1, 1980, a measuring device which is presently limited by design to computing one-half the total price by multiplying the amount delivered by one-half the price per unit.

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:

Because the demand for computers able to display the total price of a gallon of gasoline far exceeds the supply of such computers, it is necessary that this act go into immediate effect.

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## CHAPTER 303

An act to amend Section 14123 of the Welfare and Institutions Code, relating to public social services.

[Approved by Governor July 2, 1980 Filed with Secretary of State July 3, 1980 ]

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

SECTION 1. Section 14123 of the Welfare and Institutions Code is amended to read:

14123. Participation in the medical assistance program by a provider of service is subject to suspension in order to protect the health of the recipients and the funds appropriated to carry out this chapter.

(a) The director may suspend a provider of service from further participation under the medical assistance program for violation of the provisions of this chapter or Chapter 8 (commencing with Section 14200) of this part or any rule or regulation promulgated by the director pursuant to those chapters. The director may also, upon consideration of the surrounding circumstances, suspend a provider of service for the conviction of any crime involving fraud, abuse of the Medi-Cal program or any patient, or otherwise substantially related to the qualifications, functions, or duties of a provider of service. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The director may order the suspension of a provider of service when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. Any such suspension may be for an indefinite or specified period of time and with or without conditions or may be imposed with the operation of the suspension stayed and probation granted.

(b) Whenever the director receives written notification from the Secretary of the Department of Health and Welfare, that a physician or other individual practitioner has been suspended, due to a criminal conviction, from participation in the Medicare or Medicaid programs, the director shall, pursuant to the requirements of Title XIX of the federal Social Security Act, promptly suspend such practitioner from participation in the medical assistance program for the period specified in such notice. This automatic suspension is not subject to the proceedings required in subdivision (c). No payment from state or federal funds may be made for any item or service rendered by such practitioner during the period of suspension.

(c) The proceedings for suspension 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. The director may temporarily suspend any provider of service prior to any hearing when in his opinion such action is necessary to protect the public welfare or the interests of the medical assistance program. The director shall notify the provider of service of the temporary suspension and the effective date thereof and at the same time serve such provider with an accusation. The accusation and all proceedings thereafter shall be in accordance with the sections of the Government Code specified in this subdivision. Upon receipt of a notice of defense by the provider, the director shall set the matter

for hearing within thirty (30) days after receipt of said notice. The temporary suspension shall remain in effect until such time as the hearing is completed and the director has made a final determination on the merits, provided, however, said temporary suspension shall be deemed vacated if the director fails to make a final determination on the merits within 60 days after the original hearing has been completed.

(d) The suspension by the director of any provider of service shall preclude such provider from submitting claims for payment, either personally or through claims submitted by any clinic, group, corporation or other association to the medical assistance program for any services or supplies he has provided under such program, except for services or supplies provided prior to the suspension. No clinic, group, corporation, or other association which is a provider of service shall submit claims for payment to the medical assistance program for any services or supplies provided by a person within said organization who has been suspended or revoked by the director, except for services or supplies provided prior to the suspension.

Where the provisions of this chapter or Chapter 8 (commencing with Section 14200) of this part or the regulations promulgated by the director are violated by a provider of service which is a clinic, group, corporation, or other association, the director may suspend such organization and any individual person within said organization who is responsible for such violation.

(e) Notice of the suspension shall be sent by the director to such provider's state licensing, certifying or registering authority along with the evidence upon which the suspension was based.

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## CHAPTER 304

An act relating to developmental disability.

[Approved by Governor July 2, 1980. Filed with Secretary of State July 3, 1980 ]

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

SECTION 1. On or before July 1, 1981, the State Department of Developmental Services shall submit to the Legislature a plan for a statewide program to train staff of residential facilities serving persons with developmental disabilities. The plan shall contain all of the following:

(a) Curriculum content.

(b) How the program can be accredited or certified or other alternative indication of completion.

(c) Time table and plan for implementation of a statewide training program.

(d) Cost of implementation.

(e) Obstacles to implementation.
(f) Recommendations for implementation.

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## CHAPTER 305

An act relating to education.

[Approved by Governor July 2, 1980. Filed with Secretary of State July 3, 1980.]

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

SECTION 1. Pursuant to Chapter 292 of the Statutes of 1978, Section 2104 of the Education Code was not operative in the 1978–79 fiscal year. Any balance remaining in the county community college tuition fund at the close of the third fiscal year following the inclusion of the remaining nondistrict territory of a county into a community college district or districts, as described in Section 2104 of the Education Code, in any county in which the third fiscal year was 1978–79, shall be placed in the county school service fund.

SEC. 2. Funds placed in the county school service fund pursuant to Section 1 of this act shall be used for community college purposes or to repay any moneys advanced by the county for the construction of community college facilities.

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## CHAPTER 306

An act to amend Section 5544.1 of the Public Resources Code, relating to regional park districts.

[Approved by Governor July 2, 1980. Filed with Secretary of State July 3, 1980.]

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

SECTION 1. Section 5544.1 of the Public Resources Code is amended to read:

5544.1. Notwithstanding any other provisions of this article, the board may borrow money by issuance of promissory notes or other evidences of indebtedness in an amount, or of a value, not exceeding in the aggregate at any one time the greater of 5 percent of the total of the district's general fund and development fund budgets for the year in which the loan is made, or the sum of five hundred thousand dollars ($500,000), to be used for any revenue-producing purpose for which the district is authorized to expend funds.

A district shall not exercise the borrowing authority conferred by this section if the district, at any time during the previous two years,

has not met the loan repayment requirements of this section and the repayment provisions set forth in the promissory note or other evidence of indebtedness issued for a loan entered into pursuant to this section. A district shall not expend in any one year any amount of money in excess of what it collects in property taxes, state and federal subventions, grants, loans, fees, gifts, bequests, or income from other sources.

Indebtedness incurred pursuant to this section shall be repaid in approximately equal annual installments during a period not to exceed five years from June 30th of the fiscal year in which it is incurred and shall bear interest at a rate not exceeding 10 percent per annum payable annually or semiannually or in part annually and in part semiannually.

Each such indebtedness shall be authorized by a resolution of the board unanimously adopted, and shall be evidenced by a promissory note or contract signed by the president of the board and attested by the secretary.

The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

Nothing herein shall be construed so as to limit or restrict the authority of the district to issue promissory notes or deeds of trust in the acquisition of real property or the exercise of its right of eminent domain subject to the limitations set forth in Section 5568.

Nothing herein shall limit the authority of the district to borrow pursuant to Section 5544.3.

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## CHAPTER 307

An act to amend Section 409.6 of, and to add Section 409.55 to, the Code of Civil Procedure, relating to lis pendens.

[Approved by Governor July 2, 1980. Filed with Secretary of State July 3, 1980 ]

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

SECTION 1. Section 409.55 is added to the Code of Civil Procedure, to read:

409.55. At any time after notice of pendency of an action has been recorded pursuant to Section 409 or other law, the notice may be withdrawn by recording in the office of the county recorder in which the notice of the pendency of the action was recorded a notice of withdrawal executed by the party who recorded the notice of pendency of the action or by the party's successor in interest and by the party against whom the notice of pendency of the action was recorded or by the party's successor in interest. The bilateral agreement of withdrawal executed by the parties shall be

accompanied by a dismissal of any cause of action in the underlying litigation pertaining to the right, title, interest, and possession in the real property subject to the lis pendens.

Upon recordation of the notice of withdrawal in the manner provided by this section, neither the notice of the pendency of the action nor any information derived therefrom, prior to the recording of a certified copy of the judgment or decree issued therein, shall constitute constructive or actual notice of any of the matters contained therein, or any of the matters relating to such action, or create any duty of inquiry in any person thereafter dealing with the property described therein. Such notice of withdrawal shall be acknowledged.

SEC. 2. Section 409.6 of the Code of Civil Procedure is amended to read:

409.6. Nothing contained in this title shall affect or limit the liability otherwise existing of any person recording a notice of pendency of action for damages proximately caused thereby.

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## CHAPTER 308

An act to amend Section 22658 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 2, 1980 Filed with Secretary of State July 3, 1980.]

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

SECTION 1. Section 22658 of the Vehicle Code is amended to read:

22658. (a) The owner or person in lawful possession of any private property may, subsequent to notifying, by telephone or, if impractical, by the most expeditious means available, the city police or county sheriff, whichever is appropriate, cause the removal of a vehicle parked on such property to the nearest public garage, if there is displayed, in plain view on the property, a sign prohibiting public parking and containing the telephone number of the local traffic law enforcement agency. The person causing removal of such vehicle shall, if the person knows or is able to ascertain from the registration records of the Department of Motor Vehicles the name and address of the registered and legal owner thereof, immediately give, or cause to be given, notice in writing to such registered and legal owner of the fact of such removal, the grounds for the removal, and indicate the place to which such vehicle has been removed. In the event the vehicle is stored in a public garage, a copy of the notice shall be given to the proprietor of the garage. The notice provided for in this section shall include the amount of mileage on the vehicle at the time of removal. If the person does not know and is not able to ascertain

the name of the owner or for any other reason is unable to give the notice to the owner as provided in this section, such person causing removal of such vehicle shall comply with the requirements of Section 22853 relating to notice in the same manner as applicable to an officer removing a vehicle from private property. The provisions of this section shall not limit or affect any right or remedy which the owner or person in lawful possession of private property may have by virtue of other provisions of law authorizing the removal of a vehicle parked upon such property.

(b) The owner of a vehicle removed from private property pursuant to subdivision (a) may recover for any damage to the vehicle resulting from any intentional or negligent act of any person causing the removal of, or removing, the vehicle.

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## CHAPTER 309

An act to amend Sections 689 and 689b of the Code of Civil Procedure, relating to attachment and execution.

[Approved by Governor July 2, 1980. Filed with Secretary of State July 3, 1980.]

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

SECTION 1. Section 689 of the Code of Civil Procedure is amended to read:

689. If tangible or intangible personal property levied on, whether or not it be in the actual possession of the levying officer, is claimed by a third person as his property by a written claim verified by his oath or that of his agent, setting out the reasonable value thereof, his title and right to the possession thereof and delivered, together with a copy thereof, to the officer making the levy, such officer must release the property and the levy unless the plaintiff, or the person in whose favor the writ runs, within five days after written demand by such officer, made by registered or certified mail within five days after being served with such verified claim, gives such officer an undertaking executed by at least two good and sufficient sureties, in a sum equal to double the value of the property levied upon.

Such undertaking shall be made in favor of and shall indemnify such third person against loss, liability, damages, costs and counsel fees, by reason of such levy or such seizing, taking, collecting, withholding, or sale of such property by such officer; provided, however, that where the property levied upon is required by law to be registered or recorded in the name of the owner and it appears that at the time of the levy the defendant or judgment debtor was the registered or record owner of such property and the plaintiff, or the person in whose favor the writ runs, caused the levy to be made

and maintained in good faith, and in reliance upon such registered or record ownership, there shall be no liability thereunder to the third person by the plaintiff, or the person in whose favor the writ runs, or his sureties, or the levying officer.

Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment. However, if no exception is taken within five days after notice of receipt of the undertaking and no notice of exception is delivered to the levying officer within the five-day period, the third person shall be deemed to have waived any and all objections to the sufficiency of the sureties. If the sureties, or others in their place, fail to justify at the time and place appointed, such officer shall release the property and the levy.

If objection be made to such undertaking, by such third person, on the ground that the amount thereof is not sufficient, or if for any reason it becomes necessary to ascertain the value of the property involved, the property involved may be appraised by one or more disinterested persons, appointed for that purpose by the court in which the action is pending or from which the writ issued, or by a judge thereof, or the court or judge may direct a hearing to determine the value of such property.

If, upon such appraisal or hearing, the court or judge finds that the undertaking given is not sufficient an order shall be made fixing the amount of such undertaking, and within five days thereafter an undertaking in the amount so fixed may be given in the same form and manner and with the same effect as the original.

The officer making the levy may demand and exact the undertaking herein provided for notwithstanding any defect, informality or insufficiency of the verified claim delivered to him. Such officer shall not be liable for damages to any such third person for the levy upon, or the collection, taking, keeping or sale of such property if no claim is delivered as herein provided, nor, in any event, shall such officer be liable for the levy upon, or the holding, release or the other disposition of such property in accordance with the provisions of this section.

If such undertaking be given, the levy shall continue and such officer shall retain any property in his possession for the purposes of the levy under the writ; provided, however, that if an undertaking be given under the provisions of Section 710b of this code, such property and the levy shall be released.

Whenever a verified third party claim is delivered to the officer as herein provided, upon levy of execution or attachment (whether any undertaking hereinabove mentioned be given or not), the plaintiff, or the person in whose favor the writ runs, the third party claimant, or any one or more joint third party claimants, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining title to the property in question. Such hearing must be granted by the said court upon petition therefor, which must be filed within 15 days after the

delivery of the third party claim to the officer. Such hearing must be had within 20 days from the filing of such petition, unless continued as herein provided. Ten days' notice of such hearing must be given to the officer, to the plaintiff or the person in whose favor the writ runs, and to the third party claimant, or their attorneys, which notice must specify that the hearing is for the purpose of determining title to the property in question; provided, that no such notice need to be given to the party filing the petition. The court may continue the hearing beyond the said 20-day period, but good cause must be shown for any such continuance. Whenever the petition for such hearing is filed by the third party claimant, or by any one or more joint third party claimants, neither such petition nor proceedings pursuant thereto may be dismissed without consent of the plaintiff or the person in whose favor the writ runs. The court may order the sale of any perishable property held by such officer and direct the disposition of the proceeds of such sale. The court may, by order, stay execution sale, or forbid a transfer or other dispostion of the property involved, until the proceedings for the determination of such title can be commenced and prosecuted to termination, and may require, as a condition of such order, such bond as the court may deem necessary. Such orders may be modified or vacated by the judge granting the same, or by the court in which the proceeding is pending, at any time prior to the termination of such proceedings, upon such terms as may be just. At the hearing had for the purpose of determining title, the third party claimant shall have the burden of the proof. The third party claim delivered to the officer shall be filed by him with the court and shall constitute the pleading of such third party claimant, subject to the power of the court to permit an amendment in the interest of justice, and it shall be deemed controverted by the plaintiff or other person in whose favor the writ runs. Nothing herein contained shall be construed to deprive anybody of the right to a jury trial in any case where, by the Constitution, such right is given, but a jury trial shall be waived in any such case in like manner as in the trial of an action. No findings shall be required in any proceedings under this section. At the conclusion of the hearing the court shall give judgment determining the title to the property in question, which shall be conclusive as to the right of the plaintiff, or other person in whose favor the writ runs, to have said property levied upon, taken, or held, by the officer and to subject said property to payment or other satisfaction of his judgment. In such judgment the court may make all proper orders for the disposition of such property or the proceeds thereof. If the property or levy shall have been released by the officer for want of an undertaking, and final judgment shall go for the plaintiff or other person in whose favor the writ runs, the officer shall retake or levy upon the property on such writ if the writ is in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take or otherwise levy upon such property. An appeal lies from any judgment determining title under this section, such

appeal to be taken in the manner provided for appeals from the court in which such proceeding is had.

SEC. 2. Section 689b of the Code of Civil Procedure is amended to read:

689b. (1) Where the property levied upon is a vehicle or a vessel required to be registered with the Department of Motor Vehicles, the officer shall forthwith determine from such department the name and address of the legal owner of the vehicle or vessel and shall notify any such legal owner who is not also the registered owner of such vehicle or vessel of the levy by registered mail or certified mail or personal service.

(2) A seller or mortgagee may file with the officer levying on personal property a verified written claim, together with a copy thereof, containing a detailed statement of the sales contract or mortgage and the total amount of sums due or to accrue to him under the contract or mortgage, above setoffs, with interest to date of tender, and also stating therein his address within this state for the purpose of permitting service by mail upon him of any notice in connection with said claim. The officer making the levy may demand and exact the payment or undertaking herein provided for, notwithstanding any defect, informality or insufficiency of the verified claim delivered to him.

(3) Within five days after being served with such verified claim the officer levying on such property must make demand by registered mail or certified mail on the plaintiff or his attorney for the amount of the claimed debt and interest due to date of tender or the delivery to the officer of an undertaking and statement as hereinafter provided, which demand shall include the copy of such claim.

(4) Within five days after receipt by the plaintiff or his attorney of such officer's demand the plaintiff shall deposit with the officer the amount of such debt and interest or deliver the undertaking and statement hereinafter provided, or the levying officer must release the property.

(5) Within five days after receipt by him of such deposit the officer must pay or tender same to the seller or mortgagee; provided, that should such deposit be made by check the officer shall be allowed a reasonable time for the check to clear.

(6) If the tender is accepted, all right, title, and interest of the seller or mortgagee in the property levied upon shall pass to the party to the action making the payment.

(7) If the tender is refused, the amount thereof shall be deposited with the county treasurer, payable to the order of the seller or mortgagee.

(8) Until such payment or deposit covering such claim is made, or the undertaking and statement herein provided delivered to the officer, the property cannot be sold under the levy; but when made (and also in case the seller or mortgagee fails to render his claim within 30 days after the personal service upon him of a written

demand therefor, which service must be attested by the certificate of the serving officer, filed before the sale with the papers of the action wherein the attachment or execution was issued), then the officer must retain the property, and, in the case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee. Such written demand of the levying officer may be served by him, or for him by any sheriff, marshal, or constable whose office is closer to the place of service, and whose fees and mileage shall be paid out of the prepaid fees in the possession of the levying officer.

(9) When an attachment or execution creditor presents to the officer, within the time allowed from the officer's demand, a verified statement that the sales contract or mortgage is void or invalid for the reasons specified therein, and delivers to the officer a good and sufficient undertaking in double the amount of the indebtedness claimed by the seller or mortgage or double the value of the personal property as the officer may determine and require, the officer shall retain the property and in case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee.

The undertaking shall be made to the seller or mortgagee and shall indemnify him for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment. However, if no exception is taken within five days after notice of receipt of the undertaking and no notice of exception is delivered to the levying officer within the five-day period, the third person shall be deemed to have waived any and all objections to the sufficiency of the sureties. If the sureties, or others in their place, fail to justify at the time and place appointed, such officer shall release the property and the levy.

If such undertaking be given, such officer shall not be liable for damages to any such claimant for the taking, keeping, or sale of such property in accordance with the provisions of this code.

(10) Whenever a verified claim herein is delivered to the officer as herein provided, upon levy of execution or attachment (whether any undertaking hereinabove mentioned be given or not), the plaintiff, or the person in whose favor the writ runs, the claimant, or any one or more such joint claimants, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the validity of such sales contract or chattel mortgage. Such hearing may be had and taken, and stay of execution or other order made in the same manner as on third party claims under Section 689 of this code. At the conclusion of the hearing the court shall give judgment determining the validity of the claim under the sales contract or chattel mortgage which shall be conclusive between the claimant and the plaintiff, or other person in whose favor the writ runs. The court in which the action is pending, or which issued such writ, shall have original jurisdiction in

all proceedings under this section.

If the property shall have been released by the officer for want of an undertaking or payment, and final judgment shall go for the plaintiff or other person in whose favor the writ runs, the officer shall retake the property on such writ, if the writ shall still be in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take such property.

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## CHAPTER 310

An act to amend and repeal Sections 1203.04 and 1203.11 of the Penal Code, relating to probation reports.

[Approved by Governor July 2, 1980 Filed with Secretary of State July 3, 1980.]

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

SECTION 1. Section 1203.04 of the Penal Code is amended to read:

1203.04. Whenever a person is granted probation and placed under the care and supervision of the probation officer, the clerk of the court shall immediately submit a copy of the probation order and any subsequent changes in probationary status to the police department or other law enforcement agency which arrested the person or investigated the matter for the violation which supports the probation order.

This section shall apply to all persons who are on probation on or after the effective date of the enactment of this section at the 1970 Regular Session of the Legislature.

This section shall remain in effect only until January 1, 1982, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1982, deletes or extends such date.

SEC. 2. Section 1203.11 of the Penal Code is amended to read:

1203.11. Every probation officer, within 90 days after the 31st day of December, of each year, shall make in writing and file as a public document with the county clerk a report to the superior court of the county or city and county in which such probation officer is appointed to serve, and shall furnish a copy of such report to each judge in said county or city and county who has released any person on probation, who at the time of such report remains on probation, and a further copy to the Youth Authority. Such report shall state, without giving names, the exact number of persons, segregating male and female, and segregating misdemeanors and felonies, who have been released on probation to such probation officer as such number exists, deducting all cases of expiration, discharge, dismissal, and restoration of rights, on said 31st day of December; and such report shall further segregate such person as having been released

on probation, as the case may be, in 1903, 1904, 1905, and so on, up to and including the calendar year in which such report is made and filed.

This section shall remain in effect only until January 1, 1982, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1982, deletes or extends such date.

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## CHAPTER 311

An act to amend Sections 16429.1 and 16429.3 of the Government Code, relating to local agency funds.

[Approved by Governor July 2, 1980 Filed with Secretary of State July 3, 1980 ]

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

SECTION 1. Section 16429.1 of the Government Code is amended to read:

16429.1. There is in the State Treasury the Local Agency Investment Fund, which fund is hereby created. All money in the fund is hereby appropriated without regard to fiscal years to carry out the purpose of this section. The State Controller shall maintain a separate account for each governmental unit having deposits in this fund.

Notwithstanding any other provisions of law, a local government official, with consent of the governing body of that agency, having money in its treasury not required for immediate needs, may remit such money to the State Treasurer for deposit in the Local Agency Investment Fund for the purpose of investment.

Notwithstanding any other provisions of law, an officer of any nonprofit corporation whose membership is confined to public agencies or public officials, or an officer of a qualified quasi-governmental agency, with the consent of the governing body of that agency, having money in its treasury not required for immediate needs, may remit such money to the State Treasurer for deposit in the Local Agency Investment Fund for the purpose of investment.

The local governmental unit, the nonprofit corporation, or the quasi-governmental agency has the exclusive determination of the length of time its money will be on deposit with the State Treasurer.

The Local Investment Advisory Board shall determine those quasi-governmental agencies which qualify to participate in the Local Agency Investment Fund.

The State Treasurer may refuse to accept deposits into the fund if, in the judgment of the State Treasurer, such deposit would adversely affect the state's portfolio.

The State Treasurer may invest the money of the fund in securities

prescribed in Section 16430. The State Treasurer may elect to have the money of the fund invested through the Surplus Money Investment Fund as provided in Article 4 (commencing with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2.

Money in the fund shall be invested to achieve the objective of the fund which is to realize the maximum return consistent with safe and prudent treasury management.

All instruments of title of all investments of the fund shall remain in the State Treasurer's vault or be held in safekeeping under control of the State Treasurer in any Federal Reserve bank, or any branch thereof, or the Federal Home Loan Bank of San Francisco, with any trust company, or the trust department of any state or national bank.

Immediately at the conclusion of each calendar quarter, all interest earned and other increment derived from investments shall be distributed by the State Controller to the contributing governmental units, nonprofit corporations, and quasi-governmental agencies in amounts directly proportionate to the respective amounts deposited in the Local Agency Investment Fund and the length of time such amounts remained therein. An amount equal to the reasonable costs incurred in carrying out the provisions of this section, not to exceed a maximum of one-quarter of 1 percent of the earnings of this fund, shall be deducted from the earnings prior to distribution and shall be deposited in the General Fund.

The State Treasurer shall prepare for distribution a monthly report of investments made during the preceding month.

SEC. 2. Section 16429.3 of the Government Code is amended to read:

16429.3. Money placed with the State Treasurer for deposit in the Local Agency Investment Fund by cities, counties, special districts, nonprofit corporations, or qualified quasi-governmental agencies shall not be subject to impoundment or seizure by any state official or state agency.

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## CHAPTER 312

An act to amend Section 1413 of the Penal Code, relating to stolen property.

[Approved by Governor July 2, 1980 Filed with Secretary of State July 3, 1980.]

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

SECTION 1. Section 1413 of the Penal Code is amended to read:

1413. (a) The clerk or person having charge of the property section for any police department in any incorporated city or town, or for any sheriff's department in any county, shall enter in a suitable book a description of every article of property alleged to be stolen

or embezzled, and brought into the office or taken from the person of a prisoner, and shall attach a number to each article, and make a corresponding entry thereof. He may engrave or imbed an identification number in property described in Section 537e for the purposes thereof.

(b) The clerk or person in charge of the property section may, upon satisfactory proof of the ownership of property held pursuant to Section 1407, and upon presentation of proper personal identification, deliver it to the owner. Such delivery shall be without prejudice to the state or to the person from whom custody of the property was taken or to any other person who may have a claim against the property. Prior to such delivery such clerk or person in charge of the property section shall make and retain a complete photographic record of such property. The person to whom property is delivered shall sign, under penalty of perjury, a declaration of ownership, which shall be retained by the clerk or person in charge of the property section. This subdivision shall not apply to any property subject to forfeiture under any provision of law. This subdivision shall not apply unless the clerk or person in charge of the property section has served upon the person from whom custody of the property was taken a notice of a claim of ownership and a copy of the satisfactory proof of ownership tendered and has allowed such person reasonable opportunity to be heard as to why such property should not be delivered to the person claiming ownership.

If the person upon whom a notice of claim and proof of ownership has been served does not respond asserting a claim to such property within 15 days from the date of receipt of such service, the property may be disposed of in a manner not inconsistent with the provisions of this section.

(c) The magistrate before whom the complaint is laid, or who examines the charge against the person accused of stealing or embezzling the property, or the court before which a trial is had for stealing or embezzling it, shall upon application by the person from whom custody of the property was taken, review the determination of the clerk or person in charge of the property section, and may order the property taken into the custody of the court upon a finding that the person to whom the property was delivered is not entitled thereto. Such court shall make its determination in the same manner as a determination is made when the matter is before the court pursuant to Sections 1408 to 1410, inclusive.

(e) The clerk or person in charge of the property section shall not be liable in damages for any official action performed hereunder in good faith.

## CHAPTER 313

An act to amend Section 40000.15 of the Vehicle Code, relating to odometers.

[Approved by Governor July 3, 1980 Filed with Secretary of State July 3, 1980 ]

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

SECTION 1. Section 40000.15 of the Vehicle Code is amended to read:

40000.15. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Section 23102, relating to driving under the influence.

Sections 23103 and 23104, relating to reckless driving.

Section 23105, relating to driving under the influence.

Section 23109, relating to speed contests or exhibitions.

Section 23110, subdivision (a), relating to throwing at vehicles.

Section 23253, relating to officers on vehicular crossings.

Section 23332, relating to trespassing.

Section 27150.1, relating to sale of exhaust systems.

Section 28050, relating to true mileage driven.

Section 28050.5, relating to nonfunctional odometers.

Section 28051, relating to resetting odometer.

Section 28051.5 relating to device to reset odometer.

SEC. 2. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be because this act creates a new crime or infraction, changes the definition of a crime or infraction, or eliminates a crime or infraction. Furthermore, this act does not create any present or future obligation to reimburse any local agency or school district for any costs incurred because of this act.

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## CHAPTER 314

An act to amend Section 22830 of, and to add Section 22844 to, the Elections Code, relating to municipal elections.

[Approved by Governor July 3, 1980 Filed with Secretary of State July 3, 1980 ]

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

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

22830. Not earlier than the 89th nor later than the 75th day before any municipal election to fill offices, the city clerk shall publish a notice of the election in the city pursuant to Section 6061 of the Government Code. The notice shall be headed "Notice of Election," and shall contain a statement of:

(a) The time of the election;

(b) The offices to be filled, specifying full term or short term, as the case may be.

With respect to a special election to fill a vacancy in office, unless the city has enacted an ordinance as referred to in subdivision (b) of Section 22844, and such ordinance does not allow for appointment to fill the vacancy and requires the vacancy to be filled in the special election, the notice shall also state that if no one or only one person is nominated for an elected office, appointment to such elective office may be made as prescribed by Section 22844.

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

SEC. 2. Section 22844 is added to the Elections Code, to read:

22844. (a) If, by 5 p.m. on the 63rd day before a municipal election to fill any vacancy in office, no one or only one person has been nominated for any elective office to be filled at that election, the election being subject to Section 36512 of the Government Code, the city clerk shall submit a certificate of these facts to the governing body of the city and inform the governing body of the city that it may, at a regular or special meeting held before the municipal election, adopt one of the following courses of action:

(1) Appoint to such office the person who has been nominated.

(2) Appoint to such office any eligible elector if no one has been nominated.

(3) Hold the election if either no one or only one person has been nominated. The governing body of the city may make such appointment or direct an election to be held. The person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for such office.

If, by the 50th day before the municipal election, no person has been appointed to office pursuant to paragraph (1) or (2), the election shall be held.

Notwithstanding Section 7301 or any other provision of the law to the contrary, if the governing body of a city makes an appointment as provided in this section, the city clerk shall not accept for filing any statement of write-in candidacy which is submitted after 5 p.m. on the 50th day prior to the election described herein.

(b) Nothing in this section shall be construed to prevent a city from enacting an ordinance pursuant to Section 36512.1 of the Government Code, requiring that a special election be held, or an ordinance pursuant to Section 36512.2 of the Government Code, providing that a person appointed to fill a vacancy on the city council

holds office only until the date of a special election, or both. Such an ordinance or ordinances may allow for appointment without requiring or providing for a special election, consistent with the provisions of subdivision (a).

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## CHAPTER 315

An act to amend Section 35790 of the Vehicle Code, relating to vehicle permits.

[Approved by Governor July 3, 1980. Filed with Secretary of State July 3, 1980 ]

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

SECTION 1. Section 35790 of the Vehicle Code is amended to read:

35790. (a) The Department of Transportation or local authorities with respect to highways under their respective jurisdictions may upon application in writing and if good cause appears issue a special or annual permit in writing authorizing the applicant to move any trailer coach in excess of the maximum width but not exceeding 10 feet in width, or a mobilehome or section thereof not exceeding 14 feet in width, exclusive of lights and devices provided for in Sections 35112, 35109, and 35110, upon any highway under the jurisdiction of the party granting such permit.

(b) A public agency in the exercise of its discretion in granting permits for the movement of overwidth trailer coaches or mobilehomes, and in considering the individual circumstances of each case, may use merchandising or relocation of residence as a basis for movement for good cause.

(c) The application for a special permit shall specifically describe the trailer coach or mobilehome to be moved and the particular highways over which the permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

The application for an annual permit shall specifically describe the power unit to be used to tow the overwidth trailer coaches or mobilehomes and the particular highways over which the permit to operate is requested. The annual permit shall be subject to all of the conditions of this section and any additional conditions imposed by the public agency.

(d) The Department of Transportation or local authority is authorized to establish seasonal or other time limitations within which a trailer coach may be moved on the highways indicated, and may require an undertaking or other security as may be deemed necessary to protect the highways and bridges from injury or to provide indemnity for any injury resulting from the operation.

(e) Permits for the movement of trailer coaches or mobilehomes as provided for in this section may not be issued except to licensed manufacturers, dealers and transporters and only under the following conditions:

1. The power unit used to tow overwidth trailer coaches or mobilehomes having a gross weight of 18,000 pounds or less must be a three-quarter-ton truck or tractor, or a truck or tractor of greater power, equipped with dual wheels. The power unit used to tow an overwidth trailer coach or mobilehome having a gross weight of more than 18,000 pounds must be a ton-and-one-half truck or tractor or truck or tractor of greater power, equipped with dual wheels.

2. The trailer coach or mobilehome for which the permit is issued shall comply with the provisions of Sections 35550 and 35551 of this code.

3. A permit which has been issued for the movement of any trailer coach or mobilehome shall not be valid between sunset and sunrise of the following day, nor between sunset on Friday to sunrise on Monday following, nor on any days declared to be legal holidays by the state.

4. The applicant has first received the approval of all affected cities and counties indicating time and route for the proposed move. It shall be a violation of any permit issued by the Department of Transportation authorizing a move only on a state highway for such move to be extended to a street or highway within the jurisdiction of a city or county unless the move has been approved by the city or county. The approval of any affected city or county shall be obtained on an individual trip basis in cities or counties so requiring.

(f) The Department of Transportation in cooperation with the Department of the California Highway Patrol or local authority shall have the authority to establish additional reasonable permit regulations as they may deem necessary in the interest of public safety, which regulations shall be consistent with this section.

(g) Every permit shall be carried in the trailer coach or mobilehome or power unit to which it refers and shall be open to inspection of any peace officer or traffic officer, any authorized agent of the Department of Transportation or any other officer or employee charged with the care and protection of the highways.

(h) It is unlawful for any person to violate any of the terms or conditions of any such permit.

(i) To the extent that the application of this section to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-Aid Highway Act of 1956) would cause this state to be deprived of any federal funds for highway purposes, this section to such extent shall not be applicable to highways which are a part of such system.

# CHAPTER 316

An act to amend Sections 21380, 21381, 21382, 21382.2, 21383, 21385, 21386, and 21387 of, to add Sections 20567.8 and 22151.1 to, and to repeal Sections 21385.1 and 21390 of, the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1980. Filed with Secretary of State July 3, 1980.]

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

SECTION 1. Section 20567.8 is added to the Government Code, to read:

20567.8. Notwithstanding Section 20567.5, when all or a portion of one agency's contract is merged into that of another, the retirement allowances shall be computed separately for service under the former contract and service under the latter contract. In such cases, a transferred member shall be subject to the terms and conditions of the latter agency's contract as if he were a new employee of the latter agency at the time of transfer.

Furthermore, when all or a portion of one agency's contract is merged into that of another, and when eligibility for membership is different between the two contracts, such differences shall not create prior service liabilities as against either agency, and transferred members shall not be entitled under either such contract to credit for service rendered when they were not eligible for membership.

SEC. 3. Section 21380 of the Government Code is amended to read:

21380. "1959 survivor allowance" means the allowance provided for in Sections 21382 and 21382.2.

SEC. 4. Section 21381 of the Government Code is amended to read:

21381. "Disability," "disabled" or "incapacitated" for purposes of this article means, with respect to qualification for a survivor allowance, inability to engage in any substantial gainful occupation by reason of any physical or mental impairment which is determined by the board, on the basis of competent medical opinion, to be of permanent or extended and uncertain duration.

SEC. 5. Section 21382 of the Government Code is amended to read:

21382. If the death benefit provided by Section 21361 is payable on account of a member's death which occurs under circumstances other than those described in subdivision (a) (5) of Section 21360, or if an allowance under Section 21365.5 is payable, (a) the surviving wife or surviving husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 18 years of age, or are incapacitated because of disability which

began before and has continued without interruption after attainment of such age, or if there is no such spouse, then (b) the guardian or conservator of surviving unmarried children, including stepchildren, of the member who are under 18 years of age or are so incapacitated, if any, or (c) the surviving wife or surviving husband of the member, who does not qualify under (a) of this subdivision, if any, or if no such children under (b) or such spouse under (c), then (d) each surviving parent of the member, shall be paid regardless of the benefit provided by Section 21361, and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21365.5, the following applicable 1959 survivor allowance, under the conditions stated and from contributions of the state:

(1) A widow or a widower who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member who are under 18 years of age or are so incapacitated, shall be paid three hundred sixty dollars ($360) if there is one such child, or four hundred thirty dollars ($430) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, which is in excess of one hundred eighty dollars ($180) per month, shall be divided equally among all such children and payments made to the spouse and other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries, and if there are unmarried children, including stepchildren, of the deceased member who are under 18 years of age or are so incapacitated, or if there are such children not in the care of such spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid one hundred eighty dollars ($180) per month;

(b) If there are two such children, such children shall be paid three hundred sixty dollars ($360) per month divided equally between them; and

(c) If there are three or more such children, such children shall be paid four hundred thirty dollars ($430) per month divided equally among them.

(3) A widow or widower who has attained or attains the age of 62 years, and, with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid one hundred eighty dollars ($180) per month. No allowance shall be paid under this subdivision, while the surviving spouse is receiving an allowance under subdivision (1) of this section, or while an allowance is being paid under subdivision (2) (c) of this section. The allowance paid under this subdivision shall be seventy dollars ($70) per month while

an allowance is being paid under subdivision (2) (b) of this section.

(4) If there is no surviving spouse or surviving child who qualifies for a 1959 survivor allowance, or if such surviving spouse dies or remarries and there is no such surviving child, or if such surviving spouse dies or remarries and such children die or marry or, if not incapacitated, reach age 18 each of the member's dependent parents who has attained or attains the age of 62, and who received at least one-half of his or her support from the member at the time of the member's death, shall be paid one hundred eighty dollars ($180) per month.

"Stepchildren," for purposes of this section, shall include only stepchildren of the member living with him in a regular parent-child relationship at the time of his death.

The amendments to this section enacted at the 1971 Regular Session shall apply only to 1959 survivor allowances payable for time commencing on the operative date of such amendments.

SEC. 6. Section 21382.2 of the Government Code is amended to read:

21382.2. In lieu of benefits provided in Section 21382, if the death benefit provided by Section 21361 is payable on account of a state member's death which occurs under circumstances other than those described in subdivision (a) (5) of Section 21360, or if an allowance under Section 21365.5 is payable, (a) the surviving wife or surviving husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 18 years of age, or are incapacitated because of disability which began before and has continued without interruption after attainment of such age, or if there is no such spouse, then (b) the guardian of surviving unmarried children, including stepchildren, of the member who are under 18 years of age or are so incapacitated, if any, or (c) the surviving wife or surviving husband of the member, who does not qualify under (a) of this subdivision, if any, or if no such children under (b) or such spouse under (c), then (d) each surviving parent of the member, shall be paid regardless of the benefit provided by Section 21361, and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21365.5, the following applicable 1959 survivor allowance, under the conditions stated and from contributions of the state:

(1) A widow or a widower who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member who are under 18 years of age or are so incapacitated, shall be paid four hundred fifty dollars ($450) if there is one such child, or five hundred thirty-eight dollars ($538) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, which is in excess of two hundred twenty-five dollars ($225) per month, shall be

divided equally among all such children and payments made to the spouse and other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries, and if there are unmarried children, including stepchildren, of the deceased member who are under 18 years of age or are so incapacitated, or if there are such children not in the care of such spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid two hundred twenty-five dollars ($225) per month;

(b) If there are two such children, such children shall be paid four hundred fifty dollars ($450) per month divided equally between them; and

(c) If there are three or more such children, such children shall be paid five hundred thirty-eight dollars ($538) per month divided equally among them.

(3) A widow or a widower who has attained or attains the age of 62 years, and, with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid two hundred twenty-five dollars ($225) per month. No allowance shall be paid under this subdivision, while the surviving spouse is receiving an allowance under subdivision (1) of this section, or while an allowance is being paid under subdivision (2) (c) of this section. The allowance paid under this subdivision shall be eighty-eight dollars ($88) per month while an allowance is being paid under subdivision (2) (b) of this section.

(4) If there is no surviving spouse or surviving child who qualifies for a 1959 survivor allowance, or if such surviving spouse dies or remarries and there is no such surviving child, or if such surviving spouse dies or remarries and such children die or marry or, if not incapacitated, reach age 18 each of the member's dependent parents who has attained or attains the age of 62, and who received at least one-half of his support from the member at the time of the member's death, shall be paid two hundred twenty-five dollars ($225) per month.

"Stepchildren," for purposes of this section, shall include only stepchildren of the member living with him in a regular parent-child relationship at the time of his death.

This section shall apply to beneficiaries receiving 1959 survivor allowances on July 1, 1975, as well as to beneficiaries with respect to the death of a state member occurring on or after July 1, 1975.

This section shall apply with respect to beneficiaries of school members or members employed by school employers who are covered under Section 21382 on July 1, 1980, and whose death occurs after July 1, 1980.

A contracting agency may, by amending its contract, elect to make this section applicable to local members employed by the agency.

SEC. 7. Section 21383 of the Government Code is amended to

read:

21383. When the survivor is entitled to receive a monthly allowance as a special death benefit provided by Article 5 (commencing with Section 21360) of this chapter and at the same time is entitled to receive a 1959 survivor allowance, the 1959 survivor allowance payable in any month shall be reduced by the amount of such other allowance or benefit.

SEC. 8. Section 21385 of the Government Code is amended to read:

21385. This article 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 article by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees pursuant to Section 20457 is not required, or, in the case of contracts made after the time this article takes effect, by express provision in such contract making the contracting agency subject to the provisions of this article.

Except as provided in Section 21385.5, this article shall not in any event apply to employees of a contracting agency whose services are included in the federal system. Members who are employees of a contracting agency when such agency becomes subject to this article and whose services are not included in the federal system shall have the right to elect to be subject to, such election to be made in the manner, and within the time period, specified in rules adopted by the board. Employees of such contracting agency becoming members thereafter shall be subject to this article without election.

SEC. 9. Section 21385.1 of the Government Code is repealed.

SEC. 10. Section 21386 of the Government Code is amended to read:

21386. The rate of contribution of a member subject to this article shall include, in addition to his normal rate, two dollars ($2) per month or fraction thereof, or ninety-three cents ($0.93) for each biweekly payroll period or fraction thereof, where salaries are paid on such basis. Such contributions shall not become a part of a member's accumulated contributions or be treated or administered as normal contributions and shall not be refundable to a member under any circumstances. Such contributions shall be available only for payment of 1959 survivors' allowances.

SEC. 11. Section 21387 of the Government Code is amended to read:

21387. No person shall receive more than one allowance under this article, such allowance to be the largest of the monthly allowances to which he would otherwise be entitled.

SEC. 12. Section 21390 of the Government Code is repealed.

SEC. 13. Section 22151.1 is added to the Government Code, to read:

22151.1. A county superintendent of schools whose employees are deemed county employees may request a division and give

notice of a division in anticipation of a finding that his office is a separate public agency. Upon such request, the county superintendent's office shall be deemed to be a public agency for purposes of this article.

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

In order for the provisions of this act to be implemented prior to the commencement of the 1980–81 fiscal year, it must take effect immediately.

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## CHAPTER 317

An act to amend Section 1418.5 of the Penal Code, relating to evidence in criminal cases.

[Approved by Governor July 3, 1980 Filed with Secretary of State July 3, 1980 ]

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

SECTION 1. Section 1418.5 of the Penal Code is amended to read:

1418.5. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order such documentary exhibits as may be released from the custody of the court without prejudice to the state delivered to such party any time after the final determination of the action or proceeding; provided, however, where the action or proceeding has resulted in an order granting probation, such delivery may be made any time after the final determination of an appeal of such order, taken under the provisions of Section 1237, or after the time for such appeal has elapsed.

If the party entitled to such documentary exhibits is unknown, or fails to apply for the return of said exhibits, the procedure for their disposition shall be as follows:

After the expiration of six months from the time the conviction becomes final, or if the action or proceeding has not resulted in a conviction, at any time after the judgment has become final, the court in which the case was tried shall make an order requiring such exhibits to be destroyed; provided, that no such order shall be made authorizing the destruction of any documentary exhibit if the destruction of such exhibits would prejudice the state.

In all cases in which the death penalty has been imposed no such order shall be made until the sentence of death has been carried out.

## CHAPTER 318

An act to amend Section 404.3 of the Code of Civil Procedure, relating to coordination of actions.

[Approved by Governor July 3, 1980. Filed with Secretary of State July 3, 1980 ]

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

SECTION 1. Section 404.3 of the Code of Civil Procedure is amended to read:

404.3. (a) If the assigned judge determines that coordination is appropriate, he shall order the actions coordinated, report that fact to the Chairman of the Judicial Council, and the Chairman of the Judicial Council shall assign a judge to hear and determine the actions in the site or sites the assigned judge finds appropriate.

(b) When an action pending in a superior court is sought to be coordinated with an action pending in a municipal or justice court located in the same county, the assigned judge may as an alternative to coordination order the municipal or justice court action transferred to the superior court and consolidated with the superior court action.

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## CHAPTER 319

An act to add Sections 18715 and 18716 to, and to amend Section 19120.5 of, the Government Code, relating to the State Personnel Board.

[Approved by Governor July 3, 1980 Filed with Secretary of State July 3, 1980 ]

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

SECTION 1. Section 18715 is added to the Government Code, to read:

18715. Notwithstanding the provisions of Sections 905.2, 13926, and 19255, the State Personnel Board shall have the authority to review employee claims for additional reimbursement for the performance of duties outside the scope of their present classification and to authorize additional reimbursement for such duties. The State Personnel Board shall award employee claims under this section for a period no greater than one year preceding the filing of a grievance. The provisions of this section pertaining to the amount of additional reimbursement where the board finds that an employee has performed duties outside the scope of the employee's current classification may be superseded by a memorandum of

understanding reached pursuant to Section 3517.5, in instances where the employee claims to have performed duties in a classification to which he could have been temporarily appointed, transferred, reinstated, or appointed from an employment list under the provisions of this part and board rule.

SEC. 2. Section 18716 is added to the Government Code, to read:

18716. Upon the allowance of the State Personnel Board of all or part of an employee claim for additional reimbursement for the performance of duties outside the scope of their present classification, certification by the Director of Finance that a sufficient appropriation exists, the execution and presentation of such documents as the board may require which discharge the state of all liability under the claim, and notwithstanding the provisions of Section 19630, the board shall designate the fund from which the claim is to be paid and the state agency concerned shall pay the claim from such fund. Where no sufficient appropriation for such payment is available, the board shall submit a request to the Legislature for appropriation of such funds.

SEC. 3. Section 19120.5 of the Government Code is amended to read:

19120.5. The appointing power, to prevent the stoppage of public business when an actual emergency arises, or because the work will be of limited duration, not to exceed 60 working days, may make emergency appointments without utilizing persons on employment lists and, if necessary, without regard to existing classes. The method of selection and the qualification standards for an emergency employee shall be determined by the appointing power. The frequency of appointment, length of employment, and the circumstances appropriate for the appointment of an individual under emergency appointments shall be restricted by the board by rule so as to prevent the use of emergency appointments to circumvent employment lists.

Service under emergency appointment shall be credited for purposes of layoff only if and as provided by board rule.

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## CHAPTER 320

An act to amend Sections 10127.7 and 10276 of the Insurance Code, relating to insurance.

[Approved by Governor July 3, 1980 Filed with Secretary of State July 3, 1980 ]

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

SECTION 1. Section 10127.7 of the Insurance Code is amended to read:

10127.7. Every policy of individual life insurance with a face

value of less than ten thousand dollars ($10,000) which is delivered or issued for delivery in this state on and after July 1, 1974, shall have printed thereon or attached thereto a notice stating that, after receipt of the policy by the owner, the policy may be returned by the owner for cancellation by delivering it or mailing it to the insurer or to the agent through whom it was purchased. The period of time set forth by the insurer for return of the policy by the insured shall be clearly stated on the notice and such period shall be not less than 10 days nor more than 30 days. The insured may return the policy to the insurer at any time during the period specified in the notice. Such delivery or mailing of the policy by the owner shall void the policy from the beginning, and the parties shall be in the same position as if no policy or contract had been issued. All premiums paid and any policy fee paid for the policy shall be refunded to the owner.

This section shall apply to all policies issued, amended, delivered, or renewed in this state on or after January 1, 1981. All policies subject to this section which are in effect on January 1, 1981, shall be construed to be in compliance with this section, and any provision in any such policy which is in conflict with this section shall be of no force or effect.

This section shall not apply to individual life insurance policies issued in connection with a credit transaction or issued under a contractual policy change or conversion privilege provision contained in a policy.

SEC. 2. Section 10276 of the Insurance Code is amended to read:

10276. Every individual accident and health policy or contract, except single premium nonrenewable policies or contracts, issued for delivery in this state on or after July 1, 1962, by an insurance company, nonprofit hospital service plan or medical service corporation, shall have printed thereon or attached thereto a notice stating that the person to whom the policy or contract is issued shall be permitted to return the policy or contract after its delivery to the purchaser and to have the premium paid refunded if, after examination of the policy or contract, the purchaser is not satisfied with it for any reason. The period time set forth by the insurer, nonprofit hospital service plan or medical service corporation for return of the policy or contract shall be clearly stated on the notice and such period shall not be less than 10 days nor more than 30 days. The policyholder or purchaser may return the policy or contract to the insurer, plan or corporation at any time during the period specified in the notice. If a policyholder or purchaser pursuant to such notice, returns the policy or contract to the company or association at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy or contract had been issued.

This section shall apply to all policies or contracts subject to this section and issued, amended, delivered, or renewed in this state on or after January 1, 1981. All policies or contracts subject to this section

which are in effect on January 1, 1981, shall be construed to be in compliance with this section, and any provision in any such policy or contract which is in conflict with this section shall be of no force or effect.

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## CHAPTER 321

An act to amend Sections 14052, 14101, 14102, 14103, 14810, 14850, 14862, and 14900 of, to add Sections 14101.2, 14101.4, 14101.6, 14811, 14812, 14865, and 14866 to, and to repeal Section 14104 of, the Financial Code, relating to credit unions.

[Approved by Governor July 3, 1980. Filed with Secretary of State July 5, 1980 ]

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

SECTION 1. Section 14052 of the Financial Code is amended to read:

14052. In addition to the powers enumerated in this division, every credit union has the general powers conferred upon corporations by the Nonprofit Mutual Benefit Corporations Law of this state unless restricted by this division.

SEC. 2. Section 14101 of the Financial Code is amended to read:

14101. The articles of incorporation of every credit union shall set forth the following:

(a) The name of the corporation, which shall include the phrase "credit union."

(b) The following statement:

The purpose of the corporation is to engage in the business of a credit union and any other lawful activities not prohibited to a credit union by applicable laws and regulations.

(c) The name and address in this state of the corporation's initial agent for service of process in accordance with subdivision (b) of Section 8210 of the Corporations Code.

(d) The names and addresses of five or more persons appointed to act as initial directors.

SEC. 3. Section 14101.2 is added to the Financial Code, to read:

14101.2. (a) The articles shall be signed by each director named in the articles, acknowledged pursuant to Section 5030 of the Corporations Code and filed in the office of the Secretary of State.

(b) The Secretary of State shall not file the articles unless the approval of the commissioner is endorsed thereon.

(c) Corporate existence shall begin upon the filing of the articles and shall continue perpetually, unless otherwise expressly provided by law.

(d) Sections 7122 (corporate name), 7133 (proof of existence), 7141 (corporate authority) and 7160 (copy of articles and bylaws) of

the Corporations Code shall also apply to credit unions.

SEC. 4. Section 14101.4 is added to the Financial Code, to read:

14101.4. (a) The provisions of Section 14101 shall not apply to a credit union organized prior to January 1, 1981, but the articles of such a credit union shall continue to be governed by the law applicable as of December 31, 1980, until an amendment of articles pursuant to subdivision (b).

(b) A credit union organized prior to January 1, 1981, may amend its articles to conform to Section 14101 except that an initial agent for service of process shall not be set forth and the names and addresses of initial directors shall be deleted. Such an amendment may be adopted by the board of directors alone.

SEC. 5. Section 14101.6 is added to the Financial Code, to read:

14101.6. (a) Every credit union shall, within 90 days after the filing of its original articles and annually thereafter during the applicable filing period in each year, file, in a form prescribed by the Secretary of State, a statement containing: (1) the names and complete business or residence addresses of its chief executive officers, secretary and chief financial officer; (2) the street address of its principal office, if any; and (3) the name and address of a natural person residing in this state who will serve as the credit union's agent for service of process. The applicable filing period for a credit union shall be the calendar month during which its original articles were filed and the immediately preceding five calendar months. The Secretary of State shall mail a form for compliance with this section to each credit union approximately three months prior to the close of the applicable filing period. The form shall state the due date thereof and shall be mailed to the last address of the credit union according to the records of the Secretary of State. Neither the failure of the Secretary of State to mail the form nor the failure of the credit union to receive it is an excuse for failure to comply with this section.

(b) Whenever any of the information required by subdivision (a) is changed, the credit union may file a current statement containing all the information required thereby. In order to change its agent for service of process or the address of the agent, the corporation must file a current statement containing all the information required by subdivision (a). Whenever any statement is filed pursuant to this section, it supersedes any previously filed statement and the statement in the articles as to the agent for service of process and the address of the agent.

(c) An agent designated for service of process pursuant to subdivision (a) may file a signed and acknowledged written statement of resignation as such agent. Thereupon the authority of the agent to act in such capacity shall cease and the Secretary of State forthwith shall give written notice of the filing of the statement of resignation by mail to the credit union addressed to its principal office.

(d) If a natural person who has been designated agent for service

of process pursuant to subdivision (a) dies or resigns or no longer resides in the state, the credit union shall forthwith file a designation of a new agent conforming to the requirements of subdivision (a).

(e) The Secretary of State may destroy or otherwise dispose of any statement filed pursuant to this section after it has been superseded by the filing of a new statement.

(f) This section shall not be construed to place any person dealing with the credit union on notice of or in any duty to inquire about the existence or content of the statement filed pursuant to this section.

SEC. 6. Section 14102 of the Financial Code is amended to read:

14102. (a) Amendments to the articles of incorporation of any credit union may be adopted by resolution of the board of directors, which is also adopted by a vote of a majority of the members of the credit union present, in person or by proxy, at any regular or special meeting of the members for which notice of such proposed amendments has been given, or by the affirmative mail vote of a majority of the members responding to such notice; provided, however, that a minimum vote of at least 10 percent of the entire membership entitled to vote on the question votes in favor of the amendment and those voting in favor of the amendment constitute a majority of the members participating in the vote.

(b) The commissioner may approve the amendment according to the resolution adopted by the board of directors if approved by less than 10 percent of the entire membership as provided in this section if he finds, upon the written and verified application filed by the board of directors, that (1) notice of the meeting called to consider the amendment was mailed to each member entitled to vote upon the question, (2) such notice disclosed the purpose of the meeting and properly informed the membership that approval of the amendment might be sought pursuant to this section and (3) a majority of the votes cast upon the question were in favor of the amendment.

SEC. 7. Section 14103 of the Financial Code is amended to read:

14103. The bylaws shall prescribe the manner in which the business of the credit union shall be conducted with reference to the following matters:

(a) The purpose of the credit union.

(b) The qualification for membership.

(c) Determination of the month, time and place of the annual meeting; the manner of conducting meetings; the method by which members shall be notified of meetings; and the number of members which shall constitute a quorum.

(d) The authorized number of directors, the number of directors necessary to constitute a quorum, and the powers and duties of officers elected by the directors.

(e) The membership, powers, and duties of the supervisory committee.

(f) The membership, powers, and duties of the credit committee.

(g) The conditions upon which shares may be issued, paid for,

transferred and withdrawn.

(h) The charges, if any, which may be imposed for failure to punctually meet obligations to the credit union.

(i) The conditions upon which certificates may be issued and withdrawn.

(j) The manner in which the funds of the credit union shall be employed.

(k) The conditions upon which loans may be made and repaid.

(*l*) The maximum rate of interest that may be charged upon loans.

(m) The method of receipting for money paid on account of shares, certificates or loans.

(n) The manner in which the guaranty fund shall be accumulated.

(o) The manner in which dividends may be determined and paid to members.

(p) The manner in which the bylaws may be amended.

SEC. 8. Section 14104 of the Financial Code is repealed.

SEC. 9. Section 14810 of the Financial Code is amended to read:

14810. The bylaws may provide that any action or specifically designated actions which may be taken at a meeting of the members may be taken without a meeting by submitting the matter to all members who would be entitled to vote upon such action at a meeting, for their written vote. Any such bylaw shall require that each matter submitted to the members for their written vote shall be certified by the president and secretary as to the manner by which the matter was submitted and the result of the voting.

An amendment to the bylaws of a credit union pursuant to this section shall not be adopted except upon the submission of the proposed amendment by mail to all members entitled to vote and the affirmative vote of a majority of the members responding to such notice, given in person either at a meeting or by written ballot. Any such amendment to the bylaws adopted by written vote shall be certified by the president and secretary as to the manner by which the matter was submitted and the result of the voting.

No member shall vote by proxy upon any matter referred to all members for their written vote pursuant to this section, and the powers of any previously issued or outstanding valid proxy are suspended as to any such action.

SEC. 10. Section 14811 is added to the Financial Code, to read:

14811. (a) A member who has no outstanding loan account and whose share account is below the amount established by the bylaws may be transferred to inactive member status.

(b) An inactive member has no voting rights, has no right to notice of meetings of members, shall not be considered a member for purposes of determination of a quorum or a required vote and need not be sent the annual report or financial statements except upon request.

(c) When one or more of the conditions in subdivision (a) cease to be applicable, an inactive member may be transferred back to

regular member status.

SEC. 11. Section 14812 is added to the Financial Code, to read:

14812. Unless otherwise provided in the bylaws, a quorum for a meeting of members shall be 10 percent of the members or 50 members, whichever is less.

SEC. 12. Section 14850 of the Financial Code is amended to read:

14850. The Corporate Securities Law relating to the necessity of qualification of the sale of securities does not apply to the sale and issue of membership shares, certificates for funds, and other securities, by credit unions organized under this division or lawfully doing business in this state. No credit union lawfully doing business in this state shall be required to file a certificate for determination of preference with the office of the Secretary of State in connection with any share offering so long as it complies with all applicable provisions of this division and the rules of the commissioner.

SEC. 13. Section 14862 of the Financial Code is amended to read:

14862. The board of directors may establish various terms for shares, including special shares, which may provide for different rates, maturities and minimum share account balances, subject to the rules of the commissioner.

SEC. 14. Section 14865 is added to the Financial Code, to read:

14865. Shares issued by a credit union to a member shall be evidenced in monetary amounts rather than by numbers of shares. The shares owned by a member also may be referred to as a "share account". There shall be no limit to the amount of shares which a credit union may issue.

SEC. 15. Section 14866 is added to the Financial Code, to read:

14886. The evidence of credit union shares issued shall be a certificate, a passbook, a statement or other evidence approved by regulation of the commissioner. The evidence of any credit union shares shall not constitute an "investment security" under Division 8 (commencing with Section 8001) of the Commercial Code.

SEC. 16. Section 14900 of the Financial Code is amended to read:

14900. (a) The board of directors of any credit union may declare dividends at such intervals and for such periods as the bylaws shall provide.

(b) Dividends need not be paid on a share account having less than the minimum balance prescribed in the bylaws.

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## CHAPTER 322

An act to amend Section 676 of the Welfare and Institutions Code, relating to juvenile court law.

[Approved by Governor July 5, 1980 Filed with Secretary of State July 5, 1980 ]

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

SECTION 1. Section 676 of the Welfare and Institutions Code is amended to read:

676. Unless requested by the minor concerning whom the petition has been filed and any parent or guardian present, the public shall not be admitted to a juvenile court hearing. The judge or referee may nevertheless admit such persons as he deems to have a direct and legitimate interest in the particular case or the work of the court. However, members of the public shall be admitted, on the same basis as they may be admitted to trials in a court of criminal jurisdiction, to hearings concerning petitions filed pursuant to Section 602 alleging that a minor is a person described in Section 602 by reason of the violation of any one of the following offenses:

(a) Murder.

(b) Arson of an inhabited building.

(c) Robbery while armed with a dangerous or deadly weapon.

(d) Rape with force or violence or threat of great bodily harm.

(e) Kidnapping for ransom.

(f) Kidnapping for purpose of robbery.

(g) Kidnapping with bodily harm.

(h) Assault with intent to murder or attempted murder.

(i) Assault with a firearm or destructive device.

(j) Assault by any means of force likely to produce great bodily injury.

(k) Discharge of a firearm into an inhabited or occupied building.

(*l*) Any offense described in Section 1203.09 of the Penal Code.

SEC. 2. Nothing in this act shall be construed to require any local agency to incur additional costs as a result of its provisions.

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## CHAPTER 323

An act to amend Section 12201.5 of the Welfare and Institutions Code, relating to public assistance recipients, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1980 Filed with Secretary of State July 5, 1980.]

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

SECTION 1. Section 12201.5 of the Welfare and Institutions Code is amended to read:

12201.5. Notwithstanding the provisions of Section 12201, the amount applicable under that section to a disabled minor residing in a nonmedical out-of-home facility with a nonrelative guardian shall be the amount specified in subdivision (g) of that section, as adjusted for cost-of-living pursuant to that section.

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 forestall a reduction in public assistance payments to wards who are minors under 18 years of age, it is necessary that this act go into effect by July 1, 1980.

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## CHAPTER 324

An act to amend Section 2908 of the Business and Professions Code, relating to the practice of psychology.

[Approved by Governor July 5, 1980. Filed with Secretary of State July 5, 1980 ]

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

SECTION 1. Section 2908 of the Business and Professions Code is amended to read:

2908. Nothing in this chapter shall be construed to prevent qualified members of other recognized professional groups licensed to practice in the State of California, such as, but not limited to, physicians, clinical social workers, educational psychologists, marriage, family and child counselors, optometrists, psychiatric technicians, or registered nurses, or attorneys admitted to the California State Bar, or persons utilizing hypnotic techniques by referral from persons licensed to practice medicine, dentistry or psychology, or persons utilizing hypnotic techniques which offer avocational or vocational self-improvement and do not offer therapy for emotional or mental disorders, or duly ordained members of the recognized clergy, or duly ordained religious practitioners from doing work of a psychological nature consistent with the laws governing their respective professions, provided they do not hold themselves out to the public by any title or description of services incorporating the words "psychological," "psychologist," "psychology," "psychometrist," "psychometrics," or, "psychometry" or that they do not state or imply that they are licensed to practice psychology; except that persons licensed under Article 5 (commencing with Section 17860) of Chapter 4, Part 3, Division 7 of this code may hold themselves out to the public as licensed educational psychologists.

# CHAPTER 325

An act to amend Section 3370.5 of the Financial Code, relating to banks.

[Approved by Governor July 5, 1980. Filed with Secretary of State July 5, 1980.]

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

SECTION 1. Section 3370.5 of the Financial Code is amended to read:

3370.5. A bank shall not make any loan to any executive officer of the bank, directly or indirectly, or to any corporation in which such executive officer is a stockholder, director, officer or employee or to any partnership of which such executive officer is a partner or employee, or for the benefit of such executive officer or on the endorsement, surety, or guaranty of such executive officer, except as follows:

(a) A loan may be made to a corporation of which the executive officer is a director, officer, employee, or a minority stockholder; provided, that if the executive officer is a director, officer, or employee of such corporation or owns or controls directly or indirectly more than 10 percent of any class of the voting securities of such corporation or if two or more directors or executive officers of the bank own or control more than 20 percent of any class of the voting securities of such corporation, the loan is authorized in advance or is confirmed within 40 days after the loan is made by a majority of all of the directors of such bank and the affirmative vote of two-thirds of the directors of such bank present at the meeting authorizing or confirming such loan; provided, that the interested party shall not vote or participate in any manner in the action of the board authorizing or confirming the loan, except with the consent of the superintendent previously obtained in writing.

(b) A loan may be made to a limited partnership of which the executive officer is a limited partner owning or controlling not more than a 50-percent interest, or an employee; provided, that if the executive officer is an employee of such partnership or owns or controls more than a 10-percent interest or if two or more executive officers or directors of the bank own or control more than a 20-percent interest in such partnership, the loan is authorized in the manner provided in subdivision (a).

(c) A loan may be made to an executive officer to finance the purchase, construction, maintenance, or improvement of a dwelling of the executive officer, secured by a first lien on such dwelling; provided, that:

(1) The dwelling, whether existing at the time of the loan or to be constructed with the proceeds of the loan, is owned or after the making of the loan is expected to be owned by such executive officer

and used as the executive officer's residence;

(2) The loan is a secured loan within the meaning of Section 1223 provided, however, that the market or appraised value of the property by which the loan is secured shall, for purposes of Section 1223 or any applicable section referred to in Section 1223, be determined by an independent appraisal; and

(3) No other loan to such executive officer under authority of this subdivision is outstanding.

(d) A loan may be made to an executive officer for the purpose of financing the education of the children of such executive officer; provided, that such loan, together with other outstanding loans made to such executive officer under authority of this subdivision, does not exceed the aggregate amount of twenty thousand dollars ($20,000).

(e) A loan may be made to an executive officer if such loan, together with any outstanding loans to the executive officer (other than loans made under authority of subdivision (a), (b), (c), or (d) of this section), does not exceed ten thousand dollars ($10,000).

(f) No loan authorized by subdivision (c), (d), or (e) may be made if the amount of such loan, when aggregated with the amount of all other loans then outstanding by the bank to such executive officer pursuant to such subdivisions, would exceed twenty-five thousand dollars ($25,000), unless such loan is approved in advance by a majority of all of the directors of such bank; provided, that the interested party shall not vote or participate in any manner in the action of the board approving the loan, except with the consent of the superintendent previously obtained in writing.

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## CHAPTER 326

An act to add Sections 44902.1 and 44902.2 to the Education Code, relating to school employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1980. Filed with Secretary of State July 5, 1980.]

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

SECTION 1. Section 44902.1 is added to the Education Code, to read:

44902.1. In a district which becomes unified, effective for all purposes on July 1, 1980, certificated employees employed for the school year 1980–81, who were employed for the school year 1979–80 by a union high school district included in the territory within the newly organized unified school district, may be placed on the salary schedule of the unified school district and be given credit for all service as an employee of the union high school district for years of experience as an employee of the union high school district. Their

date of first paid service as a probationary employee may be the date established by the union high school district.

SEC. 2. Section 44902.2 is added to the Education Code, to read:

44902.2. In a school district which becomes unified, effective for all purposes, on July 1, 1980, certificated employees who are employed for the school year 1979–80 by a union high school district included in part in the territory within the newly organized unified school district shall be entitled to be employed by the unified district for the school year 1980–81 only if such employees were employed within the schools being acquired by the unified district. However, the unified school district may, but is not required to, employ additional employees of the union high school district to the extent the unified school district agrees to employ such employees.

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 take effect before the beginning of the 1980–81 school year, and so facilitate the orderly operation of the school districts to which this act applies, it is necessary that this act take effect immediately.

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## CHAPTER 327

An act to add Section 44244.1 to the Education Code, relating to teacher preparation and licensing.

[Approved by Governor July 5, 1980 Filed with Secretary of State July 5, 1980.]

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

SECTION 1. Section 44244.1 is added to the Education Code, to read:

44244.1. A recommendation by the Committee of Credentials to deny, suspend, or revoke an application or a credential of a certified employee may be adopted by the Commission for Teacher Preparation and Licensing without further proceedings if, after service of notice of the committee decision pursuant to Section 44244, the certified employee fails to give notice of intent to request an administrative hearing or if he or she gives notice of intent not to request an administrative hearing within 30 days. For good cause shown, the commission may grant an additional 30 days for filing of a request for an administrative hearing.

## CHAPTER 328

An act to amend Section 99233.5 of the Public Utilities Code, relating to transportation.

[Approved by Governor July 5, 1980. Filed with Secretary of State July 5, 1980 ]

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

SECTION 1. Section 99233.5 of the Public Utilities Code is amended to read:

99233.5. (a) One percent of the remaining money in the fund for the areas under the jurisdiction of the transit development boards created pursuant to Division 11 (commencing with Section 120000) and Division 11.5 (commencing with Section 125000) shall be allocated for transportation planning pursuant to Sections 120300 and 125301 to the council of governments that is the transportation planning agency for those areas.

(b) (1) Up to 10 percent of the remaining money for the area under the jurisdiction of a transit development board created pursuant to Division 11 (commencing with Section 120000) shall be allocated to the transit development board to carry out its administrative and planning powers, duties, and functions.

(2) Thereafter, the remaining money for allocation in that area shall be allocatd by the transportation planning agency to claimants as directed by the transit development board.

(c) An agency, board, or commission shall receive the same percent of funds for the 1978–79 and 1979–80 fiscal years under Section 99233.2 and this section that it received under Section 99233.2 and this section in the 1977–78 fiscal year.

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## CHAPTER 329

An act to add Section 4800.6 to the Civil Code, relating to community property.

[Approved by Governor July 5, 1980. Filed with Secretary of State July 5, 1980 ]

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

SECTION 1. Section 4800.6 is added to the Civil Code, to read:

4800.6. An attorney who represents a client in an action for dissolution or legal separation shall give written notice to his or her client that although an obligation based on a contract is assigned to one party as part of the division of the community pursuant to Section 4800, in the event that the party to whom the obligation was

assigned defaults on the contract, the creditor may have a cause of action against the other party.

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## CHAPTER 330

An act to amend Section 12804 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor July 5, 1980. Filed with Secretary of State July 5, 1980.]

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

SECTION 1. Section 12804 of the Vehicle Code is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, and his understanding of traffic signs and signals, including the bikeway signs, markers, and traffic control devices established by the Department of Transportation. The applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive, except that the department may waive the driving test part of the examination of an applicant who holds a valid license issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. The examination for a class 1 or class 2 license under subdivision (b) of this section shall also include a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine. The report shall be on a form approved by the department or by the Federal Highway Administration or the Federal Aviation Administration of the United States Department of Transportation. In establishing the requirements consideration may be given to the standards presently required of motor carrier drivers by the Federal Highway Administration of the United States Department of Transportation. Any physical defect of the applicant which in the opinion of the department is compensated to insure safe driving ability shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive:

(1) Class 1. Any combination of vehicles and includes the operation of all vehicles under class 2 and class 3.

(2) Class 2. Any bus, any single vehicle with three or more axles, any such vehicles towing another vehicle weighing less than 6,000 pounds gross, and all vehicles covered under class 3.

(3) Class 3. A three-axle housecar, any three-axle vehicle weighing less than 6,000 pounds gross, any two-axle vehicle, any such housecar or vehicle towing another vehicle weighing less than 6,000 pounds gross, and any two-axle vehicle weighing 4,000 pounds or more unladen when towing either a trailer coach not exceeding 9,000 pounds gross or a trailer or semitrailer not exceeding 9,000 pounds gross designed and used exclusively for hauling livestock when such hauling of livestock is not for compensation, except a bus, two-wheel motorcycle, two-wheel motor-driven cycle, or "farm labor vehicle."

(4) Class 4. Any two-wheel motorcycle, any two-wheel motor-driven cycle, or any motorized bicycle. Authority to operate vehicles included in a class 4 license may be granted by endorsement on a class 1, 2 or 3 license upon completion of appropriate examination.

(c) Class 1 and class 2 drivers' licenses shall be valid for operating class 1 or class 2 vehicles only when a medical certificate approved by the department or the Federal Highway Administration or the Federal Aviation Administration of the United States Department of Transportation is in the licensee's immediate possession which has been issued within two years of the date of the operation of such vehicle, otherwise the license shall be valid only for operating class 3 vehicles and class 4 vehicles if so endorsed. A person holding a valid class 1 or class 2 driver's license on May 3, 1972, may operate class 1 or class 2 vehicles without a medical certificate until such time as the license expires.

(d) A farm labor vehicle driver certificate shall not be valid unless the driver is in possession of a medical certificate issued within the past two years.

(e) The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications when such certificate is issued by an employer of the applicant provided the applicant has first qualified for a class 3 license and also met the other examination requirements for the license for which he is applying. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

(f) The department may accept a certificate of competence in lieu of a driving test on class 4 applications when such certificate is issued by a law enforcement agency for its officers who operate class 4 vehicles in their duties provided the applicant has also met the

other examination requirements for the license for which he is applying.

(g) Notwithstanding the provisions of subdivision (b), any person holding a valid California driver's license of any class may operate a motorized bicycle without taking any special examination for the operation of a motorized bicycle, and without having a class 4 endorsement on such license.

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## CHAPTER 331

An act to amend Sections 37626 and 37938 of, and to add Sections 33777.5, 34316.5, 37938.5, and 52042.5 to, the Health and Safety Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1980 Filed with Secretary of State July 5, 1980.]

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

SECTION 1. Section 33777.5 is added to the Health and Safety Code, to read:

33777.5. When not immediately required to provide financing under this chapter, revenues and the proceeds of revenue bonds may be invested in any securities or obligations authorized by the resolution providing for issuance of the bonds or authorized by its trust indenture. Such investments may include mortgage obligations on single-family dwellings purchased from a state or federally chartered bank or savings and loan association pursuant to a repurchase agreement under which the bank or savings and loan association will repurchase the mortgage obligation on or before a specified date and for a specified amount, provided that the mortgage or the repurchase agreement shall be insured by a mortgage insurance company licensed to insure mortgages in the State of California and qualified to provide insurance on mortgages purchased by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

The authority provided in this section is additional and alternative to any other authorization for investments contained in this part, including Section 33782, or in other provisions of law.

SEC. 2. Section 34316.5 is added to the Health and Safety Code, to read:

34316.5. The proceeds of bonds issued pursuant to this part to finance housing as provided in subdivision (d) of Section 34312 and subdivision (g) of Section 34315 and revenues accruing to the agency on account of such a program may be invested in any securities or obligations authorized by the resolution providing for issuance of the bonds or authorized by its trust indenture, when the bond proceeds

or revenues are not immediately required to provide financing under the program. Such investments may include mortgage obligations on single-family dwellings purchased from a state or federally chartered bank or savings and loan association pursuant to a repurchase agreement under which the bank or savings and loan association will repurchase the mortgage obligation on or before a specified date and for a specified amount, provided that the mortgage or the repurchase agreement shall be insured by a mortgage insurance company licensed to insure mortgages in the State of California and qualified to provide insurance on mortgages purchased by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

The authority provided in this section is additional and alternative to any other authorization for investment contained in this part or other provisions of law.

SEC. 3. Section 37626 of the Health and Safety Code is amended to read:

37626. Prior to the issuance of any bonds or bond anticipation notes of the local agency for historical rehabilitation, the legislative body shall by ordinance or resolution adopt a historical rehabilitation financing program. The program shall include, but is not limited to, the following items:

(1) Criteria for the selection of historical properties eligible for financing. Such criteria may include, but are not limited to:

(a) Architectural significance:

(i) Structures or areas that embody distinguishing characteristics of an architectural style, period, method of construction, or architectural development in a city or county.

(ii) Notable works of a master builder, designer, or architect whose style influenced the city or county's architectural development, or structures showing the evolution of an architect's style.

(iii) Rare structures displaying a building type, design, or indigenous building form.

(iv) Structures which embody special architectural and design features.

(v) Outstanding examples of structures displaying original architectural integrity, structurally or stylistically, or both.

(vi) Unique structures or places that act as focal or pivotal points important as a key to the character or visual quality of an area.

(b) Historical significance:

(i) Sites and structures connected with events significant in the economic, cultural, political, social, civic, ethnic, or military history of a community, state, or nation.

(ii) Structures or areas identified with the lives of historical personages of a community, state, or nation.

(iii) Sites and groups of structures representing historical development patterns, including, but not limited to, urbanization patterns, railroads, agricultural settlements, and canals.

(2) Criteria for the selection of historical rehabilitation areas. Such criteria may include, but are not limited to:

(a) Areas constituting a distinct section of the city and having special character, historical, architectural, or aesthetic interest and value.

(b) Areas providing significant examples of architectural styles of the past, or landmarks in the history of architecture.

(c) Areas serving as a reminder of past eras, events, and persons important in local, state, or national history, and illustrating past living styles for future generations to observe, study, and inhabit.

(d) Historical and culturally significant grounds, gardens, and objects.

(3) Following the adoption of the criteria as provided for in subdivisions (a) and (b), the designation of one or more historical rehabilitation areas, including a description of the area, a map and other related information.

(4) Procedures for the selection and financing of rehabilitation projects. Such procedures shall be subject to the following limitations:

(a) Outstanding loans on the property to be rehabilitated, including the amount of the loans for rehabilitation, shall not exceed 80 percent of the anticipated after-rehabilitation value of the property.

(b) The maximum repayment period for historical rehabilitation loans shall be 40 years or four-fifths of the economic life of the property, whichever is less.

(c) No less than 90 percent of any loan for historical rehabilitation shall be used for financing of historical rehabilitation, as defined in this part.

SEC. 4. Section 37938 of the Health and Safety Code is amended to read:

37938. (a) The local agency may provide for the issuance of the bonds of the local agency for the purpose of refunding any bonds of the local agency then outstanding including the payment of any redemption premiums thereof and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or maturity of such bonds, and, if deemed advisable by the local agency, for the additonal purpose of paying all or any part of the cost of additional residential rehabilitation.

(b) The proceeds of bonds issued for the purpose of refunding any outstanding bonds may, in the discretion of the local agency, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds, either at their earliest or, notwithstanding the provisions of Section 53583 of the Government Code or any other law, any subsequent redemption date or upon the purchase or retirement at the maturity thereof and may, pending such application, be placed in escrow, to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the local agency.

(c) Pending use for purchase, retirement at maturity, or redemption of outstanding bonds, any proceeds held in escrow pursuant to subdivision (b) may be invested and reinvested as provided in the resolution authorizing the issuance of the bonds. Any interest or other increment earned or realized on any such investment may also be applied to the payment of the outstanding bonds to be refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and any interest or increment earned or realized from the investment thereof may be returned to the local agency to be used by it for any lawful purpose.

(d) That portion of the proceeds of any such bonds designated for the purpose of paying all or any part of the cost of additonal residential rehabilitation pursuant to subdivision (a) may be invested and reinvested in obligations of, or guaranteed by, the United States of America or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost.

(e) All bonds issued pursuant to this section shall be subject to the provisions of this part in the same manner and to the same extent as other bonds issued pursuant to this part.

SEC. 5. Section 37938.5 is added to the Health and Safety Code, to read:

37938.5. When not immediately required to provide financing under this chapter, revenues and the proceeds of bonds may be invested in any securities or obligations authorized by the resolution providing for issuance of the bonds or by the trust agreement securing the bonds. Such investments may include mortgage obligations on single-family dwellings purchased from a state or federally chartered bank or savings and loan association pursuant to a repurchase agreement under which the bank or savings and loan association will repurchase the mortgage obligation on or before a specified date and for a specified amount, provided that the mortgage or the repurchase agreement shall be insured by a mortgage insurance company licensed to insure mortgages in the State of California and qualified to provided insurance on mortgages purchased by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

The authority provided in this section is additional and alternative to any other authorization for investment contained in this part, including subdivision (d) of Section 37938, or in other provisions of law.

SEC. 6. Section 52042.5 is added to the Health and Safety Code, to read:

52042.5. Investments under Section 52042 may include mortgage obligations on single-family dwellings purchased from a state or federally chartered savings and loan association pursuant to a

repurchase agreement under which the bank or savings and loan association will repurchase the mortgage obligation on or before a specified date and for a specified amount, provided that the mortgage or the repurchase agreement shall be insured by a mortgage insurance company licensed to insure mortgages in the State of California and qualified to provide insurance on mortgages purchased by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

The authority provided in this section and Section 52042 is additional and alternative to any other authorization for investment contained in this part, including Section 52044, or in other provisions of law.

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:

Certain residential rehabilitation revenue bonds outstanding under the Marks-Foran Residential Rehabilitation Act of 1973 are in danger of default because of unavoidable delays in the purchase of mortgage loans occasioned by a lack of public awareness of the program and other problems. Such defaults may be avoided by the issuance of refunding bonds under the act, but such refunding is economically infeasible because Section 53583 of the Government Code, in conflict with Section 37938 of the Health and Safety Code, which is included within such act, requires that the bonds to be refunded be called at the first date on which such bonds may be legally called. Additionally, liberalized investment authority is immediately required for various local housing finance programs which have issued bonds at the high interest rates prevailing during the latter portion of 1979 and the first half of 1980, in order to permit investment of the bond proceeds at a sufficiently high interest rate prior to refunding. This legislation must go into immediate effect in order to make the refunding feasible and allow the refunding to take place in time to avoid such a default.

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## CHAPTER 332

An act to add Section 76000.5 to the Government Code, relating to courts.

[Approved by Governor July 5, 1980. Filed with Secretary of State July 5, 1980 ]

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

SECTION 1. Section 76000.5 is added to the Government Code, to read:

76000.5. Notwithstanding any provision of this chapter, the board

of supervisors in each county may specify by ordinance a different compensation and mileage for trial jurors or members of the grand jury in that county; provided, that such amounts shall not be less than that prescribed by Section 196 of the Code of Civil Procedure in the case of trial jurors in a civil case, or by Section 1143 of the Penal Code in the case of trial jurors in a criminal case, or by Section 890 of the Penal Code in the case of members of the grand jury.

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## CHAPTER 333

An act to amend Section 44014 of the Education Code, relating to school employees.

[Approved by Governor July 5, 1980 Filed with Secretary of State July 5, 1980.]

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

SECTION 1. Section 44014 of the Education Code is amended to read:

44014. (a) Whenever any employee of a school district or of the office of a county superintendent of schools is attacked, assaulted, or menaced, by any pupil, it shall be the duty of such employee, and the duty of any person under whose direction or supervision such employee is employed in the public school system who has knowledge of such incident, to promptly report the same to the appropriate law enforcement authorities of the county or city in which the same occurred. Failure to make such report shall be a misdemeanor punishable by a fine of not more than two hundred dollars ($200).

(b) Compliance with school district governing board procedures relating to the reporting of, or facilitation of reporting of, the incidents specified in subdivision (a) shall not exempt a person under a duty to make the report prescribed by subdivision (a) from making such a report.

(c) A member of the governing board of a school district, a county superintendent of schools, or an employee of any school district or the office of any county superintendent of schools, shall not directly or indirectly inhibit or impede the making of the report prescribed by subdivision (a) by a person under a duty to make such report. Such an act to inhibit or impede the making of such a report shall be a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars ($100) or more than two hundred dollars ($200).

(d) Neither the governing board of a school district, a member of the governing board, a county superintendent of schools, nor an employee of a school district or of the office of any county superintendent of schools shall impose any sanctions against a person under a duty to make the report prescribed by subdivision (a) for

making such a report.

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## CHAPTER 334

An act to amend Sections 22202, 22206, 22207, 22208, 22208.5, 22401, 22402, 22615, 24201, and 24207 of, to add Sections 22201, 22201.1, and 22615.7 to, and to repeal Sections 22201 and 22408.5 of, the Financial Code, relating to financial institutions.

[Approved by Governor July 5, 1980. Filed with Secretary of State July 5, 1980 ]

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

SECTION 1. Section 22201 of the Financial Code is repealed.

SEC. 2. Section 22201 is added to the Financial Code, to read:

22201. An application for a license under this division shall be in such form and contain such information as the commissioner may by rule require and shall be filed upon payment of the fee specified in Section 22202. A license issued pursuant to an application filed under this section shall be designated a master license.

SEC. 3. Section 22201.1 is added to the Financial Code, to read:

22201.1. (a) A person licensed pursuant to an application filed under Section 22201 may conduct business under this division, either directly or through one or more subsidiary corporations, at such locations as are authorized by the commissioner pursuant to this section. An application to establish a location pursuant to this section shall be in such form and contain such information as the commissioner may by rule require, and shall be filed upon payment of the fee specified in Section 22202. A license issued pursuant to an application filed under this section shall be designated a subsidiary license.

(b) On approval of an application filed pursuant to this section, the commissioner shall issue an original license endorsed to authorize the conduct of business at the location specified in the application.

(c) For the purposes of this section, "subsidiary corporation" means a corporation which is wholly owned by a licensee.

(d) This section does not apply to changes in the address or location of a location previously authorized or licensed under this section.

SEC. 4. Section 22202 of the Financial Code is amended to read:

22202. At the time of filing an application pursuant to Section 22201 or 22201.1, the applicant shall pay to the commissioner one hundred dollars ($100) as a fee for investigating the application and four hundred dollars ($400) as a license fee for the next two succeeding calendar years. If an application is filed in any even-numbered year after June 30th, the payment shall be three-fourths of the stated license fee; if filed in any odd-numbered

year, the payment shall be one-half of the stated license fee, unless it is filed after June 30th of such year in which event the payment shall be one-fourth of the stated license fee. At the end of this initial licensing period, the licensee shall begin paying the fees required by Section 22208.

SEC. 5. Section 22206 of the Financial Code is amended to read:

22206. Upon the filing of an application pursuant to Section 22201 or 22201.1 and the payment of the fees, the commissioner shall investigate the applicant, and its general partners if the applicant is a partnership, and its officers and directors if the applicant is a corporation or association. If the commissioner determines that the applicant has satisfied the provisions of this division and does not find facts constituting reasons for denial as specified in Section 22210, the commissioner shall issue and deliver a license to the applicant to engage in business in accordance with the provisions of this division.

SEC. 6. Section 22207 of the Financial Code is amended to read:

22207. The license shall state the name of the licensee, and if the licensee is a partnership, the names of its general partners, and if a corporation or an association, the date and place of its incorporation or organization and the address of the licensee's principal business location in this state. On the approval and licensing of a location pursuant to Section 22201.1, the commissioner shall issue an original license endorsed to show the address of the authorized location and, if applicable, the name of the subsidiary corporation licensed to operate the location. The license shall state whether the licensee is licensed as a personal property broker or a broker.

SEC. 7. Section 22208 of the Financial Code is amended to read:

22208. Each licensee shall pay to the commissioner on or before the 20th day of December of each odd-numbered year four hundred dollars ($400) as a license fee for the next two succeeding calendar years, for each location licensed pursuant to application filed under Section 22201 or 22201.1.

SEC. 8. Section 22208.5 of the Financial Code is amended to read:

22208.5. A personal property broker or broker's license upon which the license fee has not been paid as provided in Section 22208 may be reinstated by a licensee at any time prior to the revocation thereof pursuant to Section 22615.5 by payment of the fee required by Section 22208 plus a payment to the commissioner of a penalty equal to one-fourth of the stated license fee or fees involved.

SEC. 9. Section 22401 of the Financial Code is amended to read:

22401. (a) A license shall be conspicuously posted in the place of business authorized by such license.

(b) A license is not transferable or assignable. A license issued to a partnership or a limited partnership is not transferred or assigned within the meaning of this section by the death, withdrawal, or admission of a partner, general partner, or limited partner, unless such death, withdrawal, or admission dissolves the partnership to which the license was issued.

SEC. 10. Section 22402 of the Financial Code is amended to read:

22402. A licensee shall maintain only one place of business under a duplicate or original license issued pursuant to Section 22201.1. The commissioner may issue more than one license to the same licensee upon compliance with all the provisions of this division governing an original issuance of a license.

SEC. 11. Section 22408.5 of the Financial Code is repealed.

SEC. 12. Section 22615 of the Financial Code is amended to read:

22615. (a) The commissioner shall suspend or revoke any license, upon notice and reasonable opportunity to be heard, if the commissioner finds any of the following:

(1) That the licensee has failed to comply with any demand, ruling, or requirement of the commissioner made pursuant to and within the authority of this division.

(2) That the licensee has violated any provision of this division or any rule or regulation made by the commissioner under and within the authority of this division.

(3) That any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue the license.

(b) A master license may not be suspended or revoked pursuant to this section as a result of any action or failure to act by a subsidiary licensee unless grounds exist for the suspension or revocation of the master license pursuant to this section. An order suspending or revoking a license or imposing sanctions against a licensee shall not affect other licensed locations unless expressly so stated in such order.

SEC. 13. Section 22615.7 is added to the Financial Code, to read:

22615.7. The commissioner may by order summarily suspend or revoke the license of any licensee if such person fails to file the report required by Section 22408 within 10 days after notice by the commissioner that such report is due and not filed. If, after such an order is made, a request for hearing is filed in writing within 30 days and the hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date.

SEC. 14. Section 24201 of the Financial Code is amended to read:

24201. Application for a license shall be in writing, under oath, and in the form prescribed by the commissioner, and shall contain the following and such further information as the commissioner requires:

(a) The name of the applicant, and if a partnership the names of the general partners; and if a corporation or association, the names of each officer and director.

(b) The residence and business addresses of each person named in subdivision (a) of this section.

(c) The county and municipality with the street numbers if any, where business is to be conducted.

SEC. 15. Section 24207 of the Financial Code is amended to read:

24207. The license shall state the address at which the business is

to be conducted and shall state fully the name of the licensee, and if the licensee is a partnership, the names of its general partners, if a corporation, the date and place of its incorporation, and if an association the date and place of organization. The license shall state whether the licensee is licensed as a lender or a broker.

SEC. 16. Upon the effective date of this act:

(a) Each person who has a broker or personal property broker license in effect on December 31, 1980, other than a subsidiary corporation as defined in Section 22201.1 of the Financial Code, shall be deemed licensed pursuant to application filed under Section 22201 of the Financial Code. Those licensees deemed master licensees pursuant to this provision that wish to be designated subsidiary licensees shall advise the Commissioner of Corporations of such preference by June 30, 1981.

(b) Each subsidiary corporation as defined in Section 22201.1 of the Financial Code which has a broker or personal property broker license in effect on December 31, 1980, shall be deemed licensed pursuant to an application filed under Section 22201.1 of the Financial Code.

The Commissioner of Corporations shall, at such times as are appropriate and convenient in the administration of the Personal Property Brokers Law, issue amended license certificates reflecting the provisions of this act.

SEC. 17. It is the intent of the Legislature, if this bill and Assembly Bill No. 2757 are both chaptered and become effective January 1, 1981, both bills amend Sections 22202, 22208, and 22208.5 of the Financial Code, and this bill is chaptered after Assembly Bill No. 2757, that the amendments to Sections 22202, 22208, and 22208.5 set forth in Assembly Bill No. 2757 shall prevail over the amendments to those sections set forth in this bill. Therefore, if Assembly Bill No. 2757 is chaptered and as chaptered amends Sections 22202, 22208, and 22208.5 of the Financial Code, Sections 4, 7, and 8 of this act shall not become operative.

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## CHAPTER 335

An act to add Sections 5560.1 and 5782.26 to the Public Resources Code, relating to parks.

[Approved by Governor July 5, 1980. Filed with Secretary of State July 5, 1980 ]

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

SECTION 1. Section 5560.1 is added to the Public Resources Code, to read:

5560.1. In order to protect property, improvements, and facilities of parks under its management or belonging to the district and to

preserve the peace within such parks, the district board may confer, on uniformed park employees which it may designate, the authority to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or district regulations or ordinances, when the violation is committed within a district park and in the presence of the employee issuing the citation. The citations shall be issued in accordance with Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.

SEC. 2. Section 5782.26 is added to the Public Resources Code, to read:

5782.26. In order to protect property, improvements, and facilities of parks under its management or belonging to the district and to preserve the peace within such parks, the district board may confer, on uniformed park employees which it may designate, the authority to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or district regulations or ordinances, when the violation is committed within a district park and in the presence of the employee issuing the citation. Such citations shall be issued in accordance with the provisions of Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.

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## CHAPTER 336

An act to amend Section 818 of the Penal Code, relating to arrests.

[Approved by Governor July 5, 1980 Filed with Secretary of State July 5, 1980 ]

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

SECTION 1. Section 818 of the Penal Code is amended to read:

818. In any case in which a peace officer serves upon a person a warrant of arrest for a misdemeanor offense under the Vehicle Code or under any local ordinance relating to stopping, standing, parking, or operation of a motor vehicle and where no written promise to appear has been filed and the warrant states on its face that a citation may be used in lieu of physical arrest, the peace officer may, instead of taking the person before a magistrate, prepare a notice to appear and release the person on his promise to appear, as prescribed by Sections 853.6 through 853.8 of the Penal Code. Issuance of a notice to appear and securing of a promise to appear shall be deemed a compliance with the directions of the warrant, and the peace officer issuing such notice to appear and obtaining such promise to appear shall endorse on the warrant "Section 818, Penal Code, complied with" and return the warrant to the magistrate who issued it.

## CHAPTER 337

An act to amend Section 33447 of the Health and Safety Code, relating to redevelopment.

[Approved by Governor July 5, 1980 Filed with Secretary of State July 5, 1980 ]

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

SECTION 1. Section 33447 of the Health and Safety Code is amended to read:

33447. In addition to any other authority contained in this division and subject to the requirements of this section, taxes levied in a project area and allocated to the agency as provided in subdivision (b) of Section 33670 may be used as provided thereby anywhere within the territorial jurisdiction of the agency to finance the construction or acquisition of public improvements meeting the following criteria, as determined by resolution of the agency:

(a) The public improvements will enhance the environment of a residential neighborhood containing housing for persons and families of low or moderate income, as defined in Section 41056, including very low-income households, as defined in Section 41067.

(b) The public improvements will be of benefit to the project area. Such determination shall be final and conclusive as to the issue of benefit to the project area.

(c) Public improvements eligible for financing under this section shall be limited to the following:

(1) Street improvements.

(2) Water, sewer, and storm drainage facilities.

(3) Neighborhood parks and related recreational facilities.

This section shall be applicable to redevelopment projects within the City of Paramount for which the redevelopment plan authorizes tax-increment financing pursuant to Section 33670, whether the redevelopment plan is adopted prior or subsequent to January 1, 1978. Financing of public improvements pursuant to this section shall be authorized by the redevelopment plan or by resolution of the agency. Any ordinance or resolution implementing this section shall specify the public improvements to be financed thereunder.

As a condition to financing public improvements as provided in this section on or after January 1, 1983, the redevelopment agency of the City of Paramount shall establish a Low and Moderate Income Housing Fund, and, with respect to any project made subject to this section, shall deposit in such fund not less than 20 percent of that portion of revenues allocated and paid to the agency pursuant to subdivision (b) of Section 33670 on and after January 1, 1983, which is not required to pay the principal of, or interest on, bonds or other indebtedness of the agency issued or incurred prior to such date. Moneys deposited in the Low and Moderate Income Housing Fund

pursuant to this section shall be utilized to rehabilitate housing for occupancy by persons and families of low or moderate income.

If it utilizes the authority specified by this section on or after January 1, 1981, the redevelopment agency of the City of Paramount shall, on or before January 1, 1985, submit to the Legislature a report which (1) details expenditures made pursuant to this section, (2) describes public improvements and housing financed pursuant to this section, (3) describes public improvements and housing financed or to be financed under this section which are not yet completed, and (4) specifies the number of households benefited by housing units assisted pursuant to this section.

The Legislature finds and declares that effective redevelopment within the City of Paramount requires the existence of adequate public services and facilities for persons residing in the surrounding community, including persons employed by industry which is located in a redevelopment project, and that public improvements of the types specified in this section are particularly needed in the low- and moderate-income neighborhoods of the City of Paramount in order to encourage stability and prevent decline which could have serious negative impact on redevelopment, as well as necessitate additional redevelopment. Because of the unusually compelling need in the City of Paramount and because of the impracticability of financing all required improvements by other means, it is the intent of the Legislature in enacting this section to augment the powers of the redevelopment agency of the City of Paramount to permit the use of tax-increment revenues in the manner, and for the purposes prescribed by this section.

This section shall remain in effect only until January 1, 1986, and on such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1986, deletes or extends such date. However, the repeal of this section on such date shall not affect the validity of any ordinance or resolution adopted prior thereto as provided in this section, and shall not affect the validity of any bonds issued pursuant to such ordinance or resolution, or of any pledge pursuant to Section 33671 of tax revenues to accrue on or after such date.

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## CHAPTER 338

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

[Approved by Governor July 5, 1980 Filed with Secretary of State July 5, 1980 ]

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

SECTION 1. The Director of General Services, with the approval of the State Public Works Board, is hereby authorized to convey to the City of El Paso De Robles, approximately 3.37 acres of land at the Department of the Youth Authority's El Paso De Robles School in San Luis Obispo County, together with the existing sewage treatment facility located thereon, upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the state. Any terms, conditions, reservations and exceptions affecting any right, title or interest in the real property, including a reservation of mineral deposits, shall be set forth in the instrument of conveyance.

SEC. 2. Any administrative expense incurred by the Department of General Services in the disposition of the property shall be reimbursed by the City of El Paso De Robles.

SEC. 3. With respect to the property sold pursuant to this act, the Director of General Services shall except and reserve to the state all mineral deposits, as defined in Section 6407 of the Public Resources Code, below a depth of 500 feet, without surface rights of entry.

SEC. 4. The Legislature declares that if the Director of General Services and the City of El Paso De Robles can agree on a fair price for the land described in Section 1 of this act, the sale will serve the best interests of the City of El Paso De Robles and the Department of the Youth Authority for the following reasons:

(a) The industrial park on the airport in the City of El Paso De Robles, which will create much needed jobs in the area, is now under development and some individual lessees' of the industrial park have started construction. If the City of El Paso De Robles does not receive the treatment facility, the city will be forced to start a facility on the airport which would:

(1) Be more costly to the city.

(2) Create two sewer treatment facilities in a small area.

(3) Run the sewer to the north which is opposite from the ultimate direction as shown in the Master Waste Water Plan for Paso Robles.

(b) Funds have been allocated by the State Water Quality Control Board to construct an interceptor sewerline and lift station from the airport in the City of El Paso De Robles to the Department of the Youth Authority land and to rehabilitate and enlarge the Department of the Youth Authority treatment plant. Without an agreement, construction cannot start and those funds will be lost, not only to the city, but also to the Youth Authority as well.

(c) The Department of the Youth Authority's prime mission is to work with and rehabilitate youth. Operating a public utility of any sort can only take away from that mission, and the City of El Paso De Robles is better qualified to operate and offer public services.

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 order that the growth in industry in the City of El Paso De Robles is not interrupted nor the environment of that city adversely affected by the planned growth, it is essential that this act take immediate effect.

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## CHAPTER 339

An act to add Section 4832.6 to the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor July 5, 1980. Filed with Secretary of State July 5, 1980.]

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

SECTION 1. Section 4832.6 is added to the Health and Safety Code, to read:

4832.6. Notwithstanding the provisions of Section 4832.5, whenever territory of less than 50 acres in another county is annexed to the Selma-Kingsburg-Fowler County Sanitation District, and if the board of supervisors of the county in which the territory to be annexed is situated consents, no member of the board of supervisors of the county in which the territory to be annexed is situated shall become a member of the board of directors of the district.

SEC. 2. The Selma-Kingsburg-Fowler County Sanitation District is uniquely located to provide services to a small area in an adjacent county, but, under existing law, the adjacent county would be required to appoint a member of the district's board of directors, which would entail unnecessary administrative expenses for the small territory involved. This situation is unique and not common to all county sanitation districts, and therefore, it is necessary that this special act be enacted.

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## CHAPTER 340

An act to amend Sections 14527 and 65082 of, to add Section 14032.7 to, and to repeal Section 14040 of, the Government Code, relating to transportation.

[Approved by Governor July 5, 1980. Filed with Secretary of State July 5, 1980.]

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

SECTION 1. Section 14032.7 is added to the Government Code, to read:

14032.7. The department shall publish annually a list of major new facility projects, exclusive public mass transit guideway projects, and operational improvement projects that are beyond the five-year program for the expenditure of state transportation funds, as set forth in the state transportation improvement program.

The list shall be made available to the commission, each transportation planning agency, and each county transportation commission not later than January 10th of each year. Not later than April 1st of each year, every transportation planning agency may comment on the projects contained in the list and submit such comments to the commission.

After taking into consideration the department's list and the comments submitted by the transportation planning agencies, the commission shall review the list and may make any changes, including additions or deletions, to the list. The commission shall adopt the list on or before July 1st of each year.

On January 1, 1981, and quarterly thereafter, the department shall provide the report concerning the project development schedule and the advertising schedule as required pursuant to Section 2 of Chapter 1060 of the Statutes of 1979 to each transportation planning agency and each county transportation commission.

SEC. 2. Section 14040 of the Government Code is repealed.

SEC. 3. Section 14527 of the Government Code is amended to read:

14527. After consulting with the department and considering its proposed program, the transportation planning agencies and county transportation commissions in urbanized areas of over 50,000 population shall adopt and submit to the commission and department, not later than April 1, 1979, and not later than April 1 of each year thereafter, a transportation improvement program, including at a minimum, state transportation funds subject to allocation by the commission as provided for in Section 65082. Other information, including a program for expenditure of local or federal funds may be submitted for information purposes with the program, but only at the discretion of the transportation planning agencies or the county transportation commissions. Except for such information submitted at the discretion of the transportation planning agencies and county transportation commissions, the transportation improvement program submitted by the transportation planning agencies and county transportation commissions may not exceed, for local assistance projects, by more than 25 percent, the estimate of funds for such projects made by the commission pursuant to Section 14525.

SEC. 4. Section 65082 of the Government Code is amended to read:

65082. A regional transportation improvement program shall be prepared, adopted, submitted and annually updated pursuant to Sections 65080 and 65080.5 to include:

(a) Projects proposed to be funded, in whole or part, from the State Highway Account in the State Transportation Fund during the succeeding five years within the following program categories: (1) new facilities, (2) operational improvements, and (3) local assistance. Major projects shall be listed by relative priority.

(b) Projects and programs proposed to be funded, in whole or part, by funds subject to allocation by the California Transportation Commission during the succeeding five years other than funds in the State Highway Account in the State Transportation Fund.

The regional transportation improvement programs shall be consistent with guidelines established by the commission pursuant to Section 14532 and may not exceed, for local assistance projects, by more than 25 percent, the estimate of funds for such projects provided by the commission pursuant to Section 14525, except as provided in Section 14527. The regional transportation improvement program may be used to meet federal planning requirements where appropriate.

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## CHAPTER 341

An act to add Article 10 (commencing with Section 25549.1) to Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code, relating to public property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1980 Filed with Secretary of State July 5, 1980 ]

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

SECTION 1. Article 10 (commencing with Section 25549.1) is added to Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code, to read:

### Article 10. Joint Occupancy

25549.1. Any county or city and county may enter into leases and agreements relating to real property and buildings to be used jointly by the county or city and county and any private person, firm, or corporation pursuant to this article. As used in this article, "building" includes onsite and offsite facilities, utilities, and improvements, including permanent improvement of the grounds of a building, which, as agreed upon by the parties, are appropriate for the proper operation or function of the building to be occupied jointly by the county or city and county and the private person, firm, or

corporation.

Any building, or portion thereof, which is used by a private person, firm, or corporation pursuant to this article shall be subject to the zoning and building code requirements of the local jurisdiction in which the building is situated.

25549.2. Before a board of supervisors enters into a lease or agreement pursuant to this article, it shall own a site upon which a building to be used by the county or city and county and the private person, firm, or corporation may be constructed.

25549.3. The term of any lease or agreement entered into by a county or city and county pursuant to this article shall not exceed 66 years.

25549.4. Sections 25521 to 25535, inclusive, shall not apply to leases or agreements made pursuant to this article.

25549.5. The board of supervisors may lease to any private person, firm, or corporation, any real property which belongs to the county or city and county if the instrument by which such property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon, of a building or buildings, for the joint use of the county or city and county and the private person, firm, or corporation during the term of the lease or agreement. Title to that portion of the building to be occupied by the private person, firm, or corporation shall remain exclusively the personal property of the private party during the term of the lease or agreement, and the title to such portion of the building to be occupied by the county or city and county may vest in the county or city and county.

25549.6. Any lease of real property by a county or city and county to a private person, firm, or corporation pursuant to this article shall be upon such terms and conditions as the parties thereto may agree and may be entered into as provided in this article. However, any such lease or agreement shall be subject to the provisions of Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1, and of Section 23006.

25549.7. Before entering into a lease or agreement pursuant to this article, the board of supervisors shall comply with the provisions of Section 25549.8.

25549.8. For the purposes of receiving proposals for the joint occupancy of a building to be constructed on property belonging to a county or city and county, the board of supervisors shall, in a regular open meeting, adopt a resolution declaring its intention to consider the proposals. The resolution shall describe the proposed site on which the building to be jointly occupied is to be constructed in such a manner as to identify the site, shall specify the intended use of that portion of the building which is to be occupied by the county or city and county, and shall fix a time not less than 90 days thereafter for a public meeting of the board to be held at its regular place of meeting, at which meeting the board shall receive and consider all plans or proposals submitted.

25549.9. Notice of adoption of the resolution and the time and place of holding the meeting shall be given by publishing the resolution at least once a week for three weeks in a newspaper of general circulation published in the county.

25549.10. At the time and place fixed in the resolution for the meeting of the board of supervisors, the board shall meet and consider all plans and proposals submitted for the joint occupancy of the building to be constructed on the site under consideration.

25549.11. After considering all proposals submitted, the board of supervisors shall have the authority to select the plan or proposal which best meets the needs of the county or city and county and to enter into a lease or agreement incorporating that plan or proposal either as submitted or as revised by the board.

The board shall require any person, firm, or corporation with whom it enters into a lease or agreement pursuant to this article to file a bond, executed by either two or more good and sufficient sureties or by a corporate surety, for the performance of such lease or agreement for the completion of the building to be constructed.

25549.12. The board of supervisors shall have the authority to review and approve the plans and specifications of any building constructed for use of the county or city and county pursuant to this article.

25549.13. The provisions of this article prevail over any provisions of law which conflict therewith.

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:

Article XIII A of the State Constitution (Proposition 13) approved by the voters on June 6, 1978, has restricted property tax revenues available to counties for the construction of needed public buildings.

This act authorizes a county, or city and county, to lease land to a private person, firm, or corporation for the construction thereon and joint occupancy of a building or buildings by such private and public entities. It is anticipated that such joint occupancy will optimize the use of public lands and substantially reduce public costs. In order that the needed buildings might be completed, occupied, and available for public use at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 342

An act to amend Section 5019 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 5, 1980 Filed with Secretary of State July 5, 1980.]

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

SECTION 1. Section 5019 of the Vehicle Code is amended to read:

5019. The issuance of special license plates referred to in Sections 5004, 5005 and 5008 shall not apply to trailers.

## CHAPTER 343

An act to amend Section 1203.9 of the Penal Code, relating to probation.

[Approved by Governor July 5, 1980 Filed with Secretary of State July 5, 1980.]

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

SECTION 1. Section 1203.9 of the Penal Code is amended to read:

1203.9. (a) Whenever any person is released upon probation, the case may be transferred to any court of the same rank in any other county in which the person resides permanently, meaning the stated intention to remain for the duration of probation; provided that the court of the receiving county shall first be given an opportunity to determine whether the person does reside in and has stated the intention to remain in that county for the duration of probation. If the court finds that the person does not reside in or has not stated an intention to remain in that county for the duration of probation, it may refuse to accept the transfer. The court and the probation department shall give the matter of investigating such transfers precedence over all actions or proceedings therein, except actions or proceedings to which special precedence is given by law, to the end that all such transfers shall be completed expeditiously.

(b) If the court of the receiving county finds that the person does permanently reside in or has permanently moved to such county, it may, in its discretion, either accept the entire jurisdiction over the case, or assume supervision of the probationer on a courtesy basis.

(c) The order of transfer shall contain an order committing the probationer to the care and custody of the probation officer of the receiving county. A copy of the orders and probation reports shall be transmitted to the court and probation officer of that county, and thereafter the receiving court shall have entire jurisdiction over the case, with the like power to again request transfer of the case whenever it seems proper.

## CHAPTER 344

An act to amend Section 69994.2 of the Government Code, relating to courts.

[Became law without Governor's signature July 6, 1980.
Filed with Secretary of State July 7, 1980.]

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

SECTION 1. Section 69994.2 of the Government Code is amended to read:

69994.2. The regular official phonographic reporters shall be compensated at an annual salary of twenty-five thousand five hundred twelve dollars ($25,512), except that such reporters may be employed at an annual salary of twenty-one thousand eighty-four dollars ($21,084) for the first year of service, at an annual salary of twenty-two thousand one hundred fifty-two dollars ($22,152) for the second year of service, at an annual salary of twenty-three thousand two hundred fifty-six dollars ($23,256) for the third year of service, and at an annual salary of twenty-four thousand three hundred dollars ($24,300) for the fourth vear of service. The judges of the superior and municipal courts of such county, a majority concurring, may appoint a supervising phonographic reporter at an annual salary of twenty-seven thousand nine hundred sixty dollars ($27,960).

SEC. 2. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Furthermore, this act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of this act.

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## CHAPTER 345

An act to add Section 20499 to the Government Code, relating to the Public Employees' Retirement System.

[Became law without Governor's signature July 6, 1980.
Filed with Secretary of State July 7, 1980.]

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

SECTION 1. Section 20499 is added to the Government Code, to read:

20499. A contracting agency by express provision or by amendment to its contract may provide that, notwithstanding any

other provision of this part, service which was in fact also covered under the federal system shall not be deemed as service which was also covered under the federal system, for all purposes of this part. Such amendment shall only be applicable to persons who are employed on and after the effective date of the amendment.

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## CHAPTER 346

An act to repeal Section 19513 of the Business and Professions Code, relating to horseracing.

[Became law without Governor's signature. Filed with Secretary of State July 7, 1980.]

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

SECTION 1. Section 19513 of the Business and Professions Code is repealed.

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## CHAPTER 347

An act to amend Section 69994.6 of the Government Code, relating to courts.

[Became law without Governor's signature. Filed with Secretary of State July 7, 1980.]

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

SECTION 1. Section 69994.6 of the Government Code is amended to read:

69994.6. This section shall be applicable to the superior court.

(1) In addition to any fee otherwise required, a fee of ten dollars ($10) shall be paid to the county clerk by each party, or jointly by parties appearing jointly in each of the following instances:

(a) Where Section 26821 requires such party or parties to pay the county clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(b) Where Sections 26822 to 26825, inclusive, require such party or parties to pay the county clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(c) Where Section 26826 requires such party or parties to pay the county clerk a fee for the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, correspondent or adverse party, except in an appeal from an inferior court;

provided, however, if any of the parties named in this paragraph shall appear jointly they shall pay but such additional fee of ten dollars ($10) as in this section provided.

(d) Where Section 26827 requires such party or parties to pay the county clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

(2) In addition to any fee otherwise required, in civil cases that last longer than one judicial day, 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 second and each successive day a reporter is required.

(3) All fees paid under this section shall be taxed as costs. Such fees shall not be subject to the provisions of Section 6103.

(4) The county clerk shall, on or before the first day of each calendar month, transmit to the county treasurer all money paid to him pursuant to this article during the preceding calendar month, up to the day immediately preceding the day on which he transmits such money, and such money shall be deposited in the general fund of such county.

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## CHAPTER 348

An act to amend Sections 25124 and 36933 of the Government Code, and to amend Section 22626 of the Streets and Highways Code, relating to local government.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980.]

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

SECTION 1. Section 25124 of the Government Code is amended to read:

25124. (a) Before the expiration of 15 days after the passage of an ordinance it shall be published once, with the names of the members voting for and against the ordinance, in a newspaper published in the county if there is one, and if there is no newspaper published in the county, the ordinance shall be posted at the courthouse door within the 15-day period and remain posted thereafter for at least one week. The local agency, at its option, may include in an ordinance reclassifying land either a brief description accompanied by a map of the boundaries of the property, as recited in the notice of hearing, or a complete metes and bounds description accompanied by a map depicting the reclassified property and adjacent properties. A certificate of the clerk or order entered in the minutes of the board that the ordinance has been duly published or posted is prima facie proof of the publication or posting.

(b) The publication or posting of ordinances, as required by

subdivision (a), may be satisfied by either of the following actions:

(1) The county board of supervisors may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. Such summary shall be prepared by an official designated by the board of supervisors. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the county clerk at least five days prior to the board of supervisors meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days. after adoption of the ordinance or amendment, the board of supervisors shall publish a summary of the ordinance or amendment with the names of those supervisors voting for and against the ordinance or amendment and the county clerk shall post in the office of the county clerk a certified copy of the full text of such adopted ordinance or amendment along with the names of those supervisors voting for and against the ordinance or amendment; or

(2) If the county official designated by the board of supervisors determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the board of supervisors so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the county shall be published at least five days prior to the board of supervisors meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of such ordinance or amendment, and the names of those supervisors voting for and against the ordinance or amendment.

SEC. 2. Section 36933 of the Government Code is amended to read:

36933. (a) Within 15 days after its passage, the city clerk shall cause each ordinance to be published at least once, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the city, or if there is none, he shall cause it to be posted in at least three public places in the city or published in a newspaper of general circulation printed and published in the county and circulated in the city. In cities incorporated less than one year, the city council may determine whether ordinances are to be published or posted. Ordinances shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but such ordinances shall be posted in the manner and at the time required by this section.

(b) Except as provided in Section 36937, an ordinance shall not

take effect or be valid unless it is published or posted in substantially the manner and at the time required by this section.

(c) The publication or posting of ordinances, as required by subdivision (a), may be satisfied by either of the following actions:

(1) The city council may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. Such summary shall be prepared by an official designated by the city council. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the city clerk at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, the city council shall publish a summary of the ordinance or amendment with the names of those city council members voting for and against the ordinance or amendment and the city clerk shall post in the office of the city clerk a certified copy of the full text of such adopted ordinance or amendment along with the names of those city council members voting for and against the ordinance or amendment; or

(2) If the city official designated by the city council determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the city council so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the city shall be published at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of such ordinance or amendment, and the names of those city council members voting for and against the ordinance or amendment.

SEC. 3. Section 22626 of the Streets and Highways Code is amended to read:

22626. The clerk shall give notice of hearing by causing the resolution of intention to be published.

SEC. 4. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections 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. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

## CHAPTER 349

An act to amend Section 25108 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980 ]

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

SECTION 1. Section 25108 of the Vehicle Code is amended to read:

25108. (a) Any motor vehicle may be equipped with not more than two amber turn signal pilot indicators mounted on the exterior. The light output from any such indicator shall not exceed five candlepower unless provision is made for operating the indicator at reduced intensity during darkness in which event the light output shall not exceed five candlepower during darkness or 15 candlepower at any other time. The center of the beam shall be projected toward the driver.

(b) Any vehicle may be equipped with pilot indicators visible from the front to monitor the functioning or condition of parts essential to the operation of the vehicle or of equipment attached to the vehicle which is necessary for protection of the cargo or load. The pilot indicators shall be steady burning, having a projected lighted lens area of not more than three-quarters of a square inch and have a light output of no more than five candlepower. The pilot indicator may be of any color except red.

(c) Other exterior pilot indicators of any color may be used for monitoring exterior lighting devices, provided that the area of each indicator is less than 0.20 square inches, the intensity of each indicator does not exceed 0.10 candlepower and the color red is not visible to the front.

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## CHAPTER 350

An act to amend Section 24602 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 8, 1980 Filed with Secretary of State July 9, 1980 ]

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

SECTION 1. Section 24602 of the Vehicle Code is amended to read:

24602. (a) Any vehicle may be equipped with not more than two red fog taillamps mounted on the rear which may be lighted, in

addition to the required taillamps, only when atmospheric conditions, such as fog, rain, snow, smoke, or dust, reduce the daytime or nighttime visibility of other vehicles to less than 500 feet.

(b) Such lamps shall be installed as follows:

(1) When two lamps are installed, one shall be mounted at the left side and one at the right side at the same level and as close as practical to the sides. When one lamp is installed, it shall be as close as practical to the left side.

(2) The lamps shall be mounted not lower than 15 inches nor higher than 60 inches.

(3) The edge of the lens of the lamp shall be no closer than four inches from the edge of the lens of any stoplamp.

(4) The lamps shall be wired so they can be turned on only when the headlamps are on and shall have a switch that allows them to be turned off when the headlamps are on.

(5) A nonflashing amber pilot light which is lighted when the lamps are turned on shall be mounted in a location readily visible to the driver.

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## CHAPTER 351

An act to add Sections 5550.1 and 5600.05 to the Business and Professions Code, relating to architects.

[Approved by Governor July 8, 1980 Filed with Secretary of State July 9, 1980.]

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

SECTION 1. Section 5550.1 is added to the Business and Professions Code, to read:

5550.1. An applicant for a certificate to practice architecture shall be required, as part of the examination for certification, to demonstrate to the board's satisfaction his or her knowledge and understanding of and proficiency in exterior and interior barrier free design.

The board shall include questions regarding exterior and interior barrier free design as part of the examination. Such questions shall periodically be reviewed by the board in consultation with an ad hoc advisory committee of disabled persons appointed by the Department of Rehabilitation, in order to ensure that the examination reflects current regulations and the latest developments in barrier free design.

SEC. 2. Section 5600.05 is added to the Business and Professions Code, to read:

5600.05. An applicant for the renewal of a certificate to practice architecture shall be required, as a condition precedent to renewal, to acknowledge receipt of current regulations, standards, and codes

affecting interior and exterior barrier free design. Such material shall be prepared by the Department of Rehabilitation, after review by and approval of the Office of the State Architect and the Commission on Housing and Community Development and in cooperation with the Department of Consumer Affairs, and shall be distributed by the board.

The board shall waive the requirements of this section if the applicant for renewal has satisfactorily fulfilled the requirements of Section 5550.1.

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## CHAPTER 352

An act to add Section 1367.8 to the Health and Safety Code, and to add Sections 10144 and 11512.18 to, the Insurance Code, relating to insurance.

[Approved by Governor July 8, 1980 Filed with Secretary of State July 9, 1980 ]

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

SECTION 1. Section 1367.8 is added to the Health and Safety Code, to read:

1367.8. No plan issuing, providing, or administering any individual or group health care service plan entered into, amended, or issued on or after January 1, 1981, shall refuse to cover, or refuse to continue to cover, or limit the amount, extent or kind of coverage available to an individual, or charge a different rate for the same coverage solely because of a physical or mental impairment, except where the refusal, limitation or rate differential is based on sound actuarial principles applied to actual experience, or, if insufficient actual experience is available, then to sound underwriting practices.

This section shall not apply to a health maintenance organization qualified pursuant to Title XIII of the federal Public Health Service Act if such organization gives public notice 30 days in advance, in a newspaper of general circulation published in the area served by the health maintenance organization, of its open enrollment period required by such act.

SEC. 2. Section 10144 is added to the Insurance Code, to read:

10144. No insurer issuing, providing, or administering any contract of individual or group insurance providing hospital, medical, or surgical benefits applied for and issued on or after January 1, 1981, shall refuse to insure, or refuse to continue to insure, or limit the amount, extent, or kind of coverage available to an individual, or charge a different rate for the same coverage solely because of a physical or mental impairment, except where the refusal, limitation or rate differential is based on sound actuarial principles applied to actual experience, or, if insufficient actual

experience is available, then to sound underwriting practices.

SEC. 3. Section 11512.18 is added to the Insurance Code, to read:

11512.18. No plan issuing, providing, or administering an individual or group nonprofit hospital service plan entered into, amended, or issued on or after January 1, 1981, shall refuse to cover, or refuse to continue to cover, or limit the amount, extent, or kind of coverage available to an individual, or charge a different rate for the same coverage solely because of a physical or mental impairment, except where the refusal, limitation or rate differential is based on sound actuarial principles applied to actual experience, or, if insufficient actual experience is available, then to sound underwriting practices.

This section shall not apply to a health maintenance organization qualified pursuant to Title XIII of the federal Public Health Service Act if such organization gives public notice 30 days in advance, in a newspaper of general circulation published in the area served by the health maintenance organization, of its open enrollment period required by such act.

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## CHAPTER 353

An act to amend Section 10850 of the Welfare and Institutions Code, relating to public social services.

[Approved by Governor July 8, 1980 Filed with Secretary of State July 9, 1980.]

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

SECTION 1. Section 10850 of the Welfare and Institutions Code is amended to read:

10850. (a) Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public social services for which grants-in-aid are received by this state from the United States government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of such program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such program. The disclosure of any information which identifies by name or address any applicant for or recipient of such grants-in-aid to any committee or legislative body is prohibited, except as provided in subdivision (b).

(b) Except as otherwise provided in this section, no person shall publish or disclose or permit or cause to be published or disclosed any list of persons receiving public social services. Any county welfare department in this state may release lists of applicants for, or

recipients of, public social services, to any other county welfare department or the State Department of Social Services or the State Department of Health Services, and such lists or any other records shall be released when requested by any county welfare department or the State Department of Social Services or the State Department of Health Services. Such lists or other records shall only be used for purposes directly connected with the administration of public social services. Except for such purposes, no person shall publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient.

Any county welfare department, the State Department of Social Services, or the State Department of Health Services may provide the Joint Legislative Audit Committee with access to records of the disbursement of funds or payments, including lists of names of applicants and recipients, under Titles I, IV-A, X, XIV, or XVI of the Social Security Act, and such records shall be released when requested by the committee. The Joint Legislative Audit Committee may use information from such records only for the purpose of investigating the administration of public social services under such titles and reporting the results of any such investigation to the Legislature, and shall not use such information for commercial or political purposes. In any case where disclosure is authorized under this paragraph, the Joint Legislative Audit Committee shall not disclose the identity of any applicant or recipient, except in the case of a criminal or civil proceeding conducted in connection with the administration of public social services.

However, this section shall not prohibit the furnishing of such information to other public agencies to the extent required for verifying eligibility or for other purposes directly connected with the administration of public social services, or to county superintendents of schools or superintendents of school districts only as necessary for the administration of federally assisted programs providing assistance in cash or in-kind or services directly to individuals on the basis of need. Any person knowingly and intentionally violating the provisions of this subdivision is guilty of a misdemeanor.

(c) The State Department of Social Services shall inform the Department of Motor Vehicles of the names, birth dates, and addresses of all applicants or recipients of aid to the blind. The Department of Motor Vehicles, upon receipt of such information, shall inform the State Department of Social Services of any such applicant or recipient of aid to the blind who holds a valid California driver's license.

(d) The State Department of Social Services and the State Department of Health Services may make rules and regulations governing the custody, use and preservation of all records, papers, files and communications pertaining to the administration of the laws relating to public social services under their jurisdiction. The rules and regulations shall be binding on all departments, officials and employees of the state, or of any political subdivision of the state

and may provide for giving information to or exchanging information with agencies, public or political subdivisions of the state, and may provide for giving information to or exchanging information with agencies, public or private, which are engaged in planning, providing or securing social services for or in behalf of recipients or applicants; and for making case records available for research purposes, provided, that such research will not result in the disclosure of the identity of applicants for or recipients of public social services.

(e) Any person, including every public officer and employee, who knowingly secures or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied for or who have been granted any form of public social services for which state or federal funds are made available to the counties is guilty of a misdemeanor.

(f) This section shall not be construed to prohibit an employee of a county welfare department from disclosing confidential information concerning a public social services applicant or recipient to a state or local law enforcement agency investigating or gathering information regarding a criminal act committed in a welfare department office or against any county or state welfare worker while involved in the administration of public social services. Such criminal acts shall include only those which are in violation of state or local law. Disclosure of confidential information pursuant to this subdivision shall be limited to the applicant's or recipient's name, physical description, and address.

(g) The provisions of this section shall be operative only to the extent permitted by federal law.

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## CHAPTER 354

An act to repeal Sections 71007, 71008, and 72090 of, and to add Sections 71007, 71008, and 71009 to, the Government Code, and to repeal Sections 1428b and 1428.4 of the Penal Code, relating to courts.

[Approved by Governor July 8, 1980 Filed with Secretary of State July 9, 1980]

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

SECTION 1. Section 71007 of the Government Code is repealed.

SEC. 2. Section 71007 is added to the Government Code, to read:

71007. (a) In lieu of maintaining the docket or register of actions required by Section 1428 of the Penal Code and Section 1052 of the Code of Civil Procedure, the judge or clerk of each justice court and the clerk of each municipal court may maintain a docket or register of actions by means of photographing, microphotographing, or

mechanically or electronically storing the whole content of all papers and records, or any portion thereof as will constitute a memorandum, necessary to the keeping of a docket or register of actions so long as the completeness and chronological sequence of the record are not disturbed.

Such photograph, microphotograph, microphotographic film or photocopy shall be made in the manner and on the paper or film as will comply with the minimum standards of quality approved thereof by the National Bureau of Standards.

(b) Upon making reproductions of court records as described in subdivision (a), the originals may be destroyed. The reproduction shall be deemed to be an original record.

(c) All photographs, microphotographs, microfilms, or mechanically or electronically stored court records shall be properly indexed and kept in convenient, accessible files. Each roll of microfilm shall be a book, and shall be designated and numbered, and provision shall be made for its preservation and examination and use by the public.

(d) A duplicate of photographs, microphotographs, microfilms, or mechanically or electronically stored court records shall be made and kept in a safe and separate place to assure its preservation, for the time prescribed in Section 71008, against loss, theft, defacement or destruction.

SEC. 3. Section 71008 of the Government Code is repealed.

SEC. 4. Section 71008 is added to the Government Code, to read:

71008. (a) All papers and records filed and kept in all proceedings in municipal and justice courts, may, upon the order of the presiding judge of any such court, be destroyed after the expiration of the minimum retention period set forth in subdivision (b) or (c), as applicable. The retention period shall be measured from the determination of the proceeding or of the forfeiture of bail in cases in which no other proceedings are had during a like period following such forfeiture.

(b) The minimum retention periods for all papers and records other than those set forth in subdivision (c) are, as follows:

(1) Two years for cases involving alleged violations of Chapter 9 (commencing with Section 22500) of Division 11 of the Vehicle Code or of any local ordinance adopted pursuant thereto, for cases relating to stopping, standing, or parking, for cases involving alleged violations of Division 14 (commencing with Section 30501) of the Food and Agricultural Code or of any local ordinance adopted pursuant thereto relating to the regulation or licensing of dogs. Records for cases involving alleged violations of subdivision (b) or (c) of Section 11357 or subdivision (c) of Section 11360 of the Health and Safety Code may be destroyed after two years in accordance with the provisions of Section 11361.5 of the Health and Safety Code.

(2) Three years for those records specified in Section 1269 of the Penal Code and for all other records not specified in this section.

(3) Four years for all infraction cases not specified in paragraph

(1), and for any misdemeanor case involving an alleged violation of the Vehicle Code other than Sections 14601, 14601.1, 20002, 23102, 23104, 23105, and 23106.

(4) Five years for all other misdemeanor cases including cases involving alleged violations of Sections 14601, 14601.1, 20002, 23102, 23104, 23105, or 23106 of the Vehicle Code, and all felony cases.

(5) Ten years in any civil action or special proceeding, including small claims actions, from the date on which judgment became final, or if the case was not prosecuted to judgment, after a like period from the date of commencement of the action or proceeding.

(c) The minimum retention period for the docket, register of actions, and indexes in any municipal or justice court action governed by paragraphs (4) and (5) of subdivision (b) shall be 10 years, except that upon the written request of any party to an action involving the records governed by paragraphs (4) and (5) of subdivision (b) the docket or register of actions shall be retained for an additional 10 years. In all other cases, the docket and minutes may be destroyed concurrently with other papers and records affecting the case.

SEC. 5. Section 71009 is added to the Government Code, to read:

71009. (a) All exhibits which have been introduced or filed in any criminal action or proceeding shall be disposed of as provided in Chapter 13 (commencing with Section 1417) of Title 10 of Part 2 of the Penal Code.

(b) Dangerous and deadly weapons shall be disposed of in accordance with the provisions of Article 3 (commencing with Section 12028) of Chapter 1 of Title 2 of the Penal Code.

(c) Controlled substances and property subject to forfeiture under the provisions of Chapter 8 (commencing with Section 11470) of Division 10 of the Health and Safety Code shall be disposed of in accordance with the provisions of Sections 11474 and 11474.5 of the Health and Safety Code.

(d) Civil exhibits, including exhibits in small claims cases, and depositions shall be destroyed in accordance with the provisions of Sections 1952, 1952.2 and 1952.3 of the Code of Civil Procedure.

SEC. 6. Section 72090 of the Government Code is repealed.

SEC. 7. Section 1428b of the Penal Code is repealed.

SEC. 8. Section 1428.4 of the Penal Code is repealed.

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## CHAPTER 355

An act to add Section 18335 to the Welfare and Institutions Code, relating to nutrition site inspections.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980]

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

SECTION 1. Section 18335 is added to the Welfare and Institutions Code, to read:

18335. Notwithstanding any other provision of law:

(a) Retired firemen may be utilized to conduct fire inspections of the sites of nutrition projects for senior citizens in order to determine whether such sites are in compliance with state and local fire safety standards.

(b) Retired licensed sanitarians may be utilized to conduct sanitation inspections of sites of nutrition projects for senior citizens in order to determine whether such sites are in compliance with applicable state and local sanitation standards.

Such retirees may contract with local area agencies on aging or nutrition projects to perform the required inspections as independent contractors. Fees for the undertaking of such inspections shall be paid out of federal funds allocated to local area agencies on aging which are provided by Title III of the Older Americans Act.

A written report of the findings of such fire safety and sanitation inspections shall be furnished to the appropriate area agency on aging or the director of the nutrition project in which sites inspected are located.

A report of uncorrected fire safety deficiencies, after a followup inspection, shall be supplied or mailed to the local fire protection agency.

A report of uncorrected sanitation deficiencies, after a followup inspection, shall be supplied or mailed to the local health agency.

It is the intent of this section that inspections carried out pursuant hereto shall satisfy federal regulations which provide that sites for nutrition projects for senior citizens must meet applicable state and local fire sanitation standards.

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## CHAPTER 356

An act to repeal Article 7 (commencing with Section 28840) of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code, relating to transit districts.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980 ]

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

SECTION 1. Article 7 (commencing with Section 28840) of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code is repealed.

## CHAPTER 357

An act to amend Sections 2150, 2150.3, 2150.7, 2150.8, 2151.9, 2152, 2152.1, 2152.5, 2152.7, 2153.2, 2153.5, 2154, 2157.4, 2157.5, 2158, 2158.1, 2158.2, 2158.3, 2158.5, 2158.6, 2158.8, and 2158.9 of, and to amend and repeal Section 2153.3 of, the Business and Professions Code, relating to acupuncture.

[Approved by Governor July 8, 1980 Filed with Secretary of State July 9, 1980.]

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

SECTION 1. Section 2150 of the Business and Professions Code is amended to read:

2150. In its concern with the need to eliminate the fundamental causes of illness, not simply to remove symptoms, and with the need to treat the whole person, the Legislature intends to establish in this article, a framework for the practice of the art and science of Chinese medicine through acupuncture.

The purpose of this article is to encourage the more effective utilization of the skills of acupuncturists by California citizens desiring a holistic approach to health and to remove the existing legal constraints which are an unnecessary hinderance to the more effective provision of health care services. Also, as it affects the public health, safety, and welfare, there is a necessity that individuals practicing acupuncture be subject to regulation and control as a primary health care profession.

SEC. 2. Section 2150.3 of the Business and Professions Code is amended to read:

2150.3. As used in this article, unless the context otherwise requires:

(a) "Committee" means the Acupuncture Examining Committee.

(b) "Person" means any individual, organization or corporate body except that only individuals can be certified under this article.

(c) An "acupuncturist" is a person who practices acupuncture.

(d) "Acupuncture" means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body. "Acupuncture" includes the techniques of electro-acupuncture, cupping, and moxibustion.

(e) "Division" means the Division of Allied Health Professions of the Board of Medical Quality Assurance.

SEC. 3. Section 2150.7 of the Business and Professions Code is amended to read:

2150.7. The Governor shall appoint an 11-member Acupuncture Examining Committee, within the jurisdiction of the division, to

implement the provisions of this article.

SEC. 4. Section 2150.8 of the Business and Professions Code is amended to read:

2150.8. Each member of the committee shall be appointed by the Governor for a term of three years. The members in office on the effective date of this section shall continue in office until the expiration of their appointed terms.

SEC. 5. Section 2151.9 of the Business and Professions Code is amended to read:

2151.9. The committee shall administer the provisions of this article and may adopt such rules and regulations as may be necessary to effectuate the provisions of this article.

All regulations adopted, amended, or repealed by the committee shall be subject to the review and approval of the division.

SEC. 6. Section 2152 of the Business and Professions Code is amended to read:

2152. The committee shall issue a certificate to practice acupuncture to any person who makes application to the committee and meets the following requirements:

(a) Is 18 years of age or over.

(b) Furnishes satisfactory evidence of completion of a course in acupuncture which shall be approved by the committee or furnishes satisfactory evidence of three years' experience in performing acupuncture.

(c) Successfully passes an examination administered by the committee which tests the applicant's ability, competency, and knowledge of the practice of acupuncture. The examination shall include a practical examination of the skills required to competently practice acupuncture. The examination shall be prepared and administered in accordance with regulations adopted by the committee.

SEC. 7. Section 2152.1 of the Business and Professions Code is amended to read:

2152.1. The committee shall establish standards for a course of training in acupuncture, including provisions for a tutorial or apprenticeship program, completion of which will satisfy the course requirements of Section 2152. In providing for tutorial or apprenticeship, the committee shall insure that credit is granted for relevant prior training and experience and that credit is not denied for training or experience acquired prior to the effective date of amendments made during the 1978 legislative session, when such training or experience otherwise meets the standards set by the committee.

SEC. 8. Section 2152.5 of the Business and Professions Code is amended to read:

2152.5. (a) In approving programs for certification under this article, the committee may approve programs of apprenticeship served under an approved supervising certified acupuncturist.

(b) A certified acupuncturist shall be approved to supervise

acupuncturists' apprentices, provided he or she meets the following conditions:

(1) Is certified to practice acupuncture in California and such certification has not been suspended or revoked.

(2) Has filed an application with the committee.

(3) Does not train or employ more than two acupuncture apprentices at any one time.

(4) Files with the committee, the name of each apprentice being trained or employed.

(5) Has at least seven years experience as an acupuncturist.

SEC. 9. Section 2152.7 of the Business and Professions Code is amended to read:

2152.7. The committee may adopt such regulations as are necessary for the implementation of an acupuncturist apprentice program in this state.

All regulations adopted by the committee shall be subject to the review and approval of the division.

SEC. 10. Section 2153.2 of the Business and Professions Code is amended to read:

2153.2. The committee shall have the authority to investigate and to evaluate each and every applicant applying for a certificate to practice acupuncture and to make the final determination of the admission of the applicant to the examination, or for the issuance of a certificate, in conformance with the provisions and qualifications required by this article.

SEC. 11. Section 2153.3 of the Business and Professions Code is amended to read:

2153.3. On and after January 1, 1980, the committee shall include in the report to the Legislature required by Section 2153.1, a description of all the complaints received, disciplinary actions taken, and prosecutions brought by the committee which involve the practice of acupuncture by licensed acupuncturists.

This section shall remain operative only until February 1, 1985, and as of such date is repealed.

SEC. 12. Section 2153.5 of the Business and Professions Code is amended to read:

2153.5. The committee may establish standards for continuing education for acupuncturists.

SEC. 13. Section 2154 of the Business and Professions Code is amended to read:

2154. (1) Any person who practices acupuncture or holds himself or herself out as practicing acupuncture, unless he or she possesses an acupuncturist's certificate, or is participating in an approved training program in acupuncture, as provided for in this article, is guilty of a misdemeanor. Whenever any person other than a certified acupuncturist has engaged in an act or practice which constitutes an offense against this article, a superior court of a county on application of the committee may issue an injunction or other appropriate order restraining such conduct. Proceedings under this

section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. The committee may commence action in such superior court under the provisions of this section on its own motion.

(2) Notwithstanding any other provision of law, any person licensed as an acupuncturist pursuant to this article may perform or prescribe the use of oriental massage, breathing techniques, exercise, or nutrition, including the incorporation of drugless substances and herbs as dietary supplements, to promote health.

This section does not authorize the prescribing or utilization of controlled substances, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code.

Nothing in this subdivision is intended to prohibit any person who does not possess a certificate as an acupuncturist from performing, or prescribing the use of, oriental massage, breathing techniques, exercises, or nutrition, including the incorporation of drugless substances and herbs as dietary supplements, to promote health, so long as such activities are not performed or prescribed in connection with the practice of acupuncture. Nothing in this subdivision is intended to imply that a person who performs such activities, but who does not possess a certificate as an acupuncturist, need not be, or needs to be, licensed under another one of the healing arts.

SEC. 14. Section 2157.4 of the Business and Professions Code is amended to read:

2157.4. The committee may refuse to issue a certificate, or may suspend or revoke the certificate of any certified individual if he has been guilty of unprofessional conduct, which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include actions corresponding to those enumerated in Section 17867.

SEC. 15. Section 2157.5 of the Business and Professions Code is amended to read:

2157.5. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of an acupuncturist is deemed to be a conviction within the meaning of this article. The committee may order a certificate suspended or revoked, or may decline to issue a certificate when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 16. Section 2158 of the Business and Professions Code is amended to read:

2158. The committee shall report 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 article, and shall

pay the entire amount thereof to the State Treasurer for deposit in the Acupuncturists Fund, which fund is hereby created and is continuously appropriated to carry out the purposes of this chapter.

SEC. 17. Secton 2158.1 of the Business and Professions Code is amended to read:

2158.1. The committee shall keep such records as will reasonably insure that funds expended in the administration of the certification program shall bear a reasonable relation to the revenue derived from each category.

SEC. 18. Section 2158.2 of the Business and Professions Code is amended to read:

2158.2. The amount of the fees prescribed by the provisions of this article is that fixed by the following schedule:

(1) The application fee and renewal fee shall be fixed by the committee in its regulations in an amount which does not exceed one hundred fifty dollars ($150) but is sufficient to support the functions of the committee which relate to the functions authorized by this article.

(2) The delinquency fee shall be ten dollars ($10).

(3) The reexamination fee shall be fixed by the committee in its regulations in an amount which does not exceed seventy-five dollars ($75).

(4) The application fee to supervise an apprentice acupuncturist shall be fifty dollars ($50).

(5) The annual renewal fee to supervise an apprentice acupuncturist shall be twenty-five dollars ($25).

(6) The application fee to become an apprentice acupuncturist shall be ten dollars ($10).

(7) The annual renewal fee for an apprentice acupuncturist shall be ten dollars ($10).

SEC. 19. Section 2158.3 of the Business and Professions Code is amended to read:

2158.3. The board shall employ whatever personnel is necessary for the administration of this article. The committee, however, may appoint an executive officer who shall be exempt from the provisions of the Civil Service Act.

SEC. 20. Section 2158.5 of the Business and Professions Code is amended to read:

2158.5. To renew an unexpired certificate, the holder, on or before December 31st of each even-numbered year, shall apply for renewal on a form prescribed by the committee, and pay the renewal fee prescribed by this article.

SEC. 21. Section 2158.6 of the Business and Professions Code is amended to read:

2158.6. Except as provided in Section 2158.7, a certificate which has expired may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the committee and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is not renewed

within 30 days after its expiration, the certified individual, as a condition precedent to renewal, shall also pay the prescribed delinquency fee. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid or, on the date on which the delinquency fee is paid, whichever occurs last. If so renewed, the certificate shall continue in effect through the expiration date provided in Section 2158.4, after the effective date of the renewal, when it shall expire and become invalid if it is not again renewed.

SEC. 22. Section 2158.8 of the Business and Professions Code is amended to read:

2158.8. A person who fails to renew his certificate within five years after its expiration may not renew it, and it may not be restored, reissued or reinstated thereafter, but such person may apply for and obtain a new certificate if he meets the requirements of this article.

The committee may require a person who fails to renew his certificate within five years to demonstrate skills in acupuncture in addition to any examination requirements of this article.

SEC. 23. Section 2158.9 of the Business and Professions Code is amended to read:

2158.9. If an application for a certificate is denied or withdrawn, the committee may retain 10 percent of the application fee to cover administrative costs in processing such application.

SEC. 24. Sections 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 of this act shall become operative on July 1, 1982.

SEC. 25. If both this bill and Senate Bill 1558 are chaptered, this act shall not become operative.

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## CHAPTER 358

An act to amend Section 27202 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980 ]

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

SECTION 1. Section 27202 of the Vehicle Code is amended to read:

27202. For the purposes of Section 27200, the following noise limits shall apply to any motorcycle, other than a motor-driven cycle, manufactured:

| | |
|---|---|
| (1) After 1969, and before 1973 | 88 dbA |
| (2) After 1972, and before 1975 | 86 dbA |
| (3) After 1974, and before 1982 | 83 dbA |

| | |
|---|---|
| (4) After 1981 and before 1986 | 80 dbA |
| (5) After 1985 and before 1990 | 75 dbA |
| (6) After 1989 | 70 dbA |

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## CHAPTER 359

An act to amend Section 5458 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980.]

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

SECTION 1. Section 5458 of the Welfare and Institutions Code is amended to read:

5458. The following shall be the program elements of the system. These shall be designed to provide, at every level, alternatives to institutional settings. Counties in applying for these funds shall show how each of these elements works with the current programs and in-place programs. Counties may apply for funds in the following categories.

(a) A short-term crisis residential alternative to hospitalization for individuals experiencing an acute episode or situational crisis requiring temporary removal from their home environment. The program shall be available for admissions 24 hours a day, seven days a week. The primary focus of this element shall be on reduction of the crisis, stabilization, and a diagnostic assessment of the person's existing support system, including recommendations for referrals upon discharge.

The services in the program shall include, but not be limited to, provision for direct family work, connections to prevocational and vocational programs, development of a support system, including income and treatment referrals. This service shall be designed for persons who would otherwise be referred to an inpatient unit, either locally or in the state hospital. It shall be a 24-hour program, with an emphasis on stabilization and appropriate referral for further treatment or support services, or both.

(b) A long-term residential treatment program, with a full day treatment component as a part of the service, for persons who may require intensive support for as long as two or three years. This service shall be designed to provide a rehabilitation program for the so-called "chronic" patient who needs long-term support in order to develop independent living skills. The clients in this program will be those who would otherwise be living marginally in the community with little or no service support, and who would return many times to the hospital for treatment. It also will serve those who are referred

to, and maintained in, state hospitals or nursing homes because they require long-term, intensive support. This program goes beyond maintenance to provide an active rehabilitation focus for these individuals.

The services shall include, but not be limited to, intensive diagnostic work, including learning disability assessment, full day treatment program with an active prevocational and vocational component, special education services, outreach to develop linkages with the general social service system, and counseling to aid clients in developing the skills to move toward a less structured setting.

(c) A transitional residential program designed for persons who are able to take part in programs in the general community, but who, without the support of counseling, as well as the therapeutic community, would be at risk of returning to the hospital. These programs may employ a variety of staffing patterns and are for persons who may be expected to move toward a more independent living setting within approximately three months to one year. The clients shall be expected to play a major role in the functioning of the household, and shall be encouraged to accept increasing levels of responsibility, both in the residential community, and in the community as a whole. Residents are required to be involved in daytime activities outside of the house which are relevant to their personal goals and conducive to their achieving more self-sufficiency.

The services include, but are not limited to, counseling and ongoing assessment, development of support systems in the community, a day program which encourages interaction between clients and the community-at-large, and an activity program that encourages socialization and utilization of general community resources.

(d) A semisupervised, independent, but structured living arrangement for persons who do not need the intensive support of the other system elements, but who, without some support and structure, are at risk to return to a condition requiring hospitalization. The individual apartments or houses are shared by three to five persons. The small cooperative housing units shall function as independent households with direct linkages to staff support in case of emergencies, as well as for regular assessment and evaluation meetings. Individuals may use satellite housing as a transition to independent living, or may remain in this setting indefinitely in order to avoid the need for more intensive settings.

This element is for persons who only need minimum support in order to live in the community. These individuals may require rent subsidy, as well as the backup of another system in order to remain in this setting. The satellite units should be as normative as the general living arrangements in the communities in which they are developed.

(e) In areas applying for a system where there is no day treatment program, or where the day treatment program is housed totally in

a hospital, the county shall be encouraged to develop such a program, consistent with the principles and practices outlined above, in a noninstitutional setting and employing a rehabilitation focus. Where there are already existing services, efforts should be made to assure the capability of such day treatment services with the goals of the system elements. This may require the relocation of such services or the addition of staff.

(f) The socialization centers shall be designed to serve a broad range of clients, including those in the system elements, when appropriate, as well as persons living in the community in general. This service is designed to provide regular daytime, evening, and weekend activities for persons who require long-term, structured support, but who do not receive such services in their living setting. Although the socialization center is meant to provide a maintenance support program for those individuals who only wish or require regular socialization opportunities, the programs should also provide the opportunity to develop the skills to move toward more independent functioning.

The services shall include, but not be limited to, outings, recreational activities, cultural events, linkages to community resources, as well as prevocational counseling, life skills training, and other rehabilitation efforts. This program is for persons who would lose contact with a social or treatment system, or both, if left to their isolated living situation, or their ability to participate in activities for the "general public." With this level of support, persons would be able to lead full and active lives, with the opportunity to develop the skills to move toward independent living. Also included in the element are adult education support programs which utilize community college and other adult education agencies. These services would provide opportunities to individuals throughout the community residential treatment system and in other living settings, including independent living, to develop skills necessary for independent living through the utilization of resources available to the general population.

(g) An in-home treatment program designed as an alternative to out-of-home placement for individuals who are otherwise not appropriate for, or do not choose to participate in, other elements of the community residential treatment system. This element is designed for those individuals who would benefit most from a treatment intervention in their home environment. It is a basic premise of this element that treatment would focus on the development of family and other personal and community supports, rather than exclusively on the individual. The goal of the element is to reintegrate the individual with the family unit, when appropriate, and with the greater community without removing the person from his or her home environment.

The service could be designed as a crisis intervention for persons experiencing an acute episode or an ongoing independent living service, or both, for persons wishing to obtain or maintain housing

and services in the community. Services provided shall include, but not be limited to, crisis intervention, family work, when appropriate, development of a specific treatment plan, development of an ongoing rehabilitation plan utilizing available resources in the community, and coordination with such services as case management, vocational rehabilitation, schools and other education services, and various special programs which would act as a support system for the individual.

(h) A volunteer-based companion program designed to encourage the development of personal relationships with residents of community care facilities with the goal of motivating and assisting residents to make a successful transition to independent living, or elements of the community residential treatment system.

The service shall be provided primarily by volunteers, including students as a part of a college or university curriculum, who are supervised and coordinated by trained and experienced personnel. Services provided shall include, but not be limited to, recreation, one-to-one companionship, advocacy, and assistance in developing the knowledge and use of community resources, including housing and vocational services, and follow-up for persons who make the transition to independent living.

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## CHAPTER 360

An act to amend Sections 1673, 1704, and 1707 of the Insurance Code, relating to insurance agents.

[Approved by Governor July 8, 1980 Filed with Secretary of State July 9, 1980 ]

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

SECTION 1. Section 1673 of the Insurance Code is amended to read:

1673. A person licensed as an insurance agent, a life and disability agent, or a disability only agent, may be authorized to transact disability insurance on behalf of any insurer which is authorized to transact disability insurance by the filing of a notice of appointment for that purpose. The authority to transact disability insurance given to an agent by an insurer by appointment shall be effective as of the date the notice of appointment is signed by the insurer. Such authority to transact shall apply to transactions occurring after that date and for the purpose of determining the insurer's liability for acts of appointed agents. The commissioner shall prescribe the forms of such notice of appointment.

SEC. 2. Section 1704 of the Insurance Code is amended to read:

1704. (a) Every applicant for a license to act as a life agent, an insurance agent, or a travel insurance agent shall have filed on his

behalf with the commissioner a notice of appointment executed by an insurer, or its authorized representative, admitted to transact one or more classes of insurance included within the scope of the license sought, appointing the applicant, upon licensing, its agent within this state. Every applicant for a license to act as an insurance solicitor shall have filed on his behalf with the commissioner a notice executed by an insurance agent or broker agreeing to employ the applicant and appointing the applicant, upon licensing, the agent's or broker's solicitor within this state. Additional notices of appointment may be filed by other insurers or insurance agents or brokers, as the case may be, before such license is issued and thereafter as long as such license remains in force. The authority to transact insurance given to a licensee by an insurer or insurance agent or broker, as the case may be, by appointment shall be effective as of the date the notice of appointment is signed. Such authority to transact shall apply to transactions occurring after that date and for the purpose of determining the insurer's or insurance agent's or broker's liability for acts of the appointed licensee. No notice of appointment of a life agent, insurance agent, or travel insurance agent shall be filed by an insurer under this subdivision unless the agent being appointed has consented to such filing. Each such appointment made under this subdivision shall by its terms continue in force until:

(1) The cancellation or expiration of the license applied for or held at the time such appointment was filed.

(2) The filing of a notice of termination by the insurer or employing insurance agent or broker, or by such appointed life agent, insurance agent, travel insurance agent, or insurance solicitor.

(b) Upon the termination of all appointments, the permanent license shall not be canceled, but shall become inactive. It may be renewed pursuant to Section 1718. It may be reactivated at any time prior to its expiration by the filing of a new appointment pursuant to this section, Section 1707, and Section 1751.3. An inactive license shall not permit its holder to transact any insurance for which a valid, active license is required.

(c) Upon the termination of all appointments of a person licensed under a certificate of convenience, such certificate shall be canceled and shall be returned by its lawful custodian to the commissioner.

(d) An insurance agent or broker appointing an insurance solicitor pursuant to this section, if a natural person, must be the holder of a permanent license to act as insurance agent or broker or the holder of a certificate of convenience so to act issued pursuant to either subdivision (a) or (b) of Section 1685. If such insurance agent or broker is an organization, it must be the holder of a permanent license.

(e) The filing of an incomplete or deficient action notice with the department shall require the filing of an amended, complete action notice, together with the payment of the fee therefor specified in subdivision (n) of Section 1751.

SEC. 3. Section 1707 of the Insurance Code is amended to read:

1707. Each notice of appointment or notice of termination of appointment filed pursuant to this article shall be filed in triplicate on forms prescribed by the commissioner within 10 days of appointment or termination. The commissioner shall, in the case of appointment notices, retain one copy thereof in his files and return two copies thereof to the insurer or insurer's representative, or employing insurance agent or broker, filing such notice. The insurer or insurer's representative or employing agent or broker shall thereupon return one copy thereof to the license holder whose appointment is effected.

In the case of a termination notice, the commissioner shall retain one copy thereof for his files, forward one copy thereof to the license holder whose appointment is terminated, and return one copy thereof to the insurer or insurer's representative, or employing insurance agent or broker, filing such notice.

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## CHAPTER 361

An act to add Section 527 to the Vehicle Code, relating to roads.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980.]

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

SECTION 1. Section 527 is added to the Vehicle Code, to read:

527. (a) "Road" means any existing vehicle route established before January 1, 1979, with significant evidence of prior regular travel by vehicles subject to registration pursuant to Article 1 (commencing with Section 4000) of Chapter 1 of Division 3; provided, that "road" does not mean any route traversed exclusively by bicycles as defined in Section 39001, motorcycles as defined in Section 400, motor-driven cycles as defined in Section 405, or off-highway motor vehicles as defined in Section 38012.

(b) Even though nature may alter or eliminate portions of an existing vehicle route, the route shall still be considered a road where there is evidence of periodic use.

(c) A vehicle route need not necessarily be a publicly or privately maintained surface to be a road, as defined, for purposes of this section. Nothing contained herein shall pertain to any property in an incorporated area or properties held in private ownership.

(d) This section is definitional only and nothing contained herein shall be deemed to affect, alter, create, or destroy any right, title, or interest in real property, including, but not limited to, any permit, license, or easement; nor shall this chapter be deemed to affect the liability, or lack thereof, of any owner of an interest of real property based upon the use, possession, or ownership of such interest in real

property or the entry upon such property by any person.

(e) This section shall only apply in a county where the board of supervisors has adopted a resolution or enacted an ordinance providing for such application.

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## CHAPTER 362

An act to amend Sections 5547, 5549, 5551, and 5552 of the Public Resources Code, relating to park districts.

[Approved by Governor July 8, 1980 Filed with Secretary of State July 9, 1980.]

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

SECTION 1. Section 5547 of the Public Resources Code is amended to read:

5547. The board of directors shall act only by ordinance, resolution, or a motion duly recorded in the minutes of the meeting. The ayes and noes shall be taken upon the passage of all ordinances or resolutions, and entered upon the journal of the proceedings of the board.

An ordinance, resolution, or motion shall not be passed or become effective without the affirmative votes of at least a majority of all the members of the board.

The enacting clause of all ordinances passed by the board shall be in these words: "Be it ordained by the Board of Directors of the (giving the name) District."

All resolutions and ordinances shall be signed by the president of the board and attested by the secretary, administrative secretary, or clerk, and all ordinances shall be published once within 30 days after adoption, in a newspaper of general circulation printed, published, and circulated in the district.

SEC. 2. Section 5549 of the Public Resources Code is amended to read:

5549. The general manager has the following administrative and executive functions, powers, and duties. He shall:

(a) See that the provisions of this article and all ordinances and regulations of the district are enforced.

(b) Appoint subordinates, clerks, and other employees, and exercise supervision and control over all departments and offices of the district. Such appointees shall hold employment at the pleasure of the general manager.

(c) Attend all meetings of the board unless excused by the board.

(d) Submit to the board for adoption such measures, ordinances, and regulations as he deems necessary or expedient.

(e) See that all terms and conditions imposed in favor of the district or its inhabitants in any contract are faithfully kept and

performed, and call any violations to the attention of the board and to the police department.

(f) Prepare and submit the annual budget to the board, and perform such other duties as may be imposed by this article or by the board.

With the approval of the board, the general manager may bind the district, without advertising and without written contract, for the payment for supplies, labor, or other valuable consideration furnished to the district, in amounts not exceeding five thousand dollars ($5,000). All purchases shall be reported to the board of directors at its next regular meeting.

SEC. 3. Section 5551 of the Public Resources Code is amended to read:

5551. The secretary of the board, the administrative secretary, or the clerk, as the case may be, shall countersign and affix the seal to all contracts and conveyances on behalf of the district, shall act as secretary to the board and keep a record of its proceedings, and shall perform such other duties as may be imposed upon him by the appointing authority or by this article.

SEC. 4. Section 5552 of the Public Resources Code is amended to read:

5552. The controller is the custodian of the funds of the district and shall make payments by check or by warrant drawn upon the district's depositories for obligations that have been first approved by a majority of the board of directors at a meeting thereof. The board of directors also may, by resolution and under such terms and conditions it may prescribe therein, authorize the controller to pay demands against the district, without the prior, specific approval of the board, that are for any purpose for which an expenditure has been previously authorized in the district's adopted budget and which do not exceed the amount of expenditure so authorized. Demands so paid shall be presented to the board of directors at the next regular meeting for its review and approval. If the funds of the district are maintained solely in the county treasury, the county auditor shall exercise the powers otherwise conferred by this section on the controller.

The board of directors shall by ordinance authorize signatories for checks or warrants drawn in payment of obligations and demands against the district. Authorized signatories shall be selected from members of the board of directors of the district, the general manager of the district, the administrative secretary, or such other officers and employees as may be designated by the board. A minimum of two signatures shall be required on all checks and warrants.

The controller shall keep an account of all receipts and disbursements, and shall deposit all money received by him in a depository or depositories selected by the board of directors.

## CHAPTER 363

An act relating to confidentiality of medical information, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980.]

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

SECTION 1. It is the intent of this act to maintain the confidentiality of medical information in accordance with the spirit of the provisions of Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code, as added by Chapter 773 of the Statutes of 1979. The provisions of Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code which affect any private person, partnership, corporation, or other private entity shall not become operative and shall have no effect until July 1, 1981. Such provisions shall not be deemed to have applied to any act done prior to July 1, 1981, and no person shall be liable for a violation of any such provisions, or for any acquisition or disclosure of medical information or any other act not in compliance with such provisions, which occurred prior to July 1, 1981. However, this act shall not relieve any person of any liabilities arising under any law other than Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code, and all civil and criminal penalties and liabilities arising under any law other than Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code, including laws in existence prior to the effective date of Part 2.6, shall not be abrogated by this act but shall be available between the effective date of this act and July 1, 1981.

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:

Because it would be extremely difficult, and in some instances impossible, for persons affected by the provisions of Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code to presently comply with such provisions, it is necessary that this act take effect immediately in order to allow persons a reasonable time to comply with such provisions.

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## CHAPTER 364

An act to amend Sections 66743, 66744, 68000, 68001, 68012, 68030, 68031, 68040, 68041, 68042, 68046, 68046.4, 68046.6, and 68047 of, to amend and repeal Sections 66796.22 and 68049 of, to amend, repeal, and add Sections 66791.5, 68043, and 68048 of, to add Sections 68003, 68033, 68046.8, 68046.9, and 68047.5 to, to add and repeal Section 68044

of, to amend the heading of Title 7.8 (commencing with Section 68000) of, and to add Chapter 2 (commencing with Section 68055) to Title 7.8 of, to repeal Sections 68018, 68046.5, 68050, 68051, and 68052 of, and to repeal Title 7.8 (commencing with Section 68000) of the Government Code, to repeal Chapter 3.5 (commencing with Section 24385) of Division 20 of the Health and Safety Code, to repeal Sections 9 and 11 of Chapter 1161 of the Statutes of 1977, and to repeal Section 21 of Chapter 87 of the Statutes of 1978, relating to solid waste, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980 ]

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

SECTION 1. Section 66743 of the Government Code is amended to read:

66743. The board shall hold meetings at least monthly at such times and at such places as shall be determined by it. The Governor shall designate the time and place for the first meeting of the board, but in no event shall it be scheduled for a date later than May 15, 1973. Five members of the board shall constitute a quorum for the purpose of transacting any business of the board.

SEC. 2. Section 66744 of the Government Code is amended to read:

66744. The board shall annually elect a vice chairman from the membership of the board.

SEC. 3. Section 66791.5 of the Government Code is amended to read:

66791.5. The board may accept grants, gifts, and donations for the purposes specified in this title and Title 7.8 (commencing with Section 68000).

This section shall remain in effect only until July 1, 1983, and as of such date is repealed, unless a later enacted statute, which is chaptered before July 1, 1983, deletes or extends such date.

SEC. 4. Section 66791.5 is added to the Government Code, to read:

66791.5. The board may accept grants, gifts and donations for the purposes specified in this title.

This section shall become operative July 1, 1983.

SEC. 5. Section 66796.22 of the Government Code is amended to read:

66796.22. (a) In addition to any other fees, effective January 1, 1979, there shall be imposed by the board on each operator of a publicly or privately owned solid waste disposal site within a standard metropolitan statistical area a surcharge equivalent to twenty-five cents ($0.25) per ton of solid wastes disposed.

(b) The board shall prescribe that the surcharge be based upon

either the weight, volume, or type of solid waste received by any such operator or upon any other appropriate measurement.

(c) The board shall exempt the following from such surcharge:

(1) Solid wastes which cannot practicably or economically be disposed of other than by burial at a solid waste disposal site, including but not limited to, agricultural and food processing wastes, except where such wastes have not been separated from other wastes.

(2) Solid wastes disposed of by persons who engage in practical or economical separation prior to final disposal, if the collection and disposal of such wastes is operated to minimize the amount disposed of by burial at a solid waste disposal site.

(d) In granting exemptions from the surcharge pursuant to subdivision (c), the board shall accept from the operator of a facility specified in subdivision (a) a declaration that the requirements of subdivision (c) have been satisfied. In making the declaration, the operator shall accept from the users of the facility their declarations that they have satisfied the requirements of subdivision (c). The operator may not collect a surcharge from users who make a declaration. Any exemption shall be revoked if the board finds, after a public hearing held for the purpose of receiving testimony regarding the affected solid waste disposal operation, that the requirements of subdivision (c) are not being satisfied. The board shall grant a new exemption upon making a finding that the requirements of subdivision (a) are being satisfied; however, declarations relating to a new exemption may not be submitted sooner than six months after the date on which the board revoked the prior exemption.

(e) The board shall prescribe the manner in which the surcharge is to be collected and forwarded to the board.

(f) Moneys collected by the board pursuant to this section shall be deposited in the State Treasury to the credit of the State Solid Waste Management Fund.

(g) It is the intent of the Legislature that, when operators do not satisfy the requirements of subdivision (c), existing rates, levies, or fees charged by operators or collected by any other person for financing the operations of a solid waste disposal site be increased by an amount equivalent to the surcharge in order that the surcharge is paid by persons who dispose of waste material.

(h) This section shall remain in effect only until July 1, 1983, and as of such date is repealed, unless a later enacted statute, which is chaptered before July 1, 1983, deletes or extends such date.

SEC. 5.3. The heading of Title 7.8 (commencing with Section 68000) of the Government Code is amended to read:

## TITLE 7.8. RECYCLING, RESOURCE RECOVERY, AND LITTER PREVENTION

SEC. 5.5. Section 68000 of the Government Code is amended to

read:

68000. This title shall be known and may be cited as the Solid Waste Management Act of 1980.

SEC. 6. Section 68001 of the Government Code is amended to read:

68001. The Legislature finds the following:

(a) The rapid population growth of California and the ever increasing mobility of its people heighten the fundamental need for a healthful, clean, and beautiful environment; the proliferation and accumulation of improperly discarded materials throughout the state impairs this need; the proliferation and accumulation of litter is statewide in scope and that uniform state action rather than a piecemeal county, city, or regional solution is necessary to accomplish effective litter prevention and control; and that statewide uniformity, including uniformity in litter bags, signs, symbols, and regulations is desirable and necessary to accomplish effective litter prevention and control.

(b) The burden placed on existing solid waste disposal systems to collect littered products and the need to reduce energy and other resource consumption makes it imperative that recycling efforts be intensified and that resource recovery systems be developed to process discarded packaging materials, as well as other energy rich components of solid waste.

SEC. 7. Section 68003 is added to the Government Code, to read:

68003. This title shall remain in effect only until July 1, 1983, and as of such date is repealed unless a later enacted statute, which is chaptered on or before July 1, 1983, deletes or extends such date, except that such provisions shall remain applicable for any actions for the enforcement of such provisions the liability for which accrued prior to such date.

SEC. 7.5. Section 68012 of the Government Code is amended to read:

68012. "Fund" means the State Solid Waste Management Fund.

SEC. 8. Section 68018 of the Government Code is repealed.

SEC. 8.5. Section 68030 of the Government Code is amended to read:

68030. An amount equal to 6 percent of the 1979–80 reimbursement for business inventories under the provisions of Sections 219, 5523, and 5546 of the Revenue and Taxation Code, as estimated in the 1979–80 Governor's Budget, shall be transferred from the General Fund to the State Solid Waste Management Fund for appropriation in the 1979–80 fiscal year. For the 1980–81, 1981–82, and 1982–83 fiscal years, an amount equal to 3 percent of the estimated reimbursement for business inventories under the provisions of Sections 219, 5523, and 5546 of the Revenue and Taxation Code, as shown in the Governor's Budget for the upcoming fiscal year, excluding any reductions which occur due to the operations of Sections 100.2, 100.3, and 100.5 of the Revenue and Taxation Code shall be transferred from the General Fund to the

State Solid Waste Management Fund.

SEC. 9. Section 68031 of the Government Code is amended to read:

68031. The money in the fund shall, upon appropriation by the Legislature, be expended as follows:

(a) To pay any refund or make any remittance of a Litter Control, Recycling, and Resource Recovery Assessment authorized by law, including Section 4 of Chapter 3 of the Statutes of 1979.

(b) To pay the State Board of Equalization for the cost of administration of Part 21 (commencing with Section 42000) of Division 2 of the Revenue and Taxation Code, including any costs incurred in carrying out subdivision (a).

(c) To be expended by the State Solid Waste Management Board for research and administrative support of the programs authorized by this title and related programs authorized by Title 7.3 (commencing with Section 66700).

(d) The balance to be expended by the State Solid Waste Management Board, as provided in Article 3 (commencing with Section 68040).

SEC. 9.5. Section 68033 is added to the Government Code, to read:

68033. (a) The Legislative Analyst shall analyze the operation of the provisions of this title. Such analysis shall include, but shall not be limited to, an analysis of the following:

(1) Effectiveness of the provisions of this title in reducing litter throughout the state.

(2) The increase in volume of the materials recycled as a result of this title.

(3) The reduction in energy use as a result of this title.

(4) The reduction in the disposal of solid waste onto the land, into the atmosphere, or into the waters of the state as a result of this title.

(b) On or before December 1, 1981, and annually thereafter, the Legislative Analyst shall submit to the Governor and the Legislature a report of such findings and recommendations.

SEC. 10. Section 68040 of the Government Code is amended to read:

68040. Except as otherwise provided by law, all money deposited in the fund shall be available for the purposes set forth in this article.

SEC. 11. Section 68041 of the Government Code is amended to read:

68041. A public agency or private entity eligible to receive a grant or loan pursuant to this article may make an application for such grant or loan to the board in such form as the board shall require.

SEC. 12. Section 68042 of the Government Code is amended to read:

68042. (a) The board shall disburse funds from the fund to eligible public agencies or private entities that have submitted applications for such funds when the board determines that the plan

submitted by any such agency or entity is qualified and suitable for the purposes of the program.

(b) The board shall adopt guidelines for the determination of eligibility of public agencies and private entities and the determination of qualification and suitability of plans submitted by such agencies or entities. Such guidelines shall be consistent with the policy and provisions of this chapter.

(c) It is the intent of the Legislature that the money in the fund be substantially expended each year, with the total commitments to each of the various classes of expenditure in this article adhering closely to the specified percentages. Any money in the fund not encumbered in the year appropriated shall be retained in the class of expenditure to which it was allocated and shall be available for encumbrance in the next year for that same purpose.

(d) It is the intent of the Legislature that funds made available by this chapter shall be used to supplement and not replace existing funding for the same purposes.

(e) Prior to January 1 of each year, the board shall report to the Governor and the Legislature as to the funds allocated pursuant to Sections 68046 and 68047 and shall indicate whether the funds were used effectively in carrying out the purposes of this title.

SEC. 13. Section 68043 of the Government Code is amended to read:

68043. (a) Thirty percent of the fund shall be expended by cities and counties for cleanup on recreational lands and public thoroughfares and related public information activities within that city and county. Of the total amount allocated pursuant to this subdivision, 50 percent shall be allocated for expenditure within each county in proportion to the ratio of the population of such county to the total population of the state according to the most recent annual estimates published by the Department of Finance, and 50 percent shall be allocated for expenditure within each county in proportion to the ratio of the mileage of city and county streets and highways within such county to the total city and county treet and highway mileage in the state based on the most recent estimates of the Department of Transportation.

The total funds allocated for expenditure within each county shall be distributed by either of the two following procedures:

(1) Fifty percent to the respective cities and the county in proportion to the ratio of the population residing in the respective cities and the unincorporated area to the total population of the county, and 50 percent to the respective cities and the county in proportion to the ratio of the city and county streets and highway mileage within the respective cities and the unincorporated area to the total city and county street and highway mileage within the county; or

(2) In accordance with a plan developed by the county and the cities and approved by the county board of supervisors and by at least 50 percent of the cities representing at least 50 percent of the total

population residing within the cities in the county.

(b) The board may authorize expenditure by public agencies other than cities and counties where it can be demonstrated that other agencies are providing a substantial portion of recreation and park services within a county or are receiving a substantial portion of the county's recreational land litter and such expenditure is included within the plan described in paragraph (2) of subdivision (a) of this section.

(c) This section shall remain in effect only until June 30, 1980, and on such date is repealed.

SEC. 14. Section 68043 is added to the Government Code, to read:

68043. (a) Thirty-two and one-half percent of the fund shall be available for grants to cities, counties, and public agencies or private entities designated by cities and counties, for expenditure for the cleanup or abatement of litter in public places, for public information and education activities to prevent and control littering and to reduce waste, for litter law enforcement, and for the purchase and maintenance of litter receptacles. Of the total amount allocated pursuant to this subdivision, 50 percent shall be allocated for expenditure within each county in proportion to the ratio of the population of such county to the total population of the state according to the most recent annual estimates published by the Department of Finance, and 50 percent shall be allocated for expenditure within each county in proportion to the ratio of the mileage of city and county streets and highways within such county to the total city and county street and highway mileage in the state based on the most recent estimates of the Department of Transportation.

The total funds allocated for expenditure within each county shall be distributed by either of the two following procedures:

(1) Fifty percent to the respective cities and the county in proportion to the ratio of the population residing in the respective cities and the unincorporated area to the total population of the county, and 50 percent to the respective cities and the county in proportion to the ratio of the city and county streets and highway mileage within the respective cities and the unincorporated area to the total city and county street and highway mileage within the county; or

(2) In accordance with a plan developed by the county and the cities and approved by the county board of supervisors and by at least 50 percent of the cities representing at least 50 percent of the total population residing within the cities in the county.

(b) To be eligible to receive a grant, every city or county or combination thereof shall submit to the board a letter of intent to participate in programs that will accomplish one or more of the objectives specified in subdivision (a). The letter of intent shall entitle the applicant to receive funds pursuant to this section for the duration of the program authorized in this title. To be effective for the 1980–81 fiscal year, a letter of intent shall be submitted on or

before September 1, 1980, or within 60 days of the effective date of this section, whichever is later, or on or before the September 1 next following the date of incorporation of any new city. Any city or county that does not submit a letter of intent shall be ineligible to receive funds pursuant to this section for the duration of the program authorized in this title.

(c) Any city or county or combination thereof eligible to receive funds pursuant to this section may grant funds received by it to any public agency or private entity capable of accomplishing one or more of the objectives specified in subdivision (a) unless, upon a specific finding, the board orders otherwise.

(d) This section shall become operative July 1, 1980.

SEC. 15. Section 68044 is added to the Government Code, to read:

68044. (a) In order to provide the board with more flexibility in administering Sections 68043 and 68049 and to accomodate the reduction in revenues available for the purposes of this title, the board may combine the moneys allocated by Section 68043 in the 1978–79 and 1979–80 fiscal years and those allocated by Section 68049 in the 1978–79 and 1979–80 fiscal years.

(b) This section shall remain in effect only until June 30, 1980, and on such date is repealed.

SEC. 16. Section 68045 of the Government Code is amended to read:

68045. In making grants pursuant to Section 68043 for litter cleanup, the board shall require a commitment by the grantee, in a manner satisfactory to the board with regard to:

(a) Application of behavioral science techniques in litter control.

(b) Improved sanitation technology.

(c) Continuous public education.

(d) Vigorous enforcement.

(e) An annual report on progress on cleaning up litter.

This section shall remain in effect only until June 30, 1980, and on such date is repealed.

SEC. 17. Section 68046 of the Government Code is amended to read:

68046. Twenty-seven and one-half percent of the fund shall be expended by the board for grants or loans, or combinations thereof, to public agencies or private entities, or combinations thereof, or expended by the board pursuant to contract, as determined by the board, for implementation of the state resource recovery program. Funds available pursuant to this section shall be expended for assisting projects, including research and development and demonstration projects, that satisfy all of the following requirements:

(a) The project will recover resources from solid waste for conversion to usable materials or energy or will facilitate recovery or conversion technologies that will meet state and federal environmental standards.

(b) The project is not in potential conflict with the state policy for solid waste management required by Section 66770 or the county

solid waste management plans required by Sections 66780, 66780.5, 66780.7, and 66780.8.

(c) The project advances the development of technologically and economically feasible resource or energy recovery systems that will lead to substantial long-term solutions to the regional or statewide problems of solid and liquid waste disposal.

(d) The project proponent possesses sufficient financial resources and stability to carry out the project and has the technical capability for developing the project, including producing implementation plans and specifications.

(e) Except for research and development projects, the proponent demonstrates a capacity to provide satisfactory performance of solid waste management activities and, to the extent possible, provides written confirmation of the economic viability of the project in the form of contracts for recovered resources or energy with guaranteed purchasers at guaranteed prices for the period of time deemed satisfactory by the board.

SEC. 18. Section 68046.2 of the Government Code is repealed.

SEC. 19. Section 68046.2 is added to the Government Code, to read:

68046.2. (a) Before funding a project pursuant to Section 68046 or a community recycling center pursuant to Section 68047, the board shall determine whether it will be eligible for funding as a grant or a loan, or a combination thereof.

(b) Any grant shall be administered in accordance with guidelines and criteria established by the board.

(c) Any loan shall be administered in accordance with the provisions of Section 68046.6.

(d) Any combination of a grant and a loan shall be administered in accordance with the provisions applicable to each component of the funding.

SEC. 20. Section 68046.4 of the Government Code is amended to read:

68046.4. Grants or loans authorized pursuant to Section 68046 or 68047 shall not be provided for land acquisition costs.

SEC. 21. Section 68046.5 of the Government Code is repealed.

SEC. 22. Section 68046.6 of the Government Code is amended to read:

68046.6. Any loan made pursuant to Section 68046 or 68047 shall be subject to the following requirements:

(a) The principal and interest shall be repayable to the board for deposit in the fund.

(b) The proceeds of the loan shall be expended by the recipient in accordance with terms and conditions set forth in an agreement entered into with the board before disbursing of any funds by the board.

(c) The obligation for a loan shall be in the form of a note or notes payable to the order of the board and bearing a rate of interest which is acceptable to the board. The note or notes shall be payable solely

from the revenues of the project or the center by its operator and subordinated to any security interest or interests which are equivalent to a first mortgage lien upon the facilities or assets of the project or a pledge of its revenues.

SEC. 22.3. Section 68046.8 is added to the Government Code, to read:

68046.8. (a) At least 60 days prior to taking action on an application for a grant or loan pursuant to Section 68046 or 68047, the board shall notify all persons who have requested such notice that the application has been filed and shall provide a copy of the application upon receipt of a fee to cover the costs thereof. In addition, the board shall provide such notice in a newspaper of general circulation, in the manner provided in Section 6063 of the Government Code, within the marketing area in which the applicant operates, or proposes to operate, a resource recovery project or community recycling center; in appropriate trade publications; to appropriate trade associations; and to all persons on the board's general mailing list.

(b) At least 30 days prior to taking action on an application for a grant or loan pursuant to Section 68046 or 68047, the board shall provide for a public hearing at which any person or representative of a public agency may appear to comment on the application. Notice of such hearing may be provided with the notice required pursuant to subdivision (a).

SEC. 22.5. Section 68046.9 is added to the Government Code, to read:

68046.9. Upon receipt of information that any of the conditions of Section 68046 or 68047 or any agreement regarding a grant or loan pursuant to either of those sections is not being complied with by the recipient of the grant or loan, the board shall cause an investigation to be made if reasonable cause therefor is shown. If, after notice and public hearing, the board finds that any such condition is not being complied with, it may revoke the grant or loan and seek reimbursement of all funds advanced pursuant to the grant or loan.

SEC. 23. Section 68047 of the Government Code is amended to read:

68047. (a) Thirty percent of the fund shall be for grants or loans, or combinations thereof, to public agencies or private entities, or combinations thereof, in accordance with guidelines and criteria adopted by the board, for the expansion of existing and the planning and development of new community recycling centers for the collection of the usual components of recyclable municipal and household waste from the general public that would not otherwise be recovered. Grants and loans shall not be expended for the payment of salaries and wages. To be eligible for a grant, the applicant shall furnish or demonstrate all of the following:

(1) Availability of land or property on or in which the center will operate.

(2) An acceptable business plan for the operation of the center, including a detailed listing of the full range of materials and products

which will be accepted.

(3) The availability of necessary licenses and permits.

(4) Evidence that the materials to be collected are not being recovered and would not otherwise be recovered, but for the availability of financing pursuant to this section, and either that the materials collected will be absorbed in an existing market without displacing existing materials recovery operations or that the materials, by being collected, will create a new market.

(5) A description of the accounting plans of the center, both as to materials and moneys.

(b) The board shall make no grant or loan to any applicant who does not satisfactorily furnish or demonstrate the above matters. In addition, in determining to whom to make grants and loans pursuant to this section, the board shall assure a balanced geographic distribution of grants throughout the state and shall determine which centers will meet the greatest need for a new or expanded recycling program in the community to be served, relative to the needs of other areas.

(c) The guidelines adopted pursuant to subdivision (b) of Section 68042 for the administration of this section shall include priorities established by the board for the making of grants and loans between different types of recycling programs.

(d) The amendments made to this section during the 1979–80 Regular Session of the Legislature shall apply to grants and loans made pursuant to this section with funds appropriated in the 1979–80 and subsequent fiscal years.

SEC. 24. Section 68047.5 is added to the Government Code, to read:

68047.5. (a) In order to carry out the policy set forth in subdivision (b) of Section 68001 and to make the most effective use of grants and loans made pursuant to Section 68047, the board shall conduct an ongoing investigation into actions that could be taken by public and private entities to expand markets for recyclable materials, particularly plastics, paper, and other materials that currently are recycled in low volumes relative to the volumes of new materials produced. The administrative costs incurred by the board in carrying out the requirements of this section shall be a usual part of the board's budget, payable as provided in subdivision (c) of Section 68031.

(b) In making grants and loans pursuant to Section 68047, the board shall endeavor to finance the recyling of plastics, paper, and such other materials.

SEC. 25. Section 68048 of the Government Code is amended to read:

68048. Seven and one-half percent of the fund shall be expended by the board, or granted by the board to state and local agencies, or both, to organize and conduct programs aimed at increasing awareness of the litter problem in order to promote greater compliance with litter laws and participation in programs for the

recovery of resources and energy from solid wastes. Such programs shall include educational techniques and may include cleanup drives conducted by local agencies and nonprofit organizations using volunteer help.

This section shall remain in effect only until June 30, 1980, and on such date is repealed.

SEC. 26. Section 68048 is added to the Government Code, to read:

68048. (a) Ten percent of the fund shall be available for expenditure for organizing and conducting public education and information programs aimed at achieving changes in public attitudes that will aid in the following:

(1) Attainment of a greater degree of reuse and recovery of materials and energy from solid waste.

(2) Curtailment of the improper discarding of all solid wastes.

(3) Increased awareness of the litter problem and the need for waste reduction and resource conservation generally.

(4) Promotion of better compliance with anti-litter and anti-dumping laws.

(b) Programs financed pursuant to this section shall include the application of educational techniques designed to accomplish the objectives specified in subdivision (a) and may include encouragement of direct involvement in recycling, resource recovery, and litter abatement efforts.

(c) Of the total funds available pursuant to this section, 75 percent shall be expended by the board for an ongoing, statewide program that satisfies the requirements of subdivision (a), and 25 percent shall be granted to public agencies or private entities, or any combination thereof, for programs that satisfy the requirements of subdivision (a).

(d) This section shall become operative July 1, 1980.

SEC. 27. Section 68049 of the Government Code is amended to read:

68049. (a) Five percent of the fund shall be expended by the board for grants for the improved enforcement of litter-related laws by cities and counties as follows:

(1) At least five thousand dollars ($5,000) to each county.

(2) The remainder of the total amount shall be allocated for expenditure within each county in proportion to the ratio of the population of such county to the total population of the state according to the most recent annual estimates of the Department of Finance. Such funds shall be distributed by either of the two following procedures:

(i) To the respective cities and the county in proportion to the ratio of the population residing in the respective cities and the unincorporated area to the total population of the county; or

(ii) In accordance with a plan developed by the county and the cities and approved by the county board of supervisors and by at least 50 percent of the cities representing at least 50 percent of the total population residing within the cities in the county.

(b) Whenever possible, the use of warnings and the provision of educational material is to be stressed, to achieve maximum compliance with litter laws.

(c) Funds shall be used for hiring, equipping and training personnel, including, whenever appropriate, personnel who are not peace officers, to enforce litter laws. Funds may also be used to pay for extended duty or overtime during peak recreation use periods. Funds may also be used for programs that use violators of litter laws and other offenses to aid in litter cleanup.

(d) Each agency participating in the litter law enforcement program may be required to report to the board annually the number of citations and warnings issued for violation of state and local litter laws by code section or ordinance number.

(e) Grants made pursuant to this section may be administered in conjunction with grants made pursuant to Section 68043.

(f) This section shall remain in effect only until June 30, 1980, and on such date is repealed.

SEC. 28. Section 68050 of the Government Code is repealed.

SEC. 29. Section 68051 of the Government Code is repealed.

SEC. 30. Section 68052 of the Government Code is repealed.

SEC. 31. Chapter 2 (commencing with Section 68055) is added to Title 7.8 of the Government Code, to read:

## CHAPTER 2. LITTER RECEPTACLES AND BAGS

68055. (a) It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this chapter to procure, place, and maintain such receptacles at his own expense on the premises in accordance with the provisions of this chapter.

(b) The responsibility for the removal of litter from receptacles placed at publicly-owned places shall remain with the public agencies. Removal of litter from receptacles placed on private property shall remain with the owner of the property or, in cases where the owner is not in actual possession of the premises, with the tenant thereof.

68055.1. Unless the context otherwise requires, the definitions as set forth in this section and in Article 2 (commencing with Section 68010) of Chapter 1 of this title govern the construction of this chapter.

(a) "Public place" means any area that is used or held out for the use of the public whether owned and operated by public or private interests, but not including indoor areas. "Indoor area" means any enclosed area covered with a roof and protected from moisture and wind.

(b) "Drive-in restaurant" means a restaurant that sells food products for immediate consumption on or near a location at which parking facilities are provided for the use of patrons in consuming the products purchased at the restaurant.

(c) "Fast food outlet" means a restaurant that sells food products primarily on a "takeout" or "to go" basis.

(d) "Grocery stores" includes, but is not limited to, convenience markets that sell groceries.

(e) "Shopping centers" means a group of two or more stores that maintain a common parking lot for patrons of those stores.

68055.2. Litter receptacles shall be placed in all public places in the state, including, but not limited to, the following:

(a) Drive-in restaurants and fast food outlets.

(b) Gasoline service stations.

(c) Shopping centers.

(d) Grocery stores.

(e) Boat launching and takeout areas.

(f) Boat moorage and fueling stations.

(g) Public piers.

(h) Parks and campgrounds.

(i) Beaches.

(j) Outdoor parking lots which have a capacity of 50 or more automobiles and which are contiguous to the public places listed in this section.

The board may further define "public place" by specifying in its regulations particular types of places that are subject to the requirements of this section.

Litter receptacles need be placed in such public places only during times such places, or events held at them, are open to the public.

68055.3. Placement of litter receptacles shall be in conformance with laws, ordinances, resolutions, and regulations pertaining to fire, safety, public health, or welfare.

68055.4. New litter receptacles procured and placed by any state or local public agency in public places as required by this chapter shall meet minimum standards established by the board for marking, including the display of a state antilitter symbol adopted by the board and a statement of the penalties which may be levied for littering in this state. The board shall, in the interest of uniformity, attempt to emulate the antilitter symbol used by other states and antilitter organizations.

68055.5. (a) No person shall damage, deface, abuse, or misuse any litter receptacle so as to interfere with its proper function or to detract from its proper appearance.

(b) No person shall deposit leaves, clippings, prunings, or gardening refuse in any litter receptacle required pursuant to this chapter.

(c) No person shall deposit household solid waste in any litter receptacle required pursuant to this chapter. However, this subdivision does not mean that wastes of food consumed on the premises at any public place may not be deposited in litter receptacles.

68055.6. Any applicant for a grant pursuant to Section 68043 for the purchase and maintenance of litter receptacles, shall agree, as a

condition of eligibility for the grant, to comply with the requirements of this chapter.

68055.7. Any person violating any of the provisions of this chapter is guilty of an infraction, and upon conviction thereof shall be liable to punishment by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) upon a first conviction, not less than one hundred dollars ($100) nor more than five hundred dollars ($500) upon a second conviction, and not less than one hundred fifty dollars ($150) nor more than five hundred dollars ($500) upon a third or subsequent conviction.

68055.8. The board shall establish requirements for the design, production, and distribution of litter bags suitable for use in motor vehicles and boats. The litter bag shall bear the statewide antilitter symbol and a statement of the penalties for littering. The board may purchase and provide for the continuous distribution of litter bags in a coordinated, statewide campaign. The board may accept donated litter bags and donated materials for litter bags that are suitable for the purposes of this section and may accept grants, gifts, and donated services relating to the design, production, and distribution of litter bags. No provision of this section shall be deemed to prohibit the purchase, production, or distribution of litter bags by any other public agency or any person or private entity, and such litter bags need not conform to the requirements established by the board; however, such litter bags may not display the statewide antilitter symbol.

68055.9. The penalties which may be levied for littering in this state shall be prominently posted throughout the state.

SEC. 32. Chapter 3.5 (commencing with Section 24385) of Division 20 of the Health and Safety Code is repealed.

SEC. 33. Section 9 of Chapter 1161 of the Statutes of 1977 is repealed.

SEC. 34. Section 11 of Chapter 1161 of the Statutes of 1977 is repealed.

SEC. 35. Section 21 of Chapter 87 of the Statutes of 1978 is repealed.

SEC. 36. The Legislature finds and declares that the repeal and reenactment, as amended, and repeal of the provisions of Chapter 2 (commencing with Section 68055) of Title 7.8 of the Government Code, effected by Sections 7, 31, and 32 of this act, except as expressly amended herein, shall not constitute any change in existing law or cause an abatement or affect any actions taken pursuant to such provisions, and that such repeal and reenactment, except as expressly amended, is for convenience and organization of the codes.

SEC. 37. 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 for the efficient implementation and administration of the Litter Control, Recycling, and Resource

Recovery Act of 1977 during the 1979–80 fiscal year, it is necessary that this act take effect immediately.

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## CHAPTER 365

An act to amend Sections 176, 178, and 347 of the Health and Safety Code, relating to health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980.]

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

SECTION 1. The Legislature finds that persons afflicted with genetically handicapping conditions should not have to endure onerous and sometimes catastrophic financial burdens resulting from the costs of medical and social services needed to treat and provide services for their genetically-caused conditions. The Legislature further finds that the costs of treatment and services to persons with genetically handicapping conditions often exceed financial remuneration earned by such persons, making total repayment for state-provided services unfeasible.

Therefore, it is the intent of the Legislature that it be the policy of this state to set uniform standards of financial eligibility for the services established pursuant to the Genetically Handicapped Person's Program, in order to ensure that a fair and equitable amount of a genetically handicapped person's earned income be used as a repayment to the state for designated state-provided medical and social support services.

SEC. 2. Section 176 of the Health and Safety Code is amended to read:

176. The State Director of Health Services may establish such rules or criteria for grants under this chapter as the director deems necessary.

SEC. 3. Section 178 of the Health and Safety Code is amended to read:

178. Pursuant to such rules or criteria as the director may deem necessary, the Scientific Advisory Review Committee shall review and recommend approval of grant applications and monitor programs receiving grants under this chapter.

SEC. 4. Section 347 of the Health and Safety Code is amended to read:

347. The state department shall establish, with the guidance of the advisory committee, uniform standards of financial eligibility for the services under the program established under this article.

Nothing in the eligibility standards shall prohibit services to an otherwise eligible person whose adjusted gross family income does

not exceed one hundred thousand dollars ($100,000) per year. Persons with adjusted gross family incomes exceeding one hundred thousand dollars ($100,000) per year may purchase services under the program established under this article at cost.

Upon the establishment of the eligibility standards the program shall establish and administer a repayment schedule based on the family's repayment obligation determined by the lesser of either:

(a) Two times the family's annual state income tax liability, less funds expended by the affected person or his or her family for health insurance premiums for the genetically handicapped person. Premiums may not be deducted for any policy providing coverage exclusively for a single disease or affliction, unless such coverage is for the genetically handicapped person's particular genetic disease or affliction.

(b) The cost of services.

On January 1, 1982, a report shall be submitted to the Legislature by the state department with respect to whether such a repayment schedule is cost effective.

All repayments shall be used in support of the program for services established under this article.

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 order to facilitate, as soon as possible, financial stability in the Genetically Handicapped Person's Program and research in the area of Huntington's disease it is necessary that this act take effect immediately.

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## CHAPTER 366

An act to add Section 6516 to the Government Code, relating to fairs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1980 Filed with Secretary of State July 9, 1980.]

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

SECTION 1. Section 6516 is added to the Government Code, to read:

6516. Public agencies conducting agricultural, livestock, industrial, cultural, or other types of fairs or exhibitions may enter into a joint powers agreement to form an insurance pooling arrangement for the payment of workers' compensation, unemployment compensation, tort liability, or public liability losses incurred by such agencies. The Department of Food and Agriculture may enter into such a joint powers agreement for the California

Exposition and State Fair, district agricultural associations, or citrus fruit fairs, and the department shall have authority to contract with the California Exposition and State Fair, district agricultural associations, or citrus fruit fairs with respect to such a joint powers agreement entered into on behalf of the California Exposition and State Fair, district agricultural association, or citrus fruit fair. Any county contracting with a nonprofit corporation to conduct a fair pursuant to Sections 25905 and 25906 of the Government Code may enter into such a joint powers agreement for a fair conducted by the nonprofit corporation, and shall have authority to contract with a nonprofit corporation with respect to such a joint powers agreement entered into on behalf of the fair of the nonprofit corporation.

Any county contracting with a nonprofit corporation to conduct a fair shall assume all workers' compensation and liability obligations accrued prior to the dissolution or nonrenewal of the nonprofit corporation's contract with the county.

Any public entity entering into a joint powers agreement under this section shall establish or maintain a reserve fund to be used to pay losses incurred under the agreement. The reserve fund shall contain sufficient moneys to maintain the fund on an actuarially sound basis.

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 achieve the cost savings by establishment of an insurance pooling program at the earliest opportunity, it is necessary that this act take effect immediately.

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## CHAPTER 367

An act to amend Section 4511 of the Civil Code, and to amend Section 585 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980.]

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

SECTION 1. Section 4511 of the Civil Code is amended to read:

4511. (a) No decree of dissolution can be granted upon the default of one of the parties or upon any statement or finding of fact made by a referee; but the court shall, in addition to any statement or finding of the referee, require proof of the grounds alleged, and the proof, if not taken before the court, shall be by affidavit.

(b) If the proof is by affidavit the personal appearance of the affiant shall only be required when it appears to the court that any of the following circumstances exist: reconciliation of the parties is

reasonably possible; a proposed child custody order is not in the best interests of the child; a proposed child support order is less than a noncustodial parent is capable of paying; or a personal appearance of any party or interested person would be in the best interests of justice.

(c) Every affidavit submitted pursuant to this section shall contain a stipulation by the affiant that he or she understands that proof will be by affidavit and that he or she will not appear before the court unless so ordered by the court.

SEC. 2. Section 585 of the Code of Civil Procedure is amended to read:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

(a) In an action arising upon contract or judgment for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of the defendants have, been served, other than by publication, and no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10, or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there is no clerk, upon written application of the plaintiff, and proof of the service of summons, shall enter the default of the defendant or defendants, so served, and immediately thereafter enter judgment for the principal amount demanded in the complaint or a lesser amount if credit has been acknowledged, together with interest allowed by law or in accordance with the terms of the contract, and the costs against the defendant, or defendants, or against one or more of the defendants. If, by rule of court, a schedule of attorneys' fees to be allowed has been adopted, the clerk may include in the judgment attorneys' fees in accordance with such schedule (1) if the contract provides that attorneys' fees shall be allowed in the event of an action thereon, or (2) if the action is one in which the plaintiff is entitled by statute to recover attorneys' fees in addition to money or damages. The plaintiff shall have the right, however, upon filing a written request at the time of application for entry of the default of the defendant or defendants, to have attorneys' fees fixed by the court, whereupon, after the entry of the default, the court shall hear the application for determination of the attorneys' fees and shall render judgment for such fees and for the other relief demanded in the complaint, or a lesser amount if credit has been acknowledged, and the costs against the defendant, or defendants, or against one or more of the defendants.

(b) In other actions, if the defendant has been served, other than by publication, and no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer

pursuant to Section 396b, notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10 or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there is no clerk, upon written application of the plaintiff, shall enter the default of the defendant. The plaintiff thereafter may apply to the court for the relief demanded in the complaint; the court shall hear the evidence offered by the plaintiff, and shall render judgment in his or her favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. If the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved by a reference as above provided.

(c) In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10, or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed, apply in writing for judgment. The court shall thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the state, shall require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his or her use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he or she is entitled to recover. In all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription. In all cases where the plaintiff bases his or her claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering judgment. In actions involving only the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will, or succession, but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

A notice of motion to strike within the meaning of this section is a notice of motion to strike the whole or any part of a pleading filed within the time which the moving party is required otherwise to plead to such pleading. The notice of the motion to strike shall specify a hearing date not more than 15 days from the filing of such notice, plus any additional time that the moving party is otherwise required to give the adverse party. The filing of such notice of motion does not extend the time within which to demur.

(d) In the cases referred to in subdivisions (b) and (c), or upon an application to have attorneys' fees fixed by the court pursuant to subdivision (a), the court in its discretion may permit the use of affidavits, in lieu of personal testimony, as to all or any part of the evidence or proof required or permitted to be offered, received, or heard in such cases. The facts stated in such affidavit or affidavits shall be within the personal knowledge of the affiant and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto.

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## CHAPTER 368

An act to add Article 8 (commencing with Section 4740) to Chapter 10 of Part 2 of Division 4 of the Public Resources Code, relating to forest resources.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980]

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

SECTION 1. Article 8 (commencing with Section 4740) is added to Chapter 10 of Part 2 of Division 4 of the Public Resources Code, to read:

### Article 8. Wildland Fire Prevention and Vegetation Management

4740. The Legislature hereby finds and declares:

(a) The department has extensive technical expertise in wildland fire prevention and vegetation management on forest, range, and watershed lands. When appropriately applied, this expertise can have significant public resource benefits by decreasing wildland fire hazards, increasing rangeland production, improving watershed yields, and increasing wildlife habitat.

(b) Because of limited fiscal resources, local government needs assistance in preventing future problems resulting from inadequate fire prevention planning and vegetation management.

(c) The state's taxpayers will benefit if existing state expertise is made available to local governments, thereby eliminating the need

for duplicating such services at the local level.

4741. In accordance with policies established by the board, the department shall assist local governments in preventing future wildland fire and vegetation managment problems by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department's budgetary limitations. Department recommendations shall be advisory in nature and local governments shall not be required to follow such recommendations.

Nothing in this section shall alter the existing obligations of any local government or affect the existing liability of any local government.

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## CHAPTER 369

An act to repeal Section 3.5 of Chapter 1385 of the Statutes of 1978, relating to indigent appeals.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980.]

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

SECTION 1. Section 3.5 of Chapter 1385 of the Statutes of 1978 is repealed.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the Legislature finds and declares that there are savings as well as costs in this act which, in the aggregate, do not result in additional net costs.

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## CHAPTER 370

An act to amend Section 2930 of the Labor Code, relating to investigations of employees.

[Approved by Governor July 8, 1980. Filed with Secretary of State July 9, 1980 ]

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

SECTION 1. Section 2930 of the Labor Code is amended to read:

2930. (a) Any employer who disciplines or discharges an employee on the basis of a shopping investigator's report of the employee's conduct, performance, or honesty performed by a person licensed pursuant to Chapter 11 (commencing with Section 7500) of

Division 3 of the Business and Professions Code shall provide the employee with a copy of the investigation report prior to discharging or disciplining the employee. Where an interview occurs which might result in the termination of an employee for dishonesty, the employee shall be handed a copy of the latest investigation report on which the interview was based during the course of the interview prior to its conclusion. This section shall not be applicable if the licensee conducting the investigation is employed exclusively and regularly by one employer in connection with the affairs of only that employer and where there exists an employer-employee relationship and the entire investigation is conducted solely for such employer by such licensee.

(b) For purposes of this section, a "shopping investigator" is a person who: shops in commercial, retail, and service establishments to test integrity of sales, warehouse, stockroom, and service personnel, and evaluates sales techniques and services rendered customers; reviews an establishment's policies and standards to ascertain employee performance requirements; buys merchandise, orders food, or utilizes services to evaluate sales technique and courtesy of employees, carries merchandise to check stand or sales counter and observes employees during sales transaction to detect irregularities in listing or calling prices, itemizing merchandise, or handling cash; or delivers purchases to an agency conducting shopping investigation service; and, following any one or more of the above activities, writes a report of investigations for each establishment visited.

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## CHAPTER 371

An act to add Section 10788 to the Revenue and Taxation Code, relating to disabled veterans' exemptions for mobilehomes, to take effect immediately, tax levy.

[Approved by Governor July 8, 1980 Filed with Secretary of State July 9, 1980.]

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

SECTION 1. Section 10788 is added to the Revenue and Taxation Code, to read:

10788. (a) With respect to mobilehomes or trailer coaches subject to the provisions of this part, which are owned by, and which constitute the principal place of residence of, a disabled veteran who is blind in both eyes, has lost the use of two or more limbs, or is totally disabled as a result of injury or disease incurred in military service or the unmarried surviving spouse of such a veteran:

(1) The first twenty thousand dollars ($20,000) of the market value of the mobilehome or trailer coach shall be exempt from the

license fee imposed by this part, or

(2) In the case of a disabled veteran or the unmarried surviving spouse whose household income, as defined in Section 20504, does not exceed the amounts specified in Section 20585, the first thirty thousand dollars ($30,000) of the market value of the mobilehome or trailer coach, shall be exempt from the license fee imposed by this part.

(b) For purposes of this section, "veteran" is defined as specified in subdivision (o) of Section 3 of Article XIII of the Constitution.

(c) No veteran shall be eligible for this exemption unless he or she was a resident of California at the time of his or her entry into military or naval service, or unless he or she was a resident of the state on November 7, 1972, if he or she is blind or has lost the use of two or more limbs, or on January 1, 1975, if he or she was totally disabled.

(d) As used in this section "mobile home" and "trailer coach" which are owned by the veteran includes:

(1) Property owned by the veteran with the veteran's spouse as a joint tenancy, tenancy in common or as community property;

(2) Property owned by the veteran or the veteran's spouse as separate property;

(3) Property owned with one or more other persons to the extent of the interest owned by the veteran, the veteran's spouse, or both the veteran and the veteran's spouse;

(4) Property owned by the veteran's unmarried surviving spouse with one or more other persons to the extent of the interest owned by the veteran's unmarried surviving spouse.

(e) For purposes of this section, " blind in both eyes" means having a visual acuity of 5/200 or less; " losing the use of a limb" means that the limb has been amputated or its use has been lost by reason of ankylosis, progressive muscular dystrophies, or paralysis; and "totally disabled" means that the United States Veterans Administration or the military service from which such veteran was discharged has rated the disability at 100 percent or has rated the disability compensation at 100 percent by reason of being unable to secure or follow a substantially gainful occupation.

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

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## CHAPTER 372

An act making an appropriation for parks and recreation, and in this connection amending and supplementing the Budget Act of 1979, by adding Section 2.9B thereto, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1980. Filed with Secretary of State July 10, 1980.]

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

SECTION 1. With the exception of revenues derived from state school lands and from sources described in Sections 6217.6, 6301.5, 6301.6 and 6855 of, Sections 8551 to 8558, inclusive, of, and Section 6406 (insofar as the proceeds are from property which has been distributed or escheated to the state in connection with unclaimed estates of deceased persons) of, the Public Resources Code, the State Lands Commission shall deposit the sum of seven million five hundred thousand dollars ($7,500,000) of the revenues, moneys, and remittances received by it under Division 6 (commencing with Section 6001) of the Public Resources Code and under Chapter 138 of the Statutes of 1964, First Extraordinary Session, into the State Parks and Recreation Fund, the provisions of Section 6217 of the Public Resources Code notwithstanding; provided, however, that the obligations provided for in subdivisions (a), (b), (c), and (d) of Section 6217 of the Public Resources Code have been met; and provided, further, that the Chairman of the State Lands Commission finds that there exists as of July 1, 1980, an unencumbered balance available for appropriation of not less than one hundred fifty million dollars ($150,000,000) in the Capital Outlay Fund for Public Higher Education.

SEC. 1.5. The sum of seven million five hundred thousand dollars ($7,500,000) is hereby transferred from the Energy and Resources Fund to the Parks and Recreation Fund.

SEC. 2. The sum of seven million five hundred thousand dollars ($7,500,000), or so much as may be necessary, is hereby appropriated from the State Parks and Recreation Fund to the Department of Parks and Recreation for expenditure, without regard to fiscal year, for the state park system in accordance with the following schedule:

Schedule:

Baldwin Hills acquisition, planning, working drawings, and construction ..... $7,500,000

SEC. 3. The unencumbered balance of the funds appropriated by Sections 3 and 5 of Chapter 1145 of the Statutes of 1977 are hereby reappropriated to the Department of Parks and Recreation for the purpose of debris removal, prevention of contamination, reduction of visitor safety hazards, and protection of visitor health at and on waters adjacent to Lake Elsinore State Recreation Area.

SEC. 4. So much of the funds appropriated by Section 3 of this act as are not necessary for the purposes of Section 3 are hereby reappropriated for the purposes of Section 5 of this act.

SEC. 5. Section 2.9B is added to the Budget Act of 1979, to read:

## NEJEDLY-HART STATE, URBAN, AND COASTAL PARK BOND ACT PROGRAM

Sec. 2.9B. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1979–80, 1980–81, and 1981–82 fiscal years, unless otherwise provided herein, for the programs contemplated by Section 5096.124 of the Public Resources Code, except that appropriations for studies, planning and working drawings shall be available for expenditure only during the 1979–80 fiscal year. All such appropriations shall be paid out of the State, Urban, and Coastal Park Fund.

### CAPITAL OUTLAY

### RESOURCES

507.5B—For capital outlay, Department of Parks and Recreation, for purposes set forth in paragraph (1) of subdivision (e) of Section 5096.124 of the Public Resources Code, payable from the State, Urban, and Coastal Park Fund ..... 6,000,000

Schedule:

(a) Acquisition of land, leases, and other interests in land; acquisition and development of recreation facilities at Lake Elsinore State Recreation Area ..... 6,000,000

provided, that none of the funds appropriated 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. 6. If this bill is chaptered before Senate Bill No. 1426 or Assembly Bill No. 2973, Section 1 of this act shall become operative and Section 1.5 of this act shall not become operative; if Senate Bill No. 1426 or Assembly Bill No. 2973 is chaptered before this bill, Section 1.5 of this act shall become operative and Section 1 of this act shall not become operative.

SEC. 7. If Proposition 1 on the ballot for the statewide election on June 3, 1980, is adopted by the people, the funds provided therein shall be in addition to, and shall not be used in lieu of, the funds appropriated in Section 2 of this act.

SEC. 8. If Proposition 9 on the ballot for the statewide election on June 3, 1980, is adopted by the people of this state, this act shall be inoperative and as of June 4, 1980, is repealed.

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 such necessity are:

The early acquisition of urgently needed lands for the state park system.

Lake Elsinore and surrounding public and private lands, including Lake Elsinore State Recreation Area, have suffered extensive damage from floodwaters and debris. Remaining high water and debris on the lake surface and adjoining land create a hazard to the public health and safety. Remaining floodwaters have also rendered homes and adjoining public lands useless for their original purpose, and the public ability to navigate boats over both public and private lands will cast doubt on property titles and cause uncertainty as to responsibility for guarding the public against hazards which may exist on such public or private land.

In order to enable the early acquisition of lands for the state park system and because of the existing health and safety hazard at Lake Elsinore and the inability of private persons or public agencies to guard against the hazards with existing funding and property relationships, it is necessary that this act take effect immediately.

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## CHAPTER 373

An act to amend and renumber the heading of Chapter 8 (commencing with Section 2821) of Part 2 of Division 1 and Sections 2821, 2822, 2823, 2824, and 2825 of, to add Section 2807 to and Article 3 (commencing with Section 2821) to Chapter 7 of Part 2 of Division 1 of, and to repeal Section 2814 of, the Public Utilities Code, relating to private energy producers.

[Approved by Governor July 9, 1980. Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 2807 is added to the Public Utilities Code, to read:

2807. "Standby charge" means a charge by an electrical corporation for providing standby generation, transmission, and distribution facilities to a private energy producer employing other than a conventional power source for the generation of electricity.

SEC. 2. Section 2814 of the Public Utilities Code is repealed.

SEC. 3. Article 3 (commencing with Section 2821) is added to Chapter 7 of Part 2 of Division 1 of the Public Utilities Code, to read:

### Article 3. Rights, Obligations, and Charges

2821. The commission shall approve and establish equitable charges to be paid by an electrical corporation which purchases electricity from any private energy producer employing other than

a conventional power source for the generation of electricity. The commission may act in this regard on its own motion or on application of an electrical corporation or a private energy producer.

2822. The commission shall approve and establish standby charges for electrical corporations. The commission may act in this regard on its own motion or on application of an electrical corporation or a private energy producer.

2823. The commission shall approve and establish charges for transmission service. The commission may act in this regard on its own motion or on application of an electrical corporation or a private energy producer.

2824. (a) The commission shall conduct a review of the charges paid by electrical corporations for electricity generated from other than conventional power sources and furnished to such corporations. Following such review, the commission shall consider adjustments in such charges to encourage the generation of electricity from other than conventional power sources.

(b) The commission shall conduct a review of standby charges charged by electrical corporations. Following such review, the commission shall consider adjustments in such charges to encourage the utilization of electricity generated from other than conventional power sources and to enable electrical corporations to review the costs of providing standby service.

(c) The commission shall conduct a review of charges for transmission service made by electrical corporations for the transmission of electricity generated from other than conventional power sources. Following such review, the commission shall consider adjustments in such charges to encourage the generation of electricity from other than conventional power sources.

SEC. 4. The heading of Chapter 8 (commencing with Section 2821) of Part 2 of Division 1 of the Public Utilities Code, as added by Chapter 877 of the Statutes of 1978, is amended and renumbered to read:

CHAPTER 10. TELEPHONE CORPORATIONS

SEC. 6. Section 2821 of the Public Utilities Code, as added by Chapter 877 of the Statutes of 1978, is amended and renumbered to read:

2871. As used in this article, "automatic dialing-announcing device" means any automatic equipment which incorporates a storage capability of telephone numbers to be called or a random or sequential number generator capable of producing numbers to be called and the capability, working alone or in conjunction with other equipment, to disseminate a prerecorded message to the telephone number called.

SEC. 7. Section 2822 of the Public Utilities Code, as added by Chapter 877 of the Statutes of 1978, is amended and renumbered to read:

2872. (a) The connection of automatic dialing-announcing devices to a telephone line is subject to the provisions of this article and to the jurisdiction, control, and regulation of the commission.

(b) No person shall operate an automatic dialing-announcing device except in accordance with the provisions of this article. The use of such a device by any person, either individually or acting as an officer, agent, or employee of a person or corporation operating automatic dialing-announcing devices, is subject to the provisions of this article.

SEC. 8. Section 2823 of the Public Utilities Code, as added by Chapter 877 of the Statutes of 1978, is amended and renumbered to read:

2873. Automatic dialing-announcing devices may be used to place calls over telephone lines only pursuant to a prior agreement between the persons involved, whereby the person called has agreed that he or she consents to receive such calls from the person calling, or as specified in Section 2874.

SEC. 9. Section 2824 of the Public Utilities Code, as added by Chapter 877 of the Statutes of 1978, is amended and renumbered to read:

2874. Whenever telephone calls are placed through the use of an automatic dialing-announcing device, such device shall be operated by a person who shall do all of the following:

(a) State the nature of the call and the name, address, and telephone number of the business or organization being represented, if any.

(b) Inquire whether the person called consents to hear the prerecorded message of the person calling.

(c) Disconnect the automatic dialing-announcing device from the telephone line upon the termination of the call by either the person calling or the person called.

SEC. 10. Section 2825 of the Public Utilities Code, as added by Chapter 877 of the Statutes of 1978, is amended and renumbered to read:

2875. No person shall connect any automatic dialing-announcing device to any telephone line without first making written application to the telephone corporation within whose service area telephone calls through the use of such device are proposed to be placed. In such application, the person shall provide information as to the type of automatic dialing-announcing device proposed to be connected, the time of day such telephone calls are proposed to be placed using such device, the anticipated number of calls proposed to be placed during the specified calling period, the average length of a completed call, and such additional information as the corporation or the commission may require. Upon receiving such an application for service, the corporation shall review the furnished information and, if it appears that calling patterns would create a traffic overload condition or the service would be detrimental to the services of other customers of the corporation, it may deny the application or modify

the application and grant the application as so modified.

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## CHAPTER 374

An act to amend Section 11480 of the Health and Safety Code, relating to drugs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1980. Filed with Secretary of State July 10, 1980.]

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

SECTION 1. 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, a representative appointed by and serving at the pleasure of the Governor who shall have experience in drug abuse, cancer, or controlled substance research and who is either a registered nurse, licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code, or other health professional. 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 Research Advisory Panel shall appoint two special members to the Research Advisory Panel, who shall serve at the pleasure of the Research Advisory Panel only during the period Article 6 (commencing with Section 11260) of Chapter 5 of this division remains effective. Such additional members shall be physicians and surgeons, and who shall be board certified in onocology, ophthalmology, or psychiatry.

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 quantities 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. 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 Research Advisory Panel is currently working on protocols for the use of marijuana for controlling the effects of chemotherapy in the treatment of cancer. In order that this panel be provided with the expertise of a registered nurse with research experience as soon as possible it is necessary that this act take effect immediately.

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## CHAPTER 375

An act to add Section 101.6 to, and to repeal Chapter 3.5 (commencing with Section 5615) of Division 3 of, the Business and Professions Code, relating to state boards and commissions.

[Approved by Governor July 9, 1980 Filed with Secretary of State July 10, 1980 ]

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

SECTION 1. Section 101.6 is added to the Business and Professions Code, to read:

101.6. The boards, bureaus, and commissions in the department are established for the purpose of ensuring that those private businesses and professions deemed to engage in activities which have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California.

To this end, they establish minimum qualifications and levels of

competency and license persons desiring to engage in the occupations they regulate upon determining that such persons possess the requisite skills and qualifications necessary to provide safe and effective services to the public, or register or otherwise certify persons in order to identify practitioners and ensure performance according to set and accepted professional standards. They provide a means for redress of grievances by investigating allegations of unprofessional conduct, incompetence, fraudulent action, or unlawful activity brought to their attention by members of the public and institute disciplinary action against persons licensed or registered under the provisions of this code when such action is warranted. In addition, they conduct periodic checks of licensees, registrants, or otherwise certified persons in order to ensure compliance with the relevant sections of this code.

SEC. 2. Effective June 30, 1984, Chapter 3.5 (commencing with Section 5615) of Division 3 of the Business and Professions Code is repealed unless the Legislature, prior to that date, enacts a bill continuing in existence the repealed provisions.

It is the intent of the Legislature that this section shall be construed as extending the operative date of the repeal of the above specified chapter of the Business and Professions Code provided for by Section 3 of Chapter 757 of the Statutes of 1978.

SEC. 3. With respect to Section 2 of this act, the Legislature finds and declares that review and evaluation of this state agency is necessary to ensure that it meets its legislative mandates and performs services of real value, in a fiscally prudent manner, for the people of the State of California.

SEC. 4. With respect to Section 2 of this act, the Legislature shall review the functions and performances of this state agency and shall conclude such review, considering repeal of the relevant sections and reorganization alternatives, no later than one year prior to the operative date of repeal or required date of review by the Legislature, as the case may be.

(a) The state agency listed in Section 2 of this act shall submit to the Legislature a statement of purpose, organization and performance no later than two years prior to the repeal date or required date of review by the Legislature, as the case may be. The statement shall include, but need not be limited to, the following:

(1) The purposes for which the agency was established. In describing these purposes the agency shall, to the extent possible, specify the aspects of public health, safety, or economic well-being which were adversely affected by the practices of the occupation regulated by the agency prior to its establishment and shall provide an analysis of the original enabling legislation and the relationship of its provisions to the need to protect the public's health, safety or economic well-being.

(2) The current need for the continued existence of the agency. The statement shall describe the aspects of the public's health, safety, or economic well-being which the agency presently protects. It shall

include an assessment of the degree to which the public's health, safety, or economic well-being will be harmed if the agency goes out of existence and alternative methods or governmental programs which are, or will be, available to protect the public's welfare.

(3) The organization of the agency, the programs it administers, the relationship between the agency's structure and the functions it performs, and the procedures which have been established to carry out the purposes of the agency and to meet the present needs which it fulfills.

(4) An evaluation of the agency's performance in serving the purposes for which it was established and in fulfilling current needs. The agency shall supply specific data to document its conclusions and shall describe and justify the quantitative and qualitative methods it has used to measure the relationship between its activities and the accomplishment of its goals.

(5) Its recommendations regarding reorganization, changes in programs, or statutory changes which may be necessary to improve the agency's performance.

(b) Upon receipt from the agency, the Legislature shall submit the agency statement to the Legislative Analyst for review. The Legislative Analyst shall evaluate the agency on the basis of the statement and independent research and shall submit an evaluation of the agency's purpose, organization, and performance and an estimate of the impact of reformation of the agency no later than three months after receiving the statement.

(c) Upon receipt of the Legislative Analyst's evaluation, the Speaker of the Assembly and the Senate Rules Committee shall provide that the appropriate policy and fiscal committees of the Legislature, meeting in a joint hearing, shall conduct a review of the agency's purpose, organization, and performance through hearings at which the testimony of the public and agency representatives shall be taken. In such hearings, the agency shall bear the burden of proof in demonstrating a public need for continued existence. The committees shall issue a statement of findings upon conclusion of the review.

(d) No funds shall be appropriated or otherwise be made available from any source whatsoever to the agency after the operative date of repeal without the express consent of the Legislature.

(e) Nothing in this act shall be construed to prohibit the Legislature from terminating any agency at a date earlier than that provided herein, nor to prohibit the Legislature from considering any other legislation relating to such agency.

(f) The provisions of this act shall not affect the right to institute or prosecute any cause of action by or against an agency terminated pursuant to this act, or for or against any licensee or registrant of any agency terminated pursuant to this act, if the cause of action occurred prior to the date the agency was terminated. Any causes of action pending on the date an agency is terminated, or instituted thereafter, shall be prosecuted or defended in the name of the State

of California by the Department of Consumer Affairs.

(g) All other provisions of the law relating to any agency terminated pursuant to this act shall become inoperative upon the date of its termination.

SEC. 5. Notwithstanding any other provision of law, any state civil service employee whose job is abolished as a result of the termination of an agency pursuant to this act shall receive preference for equivalent work in the state civil service.

SEC. 6. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of the act are severable.

SEC. 7. Notwithstanding any other provision of law, any remaining funds that have been collected as license fees shall be refunded on a pro rata basis upon the termination of a licensing agency.

SEC. 8. Any section of any act enacted by the Legislature during the 1980 portion of the 1979–80 Regular Session, which is chaptered prior to this act and takes effect on or before January 1, 1981, and which amends, amends and renumbers, or repeals a section of a code which is repealed by this act with a delayed operative date, or which adds a section to an article or chapter of a code which is repealed by this act with a delayed operative date, shall prevail over this act and be effective; but this shall not affect any repeal of an article or chapter of a code which is made by this act with a delayed operative date. It is the intent of the Legislature, that any section of a code, as so amended, amended and renumbered, or added, shall only remain effective until the operative date of the repeal by this act of the article or chapter in which such section is contained and as of that date the section is repealed unless a contrary intent is specifically provided for in the other legislation which supersedes the legislative intent of this section.

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## CHAPTER 376

An act to amend Section 66956 of the Government Code, as proposed to be added by Chapter 253 of the Statutes of 1980, relating to Lake Tahoe acquisitions bonds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1980 Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 66956 of the Government Code, as proposed to be added by Chapter 253 of the Statutes of 1980, is amended to read:

66956. The committee is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of eighty-five million dollars ($85,000,000), in the manner provided in this title. Such debt or debts, liability or liabilities, shall be created for the purpose of providing the funds to be used for the object and work specified in Section 66957 and for administrative costs incurred in connection therewith, as provided in Section 66906.7.

SEC. 2. Notwithstanding Section 3525 of the Elections Code or any other provisions of law to the contrary, in order to correct the amount set forth in Section 66956 of the Government Code, as proposed to be added by Chapter 253 of the Statutes of 1980, Section 66956 of the Government Code shall be submitted to the voters by the Secretary of State at the November 4, 1980, general election in its amended form as set forth in Section 1 of this act. Accordingly, Section 66956 of the Government Code, as proposed to be added by Chapter 253 of the Government Code, shall not be submitted to the voters at the November 4, 1980, general election in the form set forth in Section 13 of Chapter 253.

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 clarify and accurately reflect the amount involved in the Lake Tahoe Acquisitions Bond Act and to avoid any confusion on the November 4, 1980, general election ballot, it is necessary that this act take effect immediately.

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## CHAPTER 377

An act to add Section 25539.3 to the Government Code, relating to Mendocino County.

[Approved by Governor July 10, 1980 Filed with Secretary of State July 10, 1980 ]

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

SECTION 1. Section 25539.3 is added to the Government Code, to read:

25539.3. Notwithstanding any other provision of law, the board of supervisors of a county of the 34th class may lease to employees of the county, without competitive bidding, county dwellings in locations which the board of supervisors deems to be remote, if the

board of supervisors determines that it is necessary to assign the employees to such remote location.

SEC. 2. The Legislature finds that unique and special circumstances exist in Mendocino County for which a general statute cannot be made applicable. In Mendocino County in order to have readily available such employees as deputy sheriffs and road maintenance workers in remote geographical regions, it is necessary to assign these employees to these regions. In order to facilitate these assignments, it is necessary that the county be permitted to lease county dwellings to employees without competitive bidding in locations which the board of supervisors deems to be remote.

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## CHAPTER 378

An act to amend Sections 6442 and 6460 of the Streets and Highways Code, relating to improvement bonds.

[Approved by Governor July 10, 1980 Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 6442 of the Streets and Highways Code is amended to read:

6442. If any installment of the principal of the unpaid assessment or of interest thereon is not paid to the treasurer on or before the due date of June 1st or December 1st, as the case may be, next preceding the date upon which the coupons representing it are payable to the bondholder, the treasurer shall, after the close of business on the due date, add to the principal or interest so delinquent a penalty of 2 percent of the total amount of such delinquency, and at the beginning of the business on the first day of each succeeding month until such delinquent payment and all penalties thereon are fully paid, he shall add an additional penalty of 2 percent of the amount of such delinquency. The treasurer shall collect such penalties with and as a part of the delinquent payment. Except as hereinafter provided, the 2-percent penalty first imposed and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment. The legislative body conducting the proceedings may elect, in the resolution of intention, to have the treasurer retain the first 2-percent penalty as a cost of servicing the delinquency. In such case, the following sentence shall be substituted for the last sentence of the default clause in the bond form, as set forth in Section 6460: "The 2-percent penalty first imposed shall be retained by the treasurer as a cost of servicing the delinquency and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment."

SEC. 2. Section 6460 of the Streets and Highways Code is

amended to read:

6460. Form of bond. The bond shall be substantially in the following form:

STREET IMPROVEMENT BOND

Series (designating it), in the City (or County) of (naming it)

$_____ No. _____

Under and by virtue of the Improvement Act of 1911 (Part 5 of Division 7 of the Streets and Highways Code), I, out of the fund for the above designated street improvement bonds, series _____, will pay to _____ or order, the sum of _____ dollars ($_____) with interest at the rate of _____ percent per annum, all as is hereinafter specified, and at the office of the Treasurer of the _____ of _____, State of California.

This bond is issued to represent the cost of certain street work upon _____, in the _____ of _____, as the same is more fully described in assessment number _____ issued by the street superintendent of said _____, after the acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, and constitutes a lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said _____ of _____, County of _____, State of California.

This bond is payable exclusively from said fund, and neither the (here insert city or county) nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is _____ years from the second day of January next succeeding the next September 1st following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, following the next September 1st after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum.

The interest is payable semiannually, to wit: on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest to the next second day of _____, and thereafter the interest coupons are for semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said code, at any time before maturity, and before commencement of proceedings for sale, upon payment to the treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, with interest thereon (if not previously

paid) up to the next succeeding January 2 or July 2, as the case may be, at the rate named in the bond, and all penalties accrued and unpaid.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or anyone in his behalf, the holder of this bond is entitled on or after the second day of January or July, as the case may be, following such default to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law; provided, however, that any bond may be reinstated after such default in the manner provided in said code. In case of such default there shall be immediately added to such defaulted amount, 2 percent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of 2 percent of such defaulted amount. The 2 percent penalty first imposed and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

At said _____ of _____, this _____ day of _____, in the year one thousand nine hundred and _____.

Treasurer of the _____ of _____.

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## CHAPTER 379

An act to amend Section 1182.4 of the Labor Code, relating to the Industrial Welfare Commission, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1980 Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 1182.4 of the Labor Code is amended to read:

1182.4. (a) No student employee, camp counselor, or program counselor of an organized camp shall be subject to a minimum wage or maximum hour order of the commission if the student employee, camp counselor, or program counselor receives a weekly salary of at least 85 percent of the minimum wage for a 40-hour week, regardless of the number of hours per week the student employee, camp counselor, or program counselor might work at the organized camp. If the student employee, camp counselor, or program counselor works less than 40 hours per week, the student employee, camp counselor, or program counselor shall be paid at least 85 percent of the minimum hourly wage for each hour worked.

(b) An organized camp may deduct the value of meals and lodging from the salary of a student employee, camp counselor, or

program counselor pursuant to appropriate orders of the commission.

(c) As used in this section, "organized camp" means an organized camp, as defined in Section 18897 of the Health and Safety Code, which meets the standards of the American Camping Association.

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:

Organized camps, which provide much needed community services, are unable to bear the financial impact of the state minimum wage and maximum hour orders of the Industrial Welfare Commission, and this bill would provide fiscal relief for these camps. In order that organized camps have relief from the commission's orders which cover their camp and program counselors, and in order that they may determine if the operation of camps in 1980 is financially feasible and, if relief is given, compute their camp costs for publication of the summer, 1980, camp brochures, it is necessary that this act take effect immediately.

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## CHAPTER 380

An act to amend Section 9852 of the Business and Professions Code, relating to electronic and appliance repair dealers.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 9852 of the Business and Professions Code is amended to read:

9852. No person required to have a valid registration under the provisions of this chapter shall have the benefit of any lien for labor or materials or the right to sue on a contract for repairs done by such individual, unless he or she has such a valid registration.

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## CHAPTER 381

An act to amend Sections 810, 811, 813, 814, and 822 of, and to add Section 823 to, the Evidence Code, relating to evidence in the valuation of property.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 810 of the Evidence Code is amended to read:

810. (a) Except where another rule is provided by statute, this article provides special rules of evidence applicable to any action in which the value of property is to be ascertained.

(b) This article does not govern ad valorem property tax assessment or equalization proceedings.

SEC. 2. Section 811 of the Evidence Code is amended to read:

811. As used in this article, "value of property" means market value of any of the following:

(a) Real property or any interest therein.

(b) Real property or any interest therein and tangible personal property valued as a unit.

SEC. 3. Section 813 of the Evidence Code is amended to read:

813. (a) The value of property may be shown only by the opinions of any of the following:

(1) Witnesses qualified to express such opinions.

(2) The owner or the spouse of the owner of the property or property interest being valued.

(3) An officer, regular employee, or partner designated by a corporation, partnership, or unincorporated association that is the owner of the property or property interest being valued, if the designee is knowledgeable as to the value of the property or property interest.

(b) Nothing in this section prohibits a view of the property being valued or the admission of any other admissible evidence (including but not limited to evidence as to the nature and condition of the property and, in an eminent domain proceeding, the character of the improvement proposed to be constructed by the plaintiff) for the limited purpose of enabling the court, jury, or referee to understand and weigh the testimony given under subdivision (a); and such evidence, except evidence of the character of the improvement proposed to be constructed by the plaintiff in an eminent domain proceeding, is subject to impeachment and rebuttal.

(c) For the purposes of subdivision (a), "owner of the property or property interest being valued" includes, but is not limited to, the following persons:

(1) A person entitled to possession of the property.

(2) Either party in an action or proceeding to determine the ownership of the property between the parties if the court determines that it would not be in the interest of efficient administration of justice to determine the issue of ownership prior to the admission of the opinion of the party.

SEC. 4. Section 814 of the Evidence Code is amended to read:

814. The opinion of a witness as to the value of property is limited to such an opinion as is based on matter perceived by or personally known to the witness or made known to the witness at or before the

hearing, whether or not admissible, that is of a type that reasonably may be relied upon by an expert in forming an opinion as to the value of property, including but not limited to the matters listed in Sections 815 to 821, inclusive, unless a witness is precluded by law from using such matter as a basis for an opinion.

SEC. 5. Section 822 of the Evidence Code is amended to read:

822. (a) In an eminent domain or inverse condemnation proceeding, notwithstanding the provisions of Sections 814 to 821, the following matter is inadmissible as evidence and shall not be taken into account as a basis for an opinion as to the value of property:

(1) The price or other terms and circumstances of an acquisition of property or a property interest if the acquisition was for a public use for which the property could have been taken by eminent domain.

(2) The price at which an offer or option to purchase or lease the property or property interest being valued or any other property was made, or the price at which such property or interest was optioned, offered, or listed for sale or lease, except that an option, offer, or listing may be introduced by a party as an admission of another party to the proceeding; but nothing in this subdivision permits an admission to be used as direct evidence upon any matter that may be shown only by opinion evidence under Section 813.

(3) The value of any property or property interest as assessed for taxation purposes or the amount of taxes which may be due on the property, but nothing in this subdivision prohibits the consideration of actual or estimated taxes for the purpose of determining the reasonable net rental value attributable to the property or property interest being valued.

(4) An opinion as to the value of any property or property interest other than that being valued.

(5) The influence upon the value of the property or property interest being valued of any noncompensable items of value, damage, or injury.

(6) The capitalized value of the income or rental from any property or property interest other than that being valued.

(b) In an action other than an eminent domain or inverse condemnation proceeding, the matters listed in subdivision (a) are not admissible as evidence, and may not be taken into account as a basis for an opinion as to the value of property, except to the extent permitted under the rules of law otherwise applicable.

SEC. 6. Section 823 is added to the Evidence Code, to read:

823. Notwithstanding any other provision of this article, the value of property for which there is no relevant market may be determined by any method of valuation that is just and equitable.

## CHAPTER 382

An act to amend Section 27151 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 27151 of the Vehicle Code is amended to read:

27151. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle so that the vehicle is not in compliance with the provisions of Section 27150 or exceeds the noise limits established for the type of vehicle in Article 2.5 (commencing with Section 27200) of this chapter. No person shall operate a motor vehicle with an exhaust system so modified.

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## CHAPTER 383

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

[Approved by Governor July 10, 1980. Filed with Secretary of State July 10, 1980.]

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

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

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

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

Air pollution control districts.

Air quality management districts.

Airport districts.

Assessment districts.

Bridge and highway districts.

Bridge, highway, and transportation districts.

California water district distribution districts.

California water district improvement districts.
California water districts.
Cemetery districts.
Citrus pest control districts.
City general improvement district improvement districts.
City general improvement districts.
City maintenance districts.
Community college districts.
Community facilities districts.
Community service district improvement districts.
Community service districts.
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County flood control and water districts.
County free library systems.
County maintenance districts.
County power pumping districts.
County sanitation district improvement districts.
County sanitation districts.
County service area improvement areas.
County service areas.
County sewage and water districts.
County water agencies.
County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Crossing guard maintenance districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural development districts.
Horticultural protection districts.
Housing authorities.
Irrigation district distribution districts.

Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Mosquito abatement or vector control districts.
Municipal facilities districts.
Municipal improvement assessment districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation, and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Project areas of redevelopment agencies.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park, and parkway districts.
Redevelopment agencies.
Regional open-space districts.
Regional park and open-space districts.
Regional park districts.
Regional planning districts.
Resort improvement districts.
Resource conservation districts.
River port districts.
Road districts.
Sanitary agencies.

Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of community service districts.
Zones of county water agencies.
Zones of county water authorities.
Zones of county waterworks districts.
Zones of flood control and water conservation districts.
Zones of flood control districts.

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

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

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

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

SEC. 4. All acts and proceedings heretofore taken by any public

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

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

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

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

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

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

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

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

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

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

SEC. 10. This act may be cited as the Second Validating Act of 1979.

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:

To validate the organization boundaries, acts, proceedings, and bonds of public bodies as soon as possible, it is necessary that this act take immediate effect.

## CHAPTER 384

An act to add Section 56.26 to the Civil Code, relating to medical information.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 56.26 is added to the Civil Code, to read:

56.26. Nothing in this part shall apply to investigations conducted pursuant to Division 5 (commencing with Section 6300) of the Labor Code nor to Section 2950 of the Health and Safety Code with respect to medical information which is sought, acquired, or disclosed as part of an investigation of an on-the-job accident or illness.

Information obtained by the Division of Occupational Safety and Health of the Department of Industrial Relations from hospitals or health care providers as to the cause of injury or illness shall be maintained in the division's file only until the case under investigation is closed.

Information so obtained shall be considered confidential information and shall not be deemed to be a public record for purposes of the California Public Records Act.

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## CHAPTER 385

An act to amend Section 31000.2 of the Government Code, relating to counties.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 31000.2 of the Government Code is amended to read:

31000.2. Unless otherwise provided by law, the board of supervisors may provide for the payment of reasonable and necessary expenses of, and of special allowances such as per meeting stipends to, members of commissions, boards, or committees appointed by it, except that no such additional expenses or special allowances shall be paid to such a member who is also a member of the board of supervisors.

## CHAPTER 386

An act to amend Sections 12403.7 and 12435 of the Penal Code, relating to tear gas.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 12403.7 of the Penal Code is amended to read:

12403.7. (a) Notwithstanding any other provision of law, any person may purchase, possess or use tear gas and tear gas weapons for the projection or release of tear gas if such tear gas and tear gas weapons are approved by the Department of Justice and are used solely for self-defense purposes, subject to the following requirements:

(1) No person convicted of a felony or any crime involving an assault under the laws of the United States, of the State of California, or any other state, government, or country or convicted of misuse of tear gas under paragraph (8) shall purchase, possess, or use tear gas or tear gas weapons.

(2) No person who is addicted to any narcotic drug shall purchase, possess, or use tear gas or tear gas weapons.

(3) No person shall sell or furnish any tear gas or tear gas weapon to a minor.

(4) No person who is a minor shall purchase, possess, or use tear gas or tear gas weapons.

(5) (A) No person shall purchase, possess or use any tear gas weapon which expels a projectile, or which expels the tear gas by any method other than an aerosol spray, or which is of a type, or size of container, other than authorized by regulation of the Department of Justice.

(B) The department, with the cooperation of the State Department of Health Services, shall develop standards and promulgate regulations regarding the type of tear gas and tear gas weapons which may lawfully be purchased, possessed, and used pursuant to this section.

(C) The regulations of the department shall include a requirement that every tear gas container and tear gas weapon which may be lawfully purchased, possessed, and used pursuant to this section have a label which states: "WARNING: The use of this substance or device for any purpose other than self-defense is a felony under the law. The contents are dangerous—use with care."

(6) (A) No person shall purchase, possess, or use any tear gas or any tear gas weapon who has not completed a course certified by the Department of Justice in the use of tear gas and tear gas weapons pursuant to which a card is issued identifying the person who has

completed such a course. Such a course shall be taken under the auspices of any institution approved by the Department of Justice to offer tear gas training. Such a training institution is authorized to charge a fee covering the actual cost of such training.

(B) The Department of Justice, in cooperation with the Commission on Peace Officer Standards and Training, shall develop standards for a course in the use of tear gas and tear gas weapons.

(7) If the purchase of tear gas or any tear gas weapon is denied, the vendor denying such purchase shall inform the person in writing of the reason for such denial. The valid identification card specified in paragraph (6) shall be carried on the person when carrying tear gas or tear gas weapons and shall be presented for examination to the vendor from whom any tear gas or tear gas weapons are purchased. The sale of tear gas or tear gas weapons by a vendor to a person who fails to present a valid identification card specified in paragraph (6) is a violation of Section 12420.

(8) Any person who has a valid identification card as specified in paragraph (6), who uses tear gas or tear gas weapons except in self-defense or as authorized for training purposes by the department is guilty of a public offense and is punishable by imprisonment in a state prison for 16 months, or two or three years or in a county jail not to exceed one year or by fine not to exceed one thousand dollars ($1,000) or by both such fine and imprisonment.

(b) Such identification card as specified in paragraph (6) of subdivision (a) shall be valid so long as the person meets the requirements in subdivision (a), and shall be nontransferable.

All forms, cards, and other documentation necessary to administer the provisions of this section shall be uniform throughout the state as prescribed by the Department of Justice.

The Department of Justice may adopt and promulgate such regulations concerning the purchase and disposal of self-defense tear gas weapons, the standards for tear gas training courses, and the approval of facilities at which such training shall occur as are necessary to insure the safe use and possession of such tear gas weapons.

(c) Any person who successfully completes training under this section for which the course and training facility must be approved by the Department of Justice is entitled to receive a certificate of completion issued by the Department of Justice. A fee shall be charged by the Department of Justice for the certificate. The fee shall be no more than is necessary to reimburse the Department of Justice for the costs of approving the courses, the facilities, maintaining control of the quality of the courses, and issuing the certificate of completion. The Department of Justice may provide by regulation the manner in which the fee is collected and paid.

SEC. 2. Section 12435 of the Penal Code is amended to read:

12435. The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at retail of tear gas or tear gas

weapons, and to permit the installation and maintenance of protective systems involving the use of tear gas or tear gas weapons subject to all of the following conditions upon breach of any of which the license shall be subject to forfeiture:

(a) Under a sales license for the sale of tear gas or tear gas weapons issued by the department, the business shall be carried on only in the building designated in the license, except that self-defense products may be sold at the place of instruction.

(b) The license or certified copy thereof shall be displayed at each sales premises in a place where it may easily be read.

(c) No tear gas or tear gas weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of this chapter. No protective system involving the use of tear gas or tear gas weapons shall be installed, nor shall supplies be sold for the maintenance of such system, unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of the system.

(d) A permanent complete sales register shall be kept of self-defense tear gas and tear gas weapons sales made under the authority of the license, showing all of the following:

(1) The purchaser's name, date of birth, and address; the purchaser's identification card number and date of issue; the purchaser's response to questions pertaining to his or her eligibility to purchase tear gas or tear gas weapons pursuant to the requirements of subdivision (a) of Section 12403.7.

(2) The quantity and description, including serial numbers of articles purchased.

(3) The business name, address, and telephone number; the business retail tear gas sales license number; and the name and signature of the person making the sales.

(4) The date and time of sale.

(e) This sales register shall be open to the inspection of any peace officer or other person designated by the Attorney General.

(f) The original copy of the sales register shall be retained as part of the vendor's permanent record of sales. The duplicate copy of the sales register of each transaction shall, on the date of sale, be placed in the mail, postage prepaid, and properly addressed to the chief of police or sheriff who has jurisdiction over the purchaser's place of residence.

(g) The sales register requirements of this section shall not apply to wholesale or retail dealers in their normal business intercourse with other wholesale or retail dealers.

(h) The sales register required for each tear gas weapon sale shall be prepared by and obtained from the Department of General Services and shall be furnished by the Department of General Services to the licensed vendor on application at a cost to be determined by the Department of General Services for each 100 leaves in duplicate, one original and one duplicate for the making of one carbon copy. The original and duplicate copy shall differ in color,

and shall be in a form prescribed by the Department of Justice.

The Department of General Services upon issuing a register shall forward to the Department of Justice the name and business address of the vendor together with the series and sheet numbers of the register. The register shall not be transferable. If the vendor moves his business to a different location he shall notify the Department of Justice of such fact in writing within 48 hours.

(i) Each applicant for the tear gas sales license described in this section shall pay at the time of filing his application for such license a fee determined by the Department of Justice, not to exceed fifty dollars ($50) for an initial application and twenty-five dollars ($25) for an application to renew an existing license.

(j) All fees received by the department under this section are hereby appropriated without regard to fiscal years for the support of the Department of Justice in addition to such other funds as may be appropriated therefor by the Legislature.

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## CHAPTER 387

An act to amend Section 955 of, and to add Section 955.3 to, the Government Code, relating to actions against the state.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 10, 1980 ]

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

SECTION 1. Section 955 of the Government Code is amended to read:

955. The proper court for trial of actions against the State for the taking or damaging of private property for public use is a court of competent jurisdiction in the county in which the property is situate.

Except as provided in Sections 955.2 and 955.3, upon written demand of the Attorney General made on or before answering, the place of trial in other actions shall be changed to Sacramento County.

SEC. 2. Section 955.3 is added to the Government Code, to read:

955.3. Notwithstanding any provision of law, when a city, county, or city and county, or local agency is a plaintiff in an action or proceeding against the State of California, the action may be tried in any city or county, or city and county, where the city, county, or city and county, or local agency is situated.

The Attorney General may, on behalf of the State of California, before answering, move to change the place of trial to Sacramento County in accordance with the provisions of Section 397 of the Code of Civil Procedure.

For the purposes of this section, "local agency" shall mean any governmental district, board or agency, or any other local governmental body or corporation, or elected local public official,

but shall not include the State of California or any of its agencies, departments, commissions, or boards, or elected public officials in the executive branch of the state government.

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## CHAPTER 388

An act to amend Section 25209.6 of the Government Code, relating to health.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 25209.6 of the Government Code is amended to read:

25209.6. The board of supervisors may take all necessary action on behalf of the county to participate as a health maintenance organization in Section 1876 of the Social Security Act (Public Law 92-603, Section 226), or Section 300(e) of Title 42 of the United States Code, or any other health maintenance organization provision under Title 18 or 19 of the Social Security Act, or any or all of such provisions, and to provide to its enrollees services in addition to those described in subsection (c), as provided in subsection (g) of Section 1876, including the establishment, receipt, segregation and use of prepayments by and for the benefit of enrollees, execution and performance of contracts, and authorization of the expenditure by the county of whatever funds may be required therefor. In connection with a program under this section, county funds may be expended to provide county supplementation of enrollee prepayment amounts, up to 100 percent of the full prepayment amount for persons or families who, in the judgment of the county, are not financially capable of making the full prepayment.

This section shall remain in effect until July 1, 1984, and as of such date is repealed unless a later enacted statute which is chaptered on or before that date deletes or extends such date.

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## CHAPTER 389

An act to amend Section 25103 of the Government Code, relating to county board of supervisors.

[Approved by Governor July 10, 1980 Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 25103 of the Government Code is amended to read:

25103. The records and minutes of the board shall be signed by the chairman and the clerk. The board may by resolution authorize the use of a facsimile signature of the chairman of the board on all papers, documents, or instruments requiring the signature of the chairman of the board, including all resolutions, orders, ordinances, contracts, minutes, notices, deeds, leases, papers and records of the board except that the original copy thereof, or the copy thereof filed in the office of the clerk of the board, shall bear the personal signature of the chairman or shall have been delivered to him or her, and such papers, documents, or instruments bearing the facsimile signature shall be accorded the same force and effect as though personally signed by the chairman. A certificate by the clerk that a copy of such document has been delivered to the chairman of the board shall be prima facie evidence of such delivery.

If, in order to be recorded by the county recorder, such paper, document, or instrument requires the acknowledgement or verification of the person by whom it is executed, then it shall be recordable when the clerk acknowledges his or her signature upon the certificate which indicates that a copy of the paper, document, or instrument has been delivered to the chairman.

In the case of a public security or any instrument of payment, the provisions of the Uniform Facsimile Signature of Public Officials Act (Chapter 6 (commencing with Section 5500) of Division 6 of Title 1 of the Government Code) shall govern.

If the facsimile signature of the chairman of the board of supervisors is affixed to any document prior to November 23, 1970, such document shall have the same force and effect from the time of such affixing as if such facsimile signature had been affixed after that date.

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## CHAPTER 390

An act to add Section 25101.15 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 25101.15 is added to the Revenue and Taxation Code, to read:

25101.15. If the income of two or more taxpayers is derived solely from sources within this state and their business activities are such

that if conducted within and without this state a combined report would be required to determine their business income derived from sources within this state, then such taxpayers shall be allowed to determine their business income in accordance with Section 25101.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act shall be applied in the computation of taxes for income years beginning on or after the first day of the calendar year in which this act becomes effective provided the effective date is more than 90 days prior to the last day of the calendar year. If the effective date is 90 days or less prior to the last day of the calendar year, the provisions of this act shall apply in the computation of taxes for income years beginning on or after the first day of the calendar year following the effective date.

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## CHAPTER 391

An act to amend Section 22512 of, and to add Section 22507.6 to, the Vehicle Code, relating to vehicles.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 10, 1980.]

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

SECTION 1. Section 22507.6 is added to the Vehicle Code, to read:

22507.6. Notwithstanding the provisions of Section 22507, local authorities may, by ordinance or resolution, adopted after notice and public hearing, prohibit or restrict the parking or standing of vehicles on designated streets or highways, or portions thereof, between the hours of 8:00 a.m. and 4:00 p.m. not more than one day per week, for the purpose of street sweeping. No such ordinance or resolution relating to the parking or standing of commerical vehicles in a residential district shall be effective with respect to any commercial vehicle making pickups or deliveries of goods, wares, or merchandise from or to any building or structure located on the restricted street or highway, or for the purpose of delivering materials to be used in the repair, alteration, remodeling, or reconstruction of any building or structure for which a building permit has previously been obtained. Otherwise, it shall be unlawful for any person to park or leave standing any vehicle on such a street or highway on the day and during the hours parking thereon is prohibited by such ordinance or resolution, provided such restricted street or highway has been sign posted in accordance with the uniform standards and specifications of the Department of Transportation, or local authorities have caused to be posted in a conspicuous place at each entrance to such a street a notice not less than 17 inches by 22 inches in size, with

lettering not less than one inch in height, setting forth the day and hours parking is prohibited. As used in this section, "entrance" means the intersection of any street or streets comprising an area of restricted parking for street sweeping purposes on the same day and hour with another street or highway not subject to such a parking restriction, or subject to parking restrictions on different days and hours.

SEC. 2. Section 22512 of the Vehicle Code is amended to read:

22512. Except as otherwise indicated in subdivision (b), none of the following provisions shall apply to the driver or owner of any service vehicle owned or operated by or for or operated under contract with a utility or public utility, whether privately, municipally, or publicly owned, used in the construction, operation, removal, or repair of utility or public utility property or facilities, when the vehicle is stopped, standing, or parked at the site of work involving the construction, operation, removal, or repair of such utility or public utility property or facilities upon, in, over, under, or adjacent to a highway, or of a vehicle, whether privately, municipally, or publicly owned, engaged in authorized work on the highway and warning devices are displayed:

(a) Sections 21112, 21707, 21708, 22507.6, 24605, 25253, 25300, 27700, 27907, and 41102.

(b) This chapter, except Sections 22507, 22509, 22511, 22515, and 22517.

(c) Chapter 10 (commencing with Section 22650).

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## CHAPTER 392

An act to amend Section 70059.7 of the Government Code, relating to courts.

[Became law without Governor's signature. Filed with Secretary of State July 11, 1980 ].

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

SECTION 1. Section 70059.7 of the Government Code is amended to read:

70059.7. In Santa Barbara County, each regular official reporter shall be paid a biweekly salary which shall be nine hundred forty-three dollars and thirty-two cents ($943.32) which salary shall include payment for services in reporting all proceedings in the superior court, before the grand jury, and before coroners' inquests.

Reporters pro tempore shall be paid at the per diem rate of ninety-four dollars ($94) for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties. Rates of compensation of regular official reporters and

official reporters pro tempore may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court, provided, however, that any changes in compensation which are made pursuant to this section shall be on an interim basis and shall remain in effect only until January 1, 1982, unless ratified by statute by the Legislature prior to that date.

In such a county, the fee required by Section 70053 shall be ten dollars ($10).

In addition to any fee otherwise required, in civil cases which are not completed within one judicial day, a fee per day equal to the per diem rate for official reporters pro tempore shall be charged to the parties on a pro rata basis for each day, including the first day, that the services of an official reporter are required. For the purposes of this paragraph a judicial day is defined as four or more hours in which the services of an official reporter are utilized.

All such fees collected shall be used by the court for the purpose of the payment of official or pro tempore reporters.

SEC. 2. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Furthermore, this act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of this act.

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## CHAPTER 393

An act to amend Section 8687 of, to add Sections 8685.5, 8685.6, and 12004 to, and to add and repeal Section 8210 of, the Fish and Game Code, relating to fish, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature. Filed with Secretary of State July 11, 1980.].

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

SECTION 1. Section 8210 is added to the Fish and Game Code, to read:

8210. (a) The director shall conduct a survey of the salmon resource north of Cape Vizcaino, and shall by June 30, 1980, make a determination as to whether or not commercial fishing for salmon in such waters would irreparably harm the salmon resource.

(b) Notwithstanding any regulation promulgated pursuant to Article 1.5 (commencing with Section 7650) of Chapter 1 of Part 3 of this division, if the director finds pursuant to subdivision (a) that the salmon resource would not be irreparably harmed, salmon may

be taken for commercial purposes beginning July 1, 1980, north of Cape Vizcaino.

(c) The taking of salmon pursuant to this section is subject to the provisions of this article.

(d) This section shall remain in effect only until January 1, 1981, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1981, deletes or extends such date.

SEC. 1.5. Section 8685.5 is added to the Fish and Game Code, to read:

8685.5. Notwithstanding any other provision of law, gill nets may not be used to take salmon, steelhead, or striped bass.

SEC. 2. Section 8685.6 is added to the Fish and Game Code, to read:

8685.6. It is unlawful to sell or possess for sale any salmon, steelhead, or striped bass which were taken in California waters by the use of a gill net.

SEC. 3. Section 8687 of the Fish and Game Code is amended to read:

8687. In Districts 6, 7, 8, 9, and 10, drift gill nets may be used.

SEC. 4. Section 12004 is added to the Fish and Game Code, to read:

12004. The maximum punishment for a violation of Sections 8685.5 and 8685.6 is a fine of five thousand dollars ($5,000), or imprisonment in the state prison, or imprisonment in the county jail for a period not to exceed one year, or both such fine and imprisonment.

SEC. 5. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be because this act creates a new crime or infraction, changes the definition of a crime or infraction, or eliminates a crime or infraction. Furthermore, this act does not create any present or future obligation to reimburse any local agency or school district for any costs incurred because 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 protect and properly utilize the salmon, steelhead, and striped bass resources, it is necessary that this act take effect immediately.

## CHAPTER 394

An act to amend Sections 1793.1 and 1795.6 of the Civil Code, relating to warranties.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 1793.1 of the Civil Code is amended to read:

1793.1. (a) (1) Every manufacturer, distributor, or retailer making express warranties with respect to consumer goods shall fully set forth such warranties in readily understood language and clearly identify the party making such express warranties.

(2) Every work order or repair invoice for warranty repairs or service shall clearly and conspicuously incorporate in 10-point boldface type the following statement on the face of such work order or repair invoice or on an attachment to the work order or repair invoice: A buyer of this product in California has the right to have this product serviced or repaired during the warranty period. The warranty period will be extended for the number of whole days that the product has been out of the buyer's hands for warranty repairs. If a defect exists within the warranty period, the warranty will not expire until the defect has been fixed. The warranty period will also be extended if the warranty repairs have not been performed due to delays caused by circumstances beyond the control of the buyer, or if the warranty repairs did not remedy the defect and the buyer notifies the manufacturer or seller of the failure of the repairs within 60 days after they were completed. If, after a reasonable number of attempts, the defect has not been fixed, the buyer may return this product for a replacement or a refund subject, in either case, to deduction of a reasonable charge for usage. This time extension does not affect the protections or remedies the buyer has under other laws.

A copy of the work order or repair invoice and any attachment thereto shall be presented to the buyer at the time that warranty service or repairs are made.

(b) Every manufacturer, distributor, or retailer making express warranties and who elects to maintain service and repair facilities within this state pursuant to the provisions of this chapter shall:

(1) At the time of sale, provide the buyer with the name and address of each such service and repair facility within this state; or

(2) At the time of the sale, provide the buyer with the name and address and telephone number of a service and repair facility central directory within this state, or the toll-free telephone number of a service and repair facility central directory outside this state. It shall be the duty of the central directory to provide, upon inquiry, the name and address of the authorized service and repair facility

nearest the buyer; or

(3) Maintain at the premises of retail sellers of the warrantor's consumer goods a current listing of such warrantor's authorized service and repair facilities, or retail sellers to whom the consumer goods are to be returned for service and repair, whichever is applicable, within this state. It shall be the duty of every retail seller provided with such a listing to provide, on inquiry, the name, address, and telephone number of the nearest authorized service and repair facility, or the retail seller to whom the consumer goods are to be returned for service and repair, whichever is applicable.

SEC. 1.5. Section 1793.1 of the Civil Code is amended to read:

1793.1. (a) (1) Every manufacturer, distributor, or retailer making express warranties with respect to consumer goods shall fully set forth such warranties in simple and readily understood language which shall clearly identify the party making such express warranties, and which shall conform to the federal standards for disclosure of warranty terms and conditions set forth in the federal Magnuson-Moss Warranty Federal Trade Commission Improvement Act (15 U.S.C. 2301, et. seq.) and in the regulations of the Federal Trade Commission (16 C.F.R. Part 701).

(2) Every work order or repair invoice for warranty repairs or service shall clearly and conspicuously incorporate in 10-point boldface type the following statement on the face of such work order or repair invoice or on an attachment to the work order or repair invoice: "A buyer of this product in California has the right to have this product serviced or repaired during the warranty period. The warranty period will be extended for the number of whole days that the product has been out of the buyer's hands for warranty repairs. If a defect exists within the warranty period, the warranty will not expire until the defect has been fixed. The warranty period will also be extended if the warranty repairs have not been performed due to delays caused by circumstances beyond the control of the buyer, or if the warranty repairs did not remedy the defect and the buyer notifies the manufacturer or seller of the failure of the repairs within 60 days after they were completed. If, after a reasonable number of attempts, the defect has not been fixed, the buyer may return this product for a replacement or a refund subject, in either case, to deduction of a reasonable charge for usage. This time extension does not affect the protections or remedies the purchaser has under other laws."

A copy of the work order or repair invoice and any attachment thereto shall be presented to the buyer at the time that warranty service or repairs are made.

(b) Every manufacturer, distributor, or retailer making express warranties and who elects to maintain service and repair facilities within this state pursuant to the provisions of this chapter shall:

(1) At the time of sale, provide the buyer with the name and address of each such service and repair facility within this state; or

(2) At the time of the sale, provide the buyer with the name and

address and telephone number of a service and repair facility central directory within this state, or the toll-free telephone number of a service and repair facility central directory outside this state. It shall be the duty of the central directory to provide, upon inquiry, the name and address of the authorized service and repair facility nearest the buyer; or

(3) Maintain at the premises of retail sellers of the warrantor's consumer goods a current listing of such warrantor's authorized service and repair facilities, or retail sellers to whom the consumer goods are to be returned for service and repair, whichever is applicable, within this state. It shall be the duty of every retail seller provided with such a listing to provide, on inquiry, the name, address, and telephone number of the nearest authorized service and repair facility, or the retail seller to whom the consumer goods are to be returned for service and repair, whichever is applicable.

SEC. 2. Section 1795.6 of the Civil Code is amended to read:

1795.6. (a) Every warranty period relating to an implied or express warranty accompanying a sale or consignment for sale of consumer goods selling for fifty dollars ($50) or more shall automatically be tolled for the period from the date upon which the buyer either (1) delivers nonconforming goods to the manufacturer or seller for warranty repairs or service or (2), pursuant to subdivision (c) of Section 1793.2 or subdivision (c) of Section 1793.3, notifies the manufacturer or seller of the nonconformity of the goods up to, and including, the date upon which (1) the repaired or serviced goods are delivered to the buyer, (2) the buyer is notified the goods are repaired or serviced and are available for the buyer's possession or (3) the buyer is notified that repairs or service is completed, if repairs or service is made at the buyer's residence.

(b) Notwithstanding the date or conditions set for the expiration of the warranty period, such warranty period shall not be deemed expired if either or both of the following situations occur: (1) after the buyer has satisfied the requirements of subdivision (a), the warranty repairs or service has not been performed due to delays caused by circumstances beyond the control of the buyer or (2) the warranty repairs or service performed upon the nonconforming goods did not remedy the nonconformity for which such repairs or service was performed and the buyer notified the manufacturer or seller of this failure within 60 days after the repairs or service was completed. When the warranty repairs or service has been performed so as to remedy the nonconformity, the warranty period shall expire in accordance with its terms, including any extension to the warranty period for warranty repairs or service.

(c) For purposes of this section only, "manufacturer" includes the manufacturer's service or repair facility.

(d) Every manufacturer or seller of consumer goods selling for fifty dollars ($50) or more shall provide a receipt to the buyer showing the date of purchase. Every manufacturer or seller performing warranty repairs or service on the goods shall provide to

the buyer a work order or receipt with the date of return and either the date the buyer was notified that the goods were repaired or serviced or, where applicable, the date the goods were shipped or delivered to the buyer.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill 3324 are both chaptered and become effective January 1, 1981, both bills amend Section 1793.1 of the Civil Code, and this bill is chaptered after Assembly Bill 3324, that the amendments to Section 1793.1 proposed by both bills be given effect and incorporated in Section 1793.1 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 3324 are both chaptered and become effective January 1, 1981, both amend Section 1793.1, and this bill is chaptered after Assembly Bill 3324, in which case Section 1 of this act shall not become operative.

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## CHAPTER 395

An act to amend Section 22555 of the Streets and Highways Code, relating to lighting districts.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 22555 of the Streets and Highways Code is amended to read:

22555. (a) Posted notices of hearings for the formation or consolidation of an assessment district or for the annexation of territory to an existing district shall be headed "Public Notice" in letters at least one inch in height. The notices, not less than three in all, shall be posted at intervals of not more than 300 feet along all streets within the proposed assessment district or within the territory proposed to be annexed to or consolidated with an existing district, as the case may be. Posting of notice of those hearings shall be completed at least 10 days prior to the date of hearing specified therein.

(b) Notwithstanding subdivision (a), notices of hearings for the formation or consolidation of an assessment district or for the annexation of territory to an existing district need not be posted when such notices are mailed to all property owners, whether resident or nonresident, within the district as provided in Section 22556.

## CHAPTER 396

An act to amend Section 68562 of the Government Code, relating to courts.

[Approved by Governor July 10, 1980 Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 68562 of the Government Code is amended to read:

68562. Any appropriation that provides funding for court interpreter services shall identify the county and the court interpreter programs to which it applies. In each county thus designated, beginning one year after the effective date of the designation, the superior court shall establish, maintain, and publish a list of recommended court interpreters, and the trial courts of that county shall utilize only the services of those recommended interpreters unless good cause is found by the judge for the appointment of an interpreter not on the recommended list. In establishing a list of recommended court interpreters, the superior court shall select from a list of qualified candidates who have successfully demonstrated proficiency, both written and oral, in an examination conducted by the State Personnel Board but may also impose additional testing requirements and consider additional standards, as necessary for equity or to recognize local conditions. The State Personnel Board shall establish minimum standards of proficiency of language skills, both written and oral, in both English and the language to be interpreted. In establishing these criteria, the State Personnel Board shall take into account standards adopted by the Judicial Council to ensure a court interpreter's understanding of the technical terminology and procedures used in the courts. The State Personnel Board shall administer an appropriate examination and certify to the superior courts a list of qualified interpreters once annually, commencing within one year of the effective date of this section.

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## CHAPTER 397

An act to amend Sections 23669, 35570, and 35572 of the Water Code, relating to water districts.

[Approved by Governor July 10, 1980 Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 23669 of the Water Code is amended to read:

23669. Any assessment levied pursuant to Section 23667 shall include both of the following sums:

(a) An amount equal to interest on any deferred payments at a rate not exceeding 10 percent each year.

(b) An amount equal to 10 percent more than all other sums to be raised by the assessment, in order to provide for anticipated delinquencies.

SEC. 2. Section 35570 of the Water Code is amended to read:

35570. The provisions of this chapter shall apply only to the Berrenda Mesa, Cawelo, Lost Hills, Olcese, and South Sutter Water Districts.

SEC. 3. Section 35572 of the Water Code is amended to read:

35572. The hydroelectric plant or plants constructed pursuant to Section 35571 may be leased for operation to, or the power generated may be sold to, a public utility or public agency engaged in the distribution, use, or sale of electricity.

SEC. 4. The Berrenda Mesa, Cawelo, Lost Hills, and Olcese Water Districts have a potential source of hydroelectric power in their district water development facilities which can be generated as an incident to the operation of the district's storage, transmission, and distribution of irrigation water. This incidental source of hydroelectric power is not common to other California water districts. The Legislature therefore finds and declares that a special law is necessary with respect to the Berrenda Mesa, Cawelo, Lost Hills, and Olcese Water Districts, that the provisions of Section 2 of this act are needed to meet the special circumstances within the districts, and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

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## CHAPTER 398

An act to amend Section 54983 of the Government Code, relating to municipal services.

[Approved by Governor July 10, 1980 Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 54983 of the Government Code is amended to read:

54983. Authority for entering into agreements pursuant to this chapter shall be construed as supplementing existing authority for legislative bodies of local agencies to enter into agreements for the

providing of municipal services and functions and shall not be construed as authorizing the legislative body of any local agency to enter into an agreement for the providing of municipal services or functions which it is prohibited to provide by law or which exceeds the force account limit applicable to the local agency contracting to receive services.

The amendments to this section which become effective January 1, 1981, shall not apply to any agreement which was made prior to that date nor to the current term of any self-renewing or renewable agreement which had been entered into prior to that date.

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## CHAPTER 399

An act to amend Sections 375, 21201.5, 24411, 25253, 25260, 25352, 25950, 26104, and 40610 of the Vehicle Code, relating to vehicle equipment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 375 of the Vehicle Code is amended to read:

375. "Lighting equipment" is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, fog taillamp, taillamp, stoplamp, supplemental stoplamp, license plate lamp, clearance lamp, side marker lamp, signal lamp or device, supplemental signal lamp; deceleration signal device, cornering lamp, running lamp, red, blue, or amber warning lamp, flashing red schoolbus lamp, side-mounted turn signal lamp, and schoolbus side lamp.

(b) Any operating unit or canceling mechanism for turn signal lamps or for the simultaneous flashing of turn signal lamps as vehicular hazard signals, and any advance stoplamp switch.

(c) Any flasher mechanism for turn signals, red schoolbus lamps, warning lamps, the simultaneous flashing of turn signal lamps as vehicular hazard signals, and the headlamp flashing systems for emergency vehicles.

(d) Any equipment regulating the light emitted from any lamp or device or the light sources therein.

(e) Any reflector, including reflectors for use on bicycles and reflectors used for required warning devices.

SEC. 2. Section 21201.5 of the Vehicle Code is amended to read:

21201.5. (a) No person shall sell, or offer for sale, a reflex reflector or reflectorized tire of a type required on a bicycle unless it meets requirements established by the department. If there exists

a federal Consumer Product Safety Commission regulation applicable to bicycle reflectors, the provisions of that regulation shall prevail over provisions of this code or requirements established by the department pursuant to this code relative to bicycle reflectors.

(b) No person shall sell, or offer for sale, a new bicycle that is not equipped with a red reflector on the rear, a white or yellow reflector on each pedal visible from the front and rear of the bicycle, a white or yellow reflector on each side forward of the center of the bicycle, and a white or red reflector on each side to the rear of the center of the bicycle, except that bicycles which are equipped with reflectorized tires on the front and rear need not be equipped with these side reflectors.

(c) Area reflectorizing material meeting the requirements of Section 25500 may be used on a bicycle.

SEC. 3. Section 24411 of the Vehicle Code is amended to read:

24411. Notwithstanding any other provision of law, a vehicle may be equipped with not more than four lamps for use as headlamps while the vehicle is operated or driven off the highway. Such lamps shall be mounted at a height of not less than 16 inches nor more than 80 inches at any place between the front of the vehicle and a line lying on a point 12 inches to the rear of the seat occupied by the driver, shall be wired independently of all other lighting circuits, and, whenever the vehicle is operated or driven upon a highway, shall be covered or hooded and turned off.

SEC. 4. Section 25253 of the Vehicle Code is amended to read:

25253. Tow cars may display flashing amber warning lamps while providing service to a disabled vehicle. A flashing amber warning lamp upon a tow car may be displayed to the rear when such tow car is towing a vehicle and moving at a speed slower than the normal flow of traffic.

SEC. 5. Section 25260 of the Vehicle Code is amended to read:

25260. (a) Public utility vehicles, and vehicles of duly authorized representatives of a public utility, actually engaged in the construction, removal, maintenance, or inspection of public utility facilities, including the cutting or trimming of trees immediately adjacent thereto, may display flashing amber warning lights to the front, sides, or rear when necessarily parked on a highway or when moving at a speed slower than the normal flow of traffic.

(b) Vehicles owned by public transit operators which provide assistance to a disabled district bus may display flashing amber warning lights to the front, sides, or rear when necessarily parked on a highway.

SEC. 6. Section 25352 of the Vehicle Code is amended to read:

25352. Any bus operated by a publicly owned transit system on regularly scheduled service may be equipped with a device capable of sending a signal that interrupts or changes the sequence patterns of an official traffic control signal, under the following conditions:

(a) If such a device is a flashing gaseous discharge lamp, such lamp shall not emit a visible light exceeding an average of 0.0003 candela

per flash of any color measured at a distance of 10 feet.

(b) Such device shall not be installed or used unless and until authorized on specific routes by either the Department of Transportation pursuant to Section 21350 or local authorities pursuant to Section 21351.

(c) Any bus or system operating under the conditions specified herein shall allow emergency vehicles operating pursuant to Section 25258 or 21055 to have priority in changing the sequence patterns of an official traffic control signal.

SEC. 7. Section 25950 of the Vehicle Code is amended to read:

25950. This section applies to the color of lamps and to any reflector exhibiting or reflecting perceptible light of 0.05 candela or more per foot-candle of incident illumination. Unless provided otherwise, the color of lamps and reflectors upon a vehicle shall be as follows:

(a) The emitted light from all lamps and the reflected light from all reflectors, visible from in front of a vehicle, shall be white or yellow, except as follows:

(1) Rear side marker lamps required by Section 25100 may show red to the front.

(2) The color of foglamps described in Section 24403 may be in the color spectrum from white to yellow.

(b) The emitted light from all lamps and the reflected light from all reflectors, visible from the rear of a vehicle, shall be red except as follows:

(1) Stoplamps on vehicles manufactured before January 1, 1979, may show yellow to the rear.

(2) Turn signal lamps may show yellow to the rear.

(3) Front side marker lamps required by Section 25100 may show yellow to the rear.

(4) Backup lamps shall show white to the rear.

All lamps and reflectors visible from the front, sides, or rear of a vehicle, except headlamps, may have any unlighted color, provided the emitted light from all lamps or reflected light from all reflectors complies with the required color. Except for backup lamps, the entire effective projected luminous area of lamps visible from the rear or mounted on the sides near the rear of a vehicle shall be covered by an inner lens of the required color when the unlighted color differs from the required emitted light color. Taillamps, stoplamps, and turn signal lamps that are visible to the rear may be white when unlighted on vehicles manufactured before January 1, 1974.

SEC. 8. Section 26104 of the Vehicle Code is amended to read:

26104. (a) Every manufacturer who sells, offers for sale, or manufactures for use upon a vehicle devices subject to requirements established by the department shall, before the device is offered for sale, have laboratory test data showing compliance with such requirements. Tests may be conducted by the manufacturer.

(b) The department may at any time request from the

manufacturer a copy of the test data showing proof of compliance of any device with the requirements established by the department and additional evidence that due care was exercised in maintaining compliance during production. If the manufacturer fails to provide such proof of compliance within 30 days of notice from the department, the department may prohibit the sale of the device in this state until acceptable proof of compliance is received by the department.

SEC. 9. Section 40610 of the Vehicle Code is amended to read:

40610. (a) If after an arrest, accident investigation, or other law enforcement action, it appears that a violation has occurred involving a registration, license, or mechanical requirement of this code, and all of the conditions set forth in subdivision (b) are met and the investigating officer decides to take enforcement action, he may prepare, in triplicate, and the violator shall sign, a written notice containing his or her promise to correct the alleged violation and to deliver proof of correction of the violation to the issuing agency.

(b) Use of the notice to correct violation, as provided by this section, authorized when all of the following conditions exist:

(1) The violation does not evidence fraud or persistent neglect.

(2) The violation has not presented and does not present an immediate safety hazard.

(3) The alleged violator agrees to, and is able to, promptly correct the violation.

(c) If any of the conditions set forth in subdivision (b) are not met, the investigating officer may issue a notice to appear in accordance with Article 2 (commencing with Section 40500) of this chapter, or take other appropriate enforcement action.

(d) The notice to correct violation shall be on a form approved by the Judicial Council and, in addition to the owner's or operator's address and identifying information, shall contain an estimate of the reasonable time required for correction and proof of correction of the particular defect, not to exceed 30 days.

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 make technical changes to Chapter 723 (Assembly Bill No. 904) of the Statutes of 1979 and to prevent misinterpretation of regulations relating to specific requirements manufacturers are required to meet and in order to revise provisions of law relating to the display of flashing warning lights, thereby increasing traffic safety at the earliest possible time, it is necessary that this act take effect immediately.

## CHAPTER 400

An act to amend Sections 31013.5 and 31013.6 of the Corporations Code, relating to franchises.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 31013.5 of the Corporations Code is amended to read:

31013.5. "Petroleum corporation" means any corporation or person owning, managing or controlling the exploration, production, processing, transportation or sale of crude or refined petroleum or any petroleum product specified in subdivision (c) of Section 20708 of the Business and Professions Code.

SEC. 2. Section 31013.6 of the Corporations Code is amended to read:

31013.6. "Petroleum distributor" means any corporation or person, other than a refiner or processor, which sells crude or refined petroleum or any petroleum product specified in subdivision (c) of Section 20708 of the Business and Professions Code.

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## CHAPTER 401

An act to add Sections 35301 and 72621 to the Education Code, relating to counselors.

[Approved by Governor July 10, 1980 Filed with Secretary of State July 11, 1980 ]

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

SECTION 1. Section 35301 is added to the Education Code, to read:

35301. Any information disclosed by a pupil 12 years of age or older in the process of receiving counseling from a school counselor as specified in Section 35300 is confidential. The information discussed during counseling shall not become part of the pupil record, as defined in subdivision (b) of Section 49061, without his or her written consent. The information discussed during counseling shall not be revealed, released, discussed, or referred to, except as follows:

(a) Discussion with licensed physicians, psychiatrists, psychologists, or other health care providers for the sole purpose of referring the pupil for treatment.

(b) Reporting of child abuse or neglect as required by Section

11161.5 of the Penal Code.

(c) Reporting information to persons outside the school when the pupil indicates that a crime , involving the likelihood of personal injury or significant or substantial property losses, will or has been committed.

(d) Reporting information to one or more persons specified in a written waiver after this written waiver of confidence is read and signed by the pupil and preserved in the pupil's file.

Notwithstanding the provisions of this section, a school counselor shall disclose information deemed to be confidential pursuant to this section to law enforcement agencies when ordered to do so by order of a court of law, to aid in the investigation of a crime, or when ordered to testify in any administrative or judicial proceeding.

Nothing in this section shall be deemed to limit access to pupil records as provided in Section 49076.

No person required by this section to keep information discussed during counseling confidential shall incur any civil or criminal liability as a result of keeping that information confidential.

SEC. 2. Section 72621 is added to the Education Code, to read:

72621. Any information disclosed by a student 12 years of age or older in the process of receiving counseling from a school counselor as specified in Section 72620 is confidential. The information discussed during counseling shall not become part of the student record, as defined in Section 67110, without his or her written consent. The information discussed during counseling shall not be revealed, released, discussed, or referred to, except as follows:

(a) Discussion with licensed physicians, psychiatrists, psychologists, or other health care providers for the sole purpose of referring the student for treatment.

(b) Reporting of child abuse or neglect as required by Section 11161.5 of the Penal Code.

(c) Reporting information to persons outside the school when the student indicates that a crime, involving the likelihood of personal injury or significant or substantial property losses, will or has been committed.

(d) Reporting information to one or more persons specified in a written waiver after this written waiver of confidence is read and signed by the student and preserved in the student's file.

Notwithstanding the provisions of this section, a school counselor shall disclose information deemed to be confidential pursuant to this section to law enforcement agencies when ordered to do so by order of a court of law, to aid in the investigation of a crime, or when ordered to testify in any administrative or judicial proceeding.

Nothing in this section shall be deemed to limit access to pupil records as provided in Section 76243.

No person required by this section to keep information discussed during counseling confidential shall incur any civil or criminal liability as a result of keeping that information confidential.

## CHAPTER 402

An act to add Section 123.6 to the Labor Code, relating to workers' compensation.

[Approved by Governor July 10, 1980 Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 123.6 is added to the Labor Code, to read:

123.6. All referees employed by the administrative director shall subscribe to the California Code of Judicial Conduct adopted by the Conference of California Judges and shall not otherwise, directly or indirectly, engage in conduct contrary to such code.

SEC. 2. Except as specifically provided, nothing contained herein shall otherwise affect the status of referees employed by the administrative director.

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## CHAPTER 403

An act to amend Sections 66424.2, 66457, 66458, and 66466 of, and to add Section 66412.6 to, the Government Code, relating to subdivisions.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 66412.6 is added to the Government Code, to read:

66412.6. For purposes of this division or of a local ordinance enacted pursuant thereto, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created and if at the time of the creation of the parcel there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels.

SEC. 2. Section 66424.2 of the Government Code is amended to read:

66424.2. (a) Notwithstanding Section 66424, two or more contiguous parcels or units of land which have been created under the provisions of this division or any prior law regulating the division of land or a local ordinance enacted pursuant thereto or were not subject to such provisions at the time of their creation shall not be deemed merged by virtue of the fact that such contiguous parcels or units are held by the same owner and no further proceeding under

the provisions of this division or a local ordinance enacted pursuant thereto shall be required for the purpose of sale, lease, or financing of such contiguous parcels or units, or any of them; except that, a local agency may, by ordinance, provide that if any one of such contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size to permit use or development under a zoning, subdivision or other ordinance of the local agency and at least one of such contiguous parcels or units is not developed with a building for which a permit has been issued by the local agency, or which was built prior to the time such permits were required by the local agency then such parcels shall be merged for the purposes of this division.

(b) Any parcels which merged by operation of law prior to the enactment of a local ordinance adopted pursuant to the provisions of subdivision (a) are hereby deemed to be unmerged without compliance with the requirements of this division.

(c) Whenever a local agency has knowledge that real property has merged pursuant to this section or a local ordinance enacted pursuant to this section, it shall cause to be filed for record with the recorder of the county in which the real property is located, a notice of such merger specifying the names of the record owners and particularly describing the real property, provided that, at least 30 days prior to the recording of the notice the owner of the parcels or units to be affected by the merger, shall be advised in writing of the intention to record the notice and specifying a time, date and place at which the owner may present evidence to the legislative body or advisory agency why such notice should not be recorded.

SEC. 3. Section 66457 of the Government Code is amended to read:

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. The date the map shall be deemed filed with the legislative body is the date of the meeting at which the legislative body receives the map.

(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.

SEC. 4. Section 66458 of the Government Code is amended to read:

66458. (a) The legislative body shall, at the meeting at which it receives the map or, at its next regular meeting after the meeting at which it receives the map, 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.

SEC. 5. Section 66466 of the Government Code is amended to read:

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 rejects a final or parcel map for filing, the county recorder shall, within 10 days thereafter, mail notice to the subdivider and the city engineer if the map is within a city, or the county surveyor if the map is within the unincorporated area, that the map has been rejected for filing, giving the reasons therefor, and that the map is being returned to the city clerk if the map is within a city, or to the clerk of the board if the map is within the unincorporated area, for action by the legislative body. Upon receipt of the map, the clerk shall place the map on the agenda of the next regular meeting of the legislative body and the legislative body shall, within 15 days thereafter, rescind its approval of the map and return the map to the subdivider unless the subdivider presents evidence that the basis for the rejection by the county recorder has been removed. The subdivider may consent to a continuance of the matter; however, the prior approval of the legislative body shall be deemed rescinded during any period of continuance. If a map is returned to the county recorder, the county recorder shall have a new 10-day period to examine the map and either accept or reject it for filing.

(c) 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 the county recorder for filing.

(d) The fee for filing and indexing such map is as prescribed in Section 27372 of the Government Code.

(e) 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.

SEC. 6. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code and Section 6 of Article XIII B of the California Constitution, no appropriation is made by this act pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available

to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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## CHAPTER 404

An act to amend Sections 26970, 26971, and 26972 of the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 11, 1980 ]

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

SECTION 1. Section 26970 of the Government Code is amended to read:

26970. Notwithstanding the provisions of Section 24009, at any general or special election, the board of supervisors of general law counties with a population of 170,046 or in excess of 220,000 according to the federal census of 1950, may submit to the electors of the county the question of whether the elective office of county auditor shall be replaced by the appointive office of county director of finance; provided, however, that the board of supervisors shall not submit such question to the electors more often than once in an 11-month period.

SEC. 2. Section 26971 of the Government Code is amended to read:

26971. If a majority of the voters voting on the question at such election favor the replacement by the appointive office of county director of finance, the board of supervisors shall appoint the incumbent county auditor as the first director of finance of the county. Thereafter appointments to the office shall be made by the board of supervisors on the basis of merit and fitness according to civil service rules and regulations. The director of finance may be removed or suspended for cause as provided in the civil service rules and regulations.

SEC. 3. Section 26972 of the Government Code is amended to read:

26972. The county director of finance shall have all of the powers and duties of the county auditor and the county controller and such other duties as the board of supervisors may prescribe.

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 counties falling into this category to commence the necessary proceedings so as to place the issue on the November 4, 1980 general election ballot, it is necessary that this act take effect

immediately.

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## CHAPTER 405

An act to amend Section 5201 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 10, 1980 Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 5201 of the Vehicle Code is amended to read:

5201. License plates shall at all times be securely fastened to the vehicle for which they are issued so as to prevent the plates from swinging and shall be mounted in a position to be clearly visible, and shall be maintained in a condition so as to be clearly legible. No covering shall be used on license plates. The rear license plate shall be mounted not less than 12 inches nor more than 60 inches from the ground, and the front license plate shall be mounted not more than 60 inches from the ground, except as follows:

(a) The rear license plate on a tow car may be mounted on the left-hand side of the mast assembly at the rear of the cab of the vehicle, not less than 12 inches nor more than 90 inches from the ground.

(b) The rear license plate on a tank vehicle hauling hazardous waste, as defined in Section 25117 of the Health and Safety Code, or asphalt material may be mounted not less than 12 inches nor more than 90 inches from the ground.

(c) The rear license plate on a truck tractor may be mounted at the rear of the cab of the vehicle, not less than 12 inches nor more than 90 inches from the ground.

(d) The rear license plate of a vehicle designed by the manufacturer for the collection and transportation of garbage, rubbish, or refuse and which is used regularly for the collection and transportation of such material by any person or governmental entity employed to collect, transport, and dispose of garbage, rubbish, or refuse may be mounted not less than 12 inches nor more than 90 inches from the ground.

## CHAPTER 406

An act to amend Section 2725 of the Business and Professions Code, relating to the practice of nursing.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 2725 of the Business and Professions Code is amended to read:

2725. In amending this section at the 1973–74 session, the Legislature recognizes that nursing is a dynamic field, the practice of which is continually evolving to include more sophisticated patient care activities. It is the intent of the Legislature in amending this section at the 1973–74 session to provide clear legal authority for functions and procedures which have common acceptance and usage. It is the legislative intent also to recognize the existence of overlapping functions between physicians and registered nurses and to permit additional sharing of functions within organized health care systems which provide for collaboration between physicians and registered nurses. Such organized health care systems include, but are not limited to, health facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, clinics, home health agencies, physicians' offices, and public or community health services.

The practice of nursing within the meaning of this chapter means those functions, including basic health care, which help people cope with difficulties in daily living which are associated with their actual or potential health or illness problems or the treatment thereof which require a substantial amount of scientific knowledge or technical skill, and includes all of the following:

(a) Direct and indirect patient care services that insure the safety, comfort, personal hygiene, and protection of patients; and the performance of disease prevention and restorative measures.

(b) Direct and indirect patient care services, including, but not limited to, the administration of medications and therapeutic agents, necessary to implement a treatment, disease prevention, or rehabilitative regimen ordered by and within the scope of licensure of a physician, dentist, podiatrist, or clinical psychologist, as defined by Section 1316.5 of the Health and Safety Code.

(c) The performance of skin tests, immunization techniques, and the withdrawal of human blood from veins and arteries.

(d) Observation of signs and symptoms of illness, reactions to treatment, general behavior, or general physical condition, and (1) determination of whether such signs, symptoms, reactions, behavior, or general appearance exhibit abnormal characteristics; and (2) implementation, based on observed abnormalties, of

appropriate reporting, or referral, or standardized procedures, or changes in treatment regimen in accordance with standardized procedures, or the initiation of emergency procedures.

"Standardized procedures", as used in this section, means either of the following:

(1) Policies and protocols developed by a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code through collaboration among administrators and health professionals including physicians and nurses;

(2) Policies and protocols developed through collaboration among administrators and health professionals, including physicians and nurses, by an organized health care system which is not a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code. Such policies and protocols shall be subject to any guidelines for standardized procedures which the Division of Allied Health Professions of the Board of Medical Quality Assurance and the Board of Registered Nursing may jointly promulgate; and if promulgated shall be administered by the Board of Registered Nursing.

Nothing in this section shall be construed to require approval of standardized procedures by the Division of Allied Health Professions of the Board of Medical Quality Assurance or the Board of Registered Nursing.

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## CHAPTER 407

An act to amend Section 3600.3 of, and to add Sections 3600.1, 3600.2, and 3600.4 to, the Labor Code, relating to workers' compensation.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 11, 1980]

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

SECTION 1. Section 3600.1 is added to the Labor Code, to read:

3600.1. (a) Whenever any fireman of the state, as defined in Section 18300 of the Government Code, is injured, dies or is disabled from performing his duties as a fireman by reason of his proceeding to or engaging in a fire-suppression or rescue operation, or the protection or preservation of life or property, anywhere in this state, including the jurisdiction in which he is employed, but is not at the time acting under the immediate direction of his employer, he or his dependents, as the case may be, shall be accorded by his employer all of the same benefits of this division which he or they would have received had that fireman been acting under the immediate direction of his employer. Any injury, disability, or death incurred

under the circumstances described in this section shall be deemed to have arisen out of and been sustained in the course of employment for purposes of workers' compensation and all other benefits.

(b) Nothing in this section shall be deemed to:

(1) Require the extension of any benefits to a fireman who at the time of his injury, death, or disability is acting for compensation from one other than the state.

(2) Require the extension of any benefits to a fireman employed by the state where by departmental regulation, whether now in force or hereafter enacted or promulgated, the activity giving rise to the injury, disability, or death, is expressly prohibited.

(c) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 2. Section 3600.2 is added to the Labor Code, to read:

3600.2. (a) Whenever any peace officer, as defined in Section 50920 of the Government Code, is injured, dies, or is disabled from performing his duties as a peace officer by reason of engaging in the apprehension or attempted apprehension of law violators or suspected law violators, or protection or preservation of life or property, or the preservation of the peace anywhere in this state, including the local jurisdiction in which he is employed, but is not at the time acting under the immediate direction of his employer, he or his dependents, as the case may be, shall be accorded by his employer all of the same benefits, including the benefits of this division, which he or they would have received had that peace officer been acting under the immediate direction of his employer. Any injury, disability, or death incurred under the circumstances described in this section shall be deemed to have arisen out of and been sustained in the course of employment for purposes of workers' compensation and all other benefits.

(b) Nothing in this section shall be deemed to:

(1) Require the extension of any benefits to a peace officer who at the time of his injury, death, or disability is acting for compensation from one other than the city, county, city and county, judicial district, or town of his primary employment.

(2) Require the extension of any benefits to a peace officer employed by a city, county, city and county, judicial district, or town which by charter, ordinance, or departmental regulation, whether now in force or hereafter enacted or promulgated, expressly prohibits the activity giving rise to the injury, disability, or death.

(3) Enlarge or extend the authority of any peace officer to make an arrest; provided, however, that illegality of the arrest shall not affect the extension of benefits by reason of this act if the peace

officer reasonably believed that the arrest was not illegal.

SEC. 3. Section 3600.3 of the Labor Code is amended to read:

3600.3. (a) For the purposes of Section 3600, an off-duty peace officer, as defined in subdivision (b), who is performing, within the jurisdiction of his employing agency, a service he would, in the course of his employment, have been required to perform if he were on duty, is performing a service growing out of and incidental to his employment and is acting within the course of his employment if, as a condition of his employment, he is required to be on call within such jurisdiction during his off-duty hours.

(b) As used in subdivision (a), "peace officer" shall mean those employees of the Department of Forestry named as peace officers for purposes of subdivision (e) of Section 830.3 of the Penal Code.

(c) This section shall not apply to any off-duty peace officer while he is engaged, either as an employee or as an independent contractor, in any capacity other than as a peace officer.

SEC. 4. Section 3600.4 is added to the Labor Code, to read:

3600.4. (a) Whenever any fireman, as defined in Section 50925 of the Government Code, of a city, county, city and county, district, or other public or municipal corporation or political subdivision is injured, dies, or is disabled from performing his duties as a fireman by reason of his proceeding to or engaging in a fire suppression or rescue operation, or the protection or preservation of life or property, anywhere in this state, including the local jurisdiction in which he is employed, but is not at the time acting under the immediate direction of his employer, he or his dependents, as the case may be, shall be accorded by his employer all of the same benefits of this division which he or they would have received had that fireman been acting under the immediate direction of his employer. Any injury, disability, or death incurred under the circumstances described in this section shall be deemed to have arisen out of and been sustained in the course of employment for purposes of workers' compensation and all other benefits.

(b) Nothing in this section shall be deemed to:

(1) Require the extension of any benefits to a fireman who at the time of his injury, death, or disability is acting for compensation from one other than the city, county, city and county, district, or other public or municipal corporation or political subdivision of his primary employment or enrollment.

(2) Require the extension of any benefits to a fireman employed by a city, county, city and county, district, or other public or municipal corporation or political subdivision which by charter, ordinance, or departmental regulation, whether now in force or hereafter enacted or promulgated, expressly prohibits the activity giving rise to the injury, disability, or death.

# CHAPTER 408

An act to amend Section 846 of the Civil Code, relating to liability.

[Approved by Governor July 10, 1980 Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 846 of the Civil Code is amended to read:

846. An owner of any estate or any other interest in real property, whether possessory or nonpossessory, owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purpose, except as provided in this section.

A "recreational purpose," as used in this section, includes such activities as fishing, hunting, camping, water sports, hiking, spelunking, sport parachuting, riding, including animal riding, snowmobiling, and all other types of vehicular riding, rock collecting, sightseeing, picnicking, nature study, nature contacting, recreational gardening, gleaning, winter sports, and viewing or enjoying historical, archaeological, scenic, natural, or scientific sites.

An owner of any estate or any other interest in real property, whether possessory or nonpossessory, who gives permission to another for entry or use for the above purpose upon the premises does not thereby (a) extend any assurance that the premises are safe for such purpose, or (b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.

This section does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or (b) for injury suffered in any case where permission to enter for the above purpose was granted for a consideration other than the consideration, if any, paid to said landowner by the state, or where consideration has been received from others for the same purpose; or (c) to any persons who are expressly invited rather than merely permitted to come upon the premises by the landowner.

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

## CHAPTER 409

An act to amend Section 289 of the Penal Code, relating to crimes.

[Approved by Governor July 10, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 289 of the Penal Code is amended to read:

289. (a) Every person who causes the penetration, however slight, of the genital or anal openings of another person, by any foreign object, substance, instrument, or device, by use of force, violence, duress, menace, or threat of great bodily harm, and against the will of the victim, for the purpose of sexual arousal, gratification, or abuse, shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) As used in this section, "foreign object, substance, instrument, or device" shall not include any part of the body.

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## CHAPTER 410

An act to add Section 20215 to the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor July 11, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 20215 is added to the Government Code, to read:

20215. Notwithstanding any other provision of law, the board may establish a program utilizing the retirement fund to assist system members and annuitants, through financing, to obtain homes in this state.

The board shall adopt regulations governing the program which shall, among other things, provide:

(a) That home loans be made available to currently employed members and annuitants for the purchase of single-family dwellings, single-family cooperative apartments, and single-family condominiums.

(b) That private lending institutions in this state shall originate and service such home loans pursuant to agreements entered into between such institutions and the board.

(c) That the recipients of the loans occupy the homes as their permanent residences in accord with rules and regulations established by the board.

(d) That such home loans shall be available only for the purchase of homes in this state.

(e) That the amount and length of the loans shall be pursuant to a schedule periodically established by the board which shall provide a loan to value ratio of a maximum of 95 percent in the case of persons purchasing their first home in this state and 80 percent in the case of persons purchasing other than their first home; provided, however, that the portion of any loan exceeding 80 percent of value shall be insured by an admitted mortgage guaranty insurer conforming to the provisions of Chapter 2A (commencing with Section 12640.01) of Part 6 of Division 2 of the Insurance Code in an amount so that the unguaranteed portion of the loan does not exceed 75 percent of the market value of the property together with improvements thereon.

(f) That there may be prepayment penalties assessed on such loans in accordance with rules and regulations established by the board.

(g) That the criteria and terms for such loans shall provide the greatest benefit to members and annuitants consistent with the financial integrity of the program and the sound investment of the retirement fund.

(h) Such other terms and conditions as the board shall deem appropriate.

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## CHAPTER 411

An act to amend Section 65863.5 of, and to amend and renumber Section 65863.5 of the Government Code, to amend Sections 107, 155, 279.5, 408.1, 506, 533, 2188.6, 2189.6, 2190, 2191.3, 2635, 2922, 3513, 3692, 3698.5, 3707, 3708, 3710, 3772.5, 3804, 4217, 4377.1, 4675, 4831, 4835, 4836, 5150, and 5151 of, to amend and renumber Section 135 of, to add Sections 155.3, 219, 275.5, 455, 568, 3706.1, and 4672.2 to, to repeal Sections 219, 225, 253.10, 402.2, 568, 2822, 3696, 3696.5, 3697, 3715, and 4152 of, and to repeal Part 11 (commencing with Section 5501) of Divison 1 of, the Revenue and Taxation Code, and to amend Section 19.80 of Chapter 1150 of the Statutes of 1979, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 65863.5 of the Government Code, as amended by Chapter 1022 of the Statutes of 1975, is amended to read:

65863.5. Whenever the zoning covering a property is changed from one zone to another or a zoning variance or conditional use permit is granted with respect to any property, the governing body

of the city or county shall, within 30 days, notify the county assessor of such action.

Notwithstanding Section 65803, this section shall apply to charter cities.

SEC. 2. Section 65863.5 of the Government Code, as added by Chapter 947 of the Statutes of 1979, is amended and renumbered to read:

65863.6. In carrying out the provisions of this chapter, each county and city shall consider the efffect of ordinances adopted pursuant to this chapter on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources. Any ordinance adopted pursuant to this chapter which, by its terms, limits the number of housing units which may be constructed on an annual basis shall contain findings as to the public health, safety, and welfare of the city or county to be promoted by the adoption of the ordinance which justify reducing the housing opportunities of the region.

SEC. 3. Section 107 of the Revenue and Taxation Code is amended to read:

107. "Possessory interests" means the following:

(a) Possession of, claim to, or right to the possession of land or improvements, except when coupled with ownership of the land or improvements in the same person.

(b) Taxable improvements on tax-exempt land.

Any possessory interest may, in the discretion of the county board of supervisors, be considered as sufficient security for the payment of any taxes levied thereon and may be placed on the secured roll.

Leasehold estates for the production of gas, petroleum and other hydrocarbon substances from beneath the surface of the earth, and other rights relating to such substances which constitute incorporeal hereditaments or profits a prendre, are sufficient security for the payment of taxes levied thereon. Such estates and rights shall not be classified as possessory interests, but shall be placed on the secured roll.

If the tax on any possessory interest or leasehold estate for the production of gas, petroleum and other hydrocarbon substances is unpaid when any installment of secured taxes become delinquent, the tax collector may use those collection procedures which are available for the collection of assessments on the unsecured roll.

If the tax on any possessory interest or leasehold estate for the production of gas, petroleum and other hydrocarbon substances remains unpaid at the time set for the sale to the state for taxes carried on the secured roll, such possessory interest tax together with any penalty and costs which may be accrued thereon while on the secured roll shall be transferred to the unsecured roll.

SEC. 4. Section 135 of the Revenue and Taxation Code, as added by Chapter 242 of Statutes of 1979, is amended and renumbered to read:

136. Whenever any taxes or assessments are entered on the roll under any provision of law, such taxes or assessments shall, notwithstanding any other provision of law to the contrary, be subject to all provions of this division.

SEC. 5. Section 155 of the Revenue and Taxation Code is amended to read:

155. The time fixed in this division for the performance of any act by the assessor or county board may be extended by the board or its secretary for not more than 30 days, or, in case of public calamity, 40 days. If an extension of time is granted, the secretary of the board shall give written notice thereof to the county auditor, county tax collector, and the officer or county board to whom the extension is granted. The secretary shall inform the board at its next regular meeting of any action with respect to extensions taken by him. There shall be the same extension of time for any act of the board dependent on the act for which time was extended.

SEC. 6. Section 155.3 is added to the Revenue and Taxation Code, to read:

155.3. The time fixed for the performance of any act by the auditor or tax collector may be extended by the Controller for not more than 30 days, or, in the case of public calamity, 40 days. If an extension of time is granted, the Controller shall give written notice thereof to the county auditor, tax collector, assessor, and board of supervisors. There shall be the same extension of time for any act of the Controller dependent on the act for which time was extended.

SEC. 7. Section 219 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 219 is added to the Revenue and Taxation Code, to read:

219. For the 1980–81 fiscal year and fiscal years thereafter, business inventories are exempt from taxation and the assessor shall not assess business inventories.

SEC. 9. Section 275.5 is added to the Revenue and Taxation Code, to read:

275.5. If a person claiming classification of a vessel as a documented vessel eligible for assessment under Section 227 fails to file the affidavit required pursuant to Section 254 by 5:00 p.m. on April 1 of the calendar year in which the fiscal year begins, but files such affidavit on or before the following August 1, the assessment shall be reduced in a sum equal to 80 percent of the reduction that would have been allowed had the affidavit been timely filed.

SEC. 10. Section 279.5 of the Revenue and Taxation Code is amended to read:

279.5. The taxpayer who has filed a claim for the disabled veterans' exemption, once granted, is responsible for notifying the assessor when the property is no longer eligible for the exemption.

Upon any indication that a disabled veterans' exemption has been incorrectly allowed, the assessor shall make a redetermination of eligibility for the disabled veterans' exemption. If the assessor

determines that the property is no longer eligible for the exemption, he shall immediately cancel the exemption on the property.

If a disabled veterans' exemption has been incorrectly allowed, an escape assessment as allowed by Section 531.1 in the amount of the exemption with interest as provided in Section 506 shall be made, except where the exemption was allowed as the result of the assessor's error, in which case the amount of interest shall be forgiven. If the exemption was incorrectly allowed because of erroneous or incorrect information submitted by the claimant with knowledge that such information was erroneous or incomplete or because the claimant failed to notify the assessor in a timely manner that the property was no longer eligible for the exemption, the penalty provided in Section 504 shall be added to the assessment. If the property subject to this paragraph has been transferred or conveyed to a bona fide purchaser for value during the period commencing with the lien date and ending July 1 of the fiscal year for which such exemption was incorrectly allowed, and the claimant is not the purchaser, any amount of penalty provided by Section 504 or any amount of interest provided by Section 506 imposed pursuant to the escape assessment due to such incorrect disabled veterans' exemption shall be forgiven. If the property subject to this paragraph has been transferred or conveyed to a bona fide purchaser for value after July 1 of the fiscal year for which the exemption was incorrectly allowed, and the claimant is not the purchaser, the escape assessment shall be levied in accordance with Section 531.2.

SEC. 11. Section 402.2 of the Revenue and Taxation Code is repealed.

SEC. 12. Section 408.1 of the Revenue and Taxation Code is amended to read:

408.1. (a) The assessor shall maintain a list of transfers of any interest in property, other than undivided interests, within the county, which have occurred within the preceding two-year period.

(b) The list shall be divided into geographical areas and shall be revised on the 30th day of each calendar quarter to include all such transactions which are recorded as of the preceding quarter.

(c) The list shall contain the following information:

(1) Transferor and transferee, if available;

(2) Assessor's parcel number;

(3) Address of the sales property;

(4) Date of transfer;

(5) Date of recording and recording reference number;

(6) Where it is known by the assessor, the consideration paid for such property; and

(7) Additional information which the assessor in his discretion may wish to add to carry out the purpose and intent of this section. Other than sales information, the assessor shall not include information on the list which relates to the business or business affairs of the owner of the property, information concerning the business carried on upon the subject property, or the income or income

stream generated by the property.

(d) The list shall be open to inspection by any person. The assessor may require the payment of a nonrefundable fee equal to an amount which would reimburse local agencies for their actual administrative costs incurred in such inspections or ten dollars ($10), whichever is the lesser amount.

(e) The provisions of this section shall not apply to any county with a population of under 50,000 people, as determined by the 1970 federal decennial census.

(f) Pursuant to Section 481, the assessor shall not include information on the list which was furnished in the change in ownership statement by the transferee and is not otherwise public information.

SEC. 13. Section 455 is added to the Revenue and Taxation Code, to read:

455. The assessor shall not combine parcels into a single assessment when any such parcels have been sold to the state for delinquent taxes. This section does not apply to subdivided land reverted to acreage in accordance with provisions of the Subdivision Map Act and local ordinances.

SEC. 14. Section 506 of the Revenue and Taxation Code is amended to read:

506. The tax rate applicable to any assessment made pursuant to this article shall be the tax rate to which the property would have been subject if it appeared upon the roll in the year when it should have been lawfully assessed. To the tax there shall be added interest at the rate of three-fourths of 1 percent per month from the date or dates the taxes would have become delinquent if they had been timely assessed to the date the additional assessment is added to the assessment roll.

SEC. 15. Section 533 of the Revenue and Taxation Code is amended to read:

533. Assessments made pursuant to Article 3 (commencing with Section 501) of this chapter or pursuant to this article shall be entered on the roll for the current assessment year as defined in Section 118 and, if this is not the roll for the assessment year in which the property escaped assessment, the entry shall be followed with "Escaped assessment for year 19__ pursuant to Sections _____ of the Revenue and Taxation Code."

If the assessments are made as a result of an audit which discloses that property assessed to the party audited has been incorrectly assessed either for a past tax year for which taxes have been paid and a claim for refund is not barred by Section 5097 or for any tax year for which the taxes are unpaid, the tax refunds resulting from the incorrect assessments shall be an offset against proposed tax liabilities, including accumulated penalties and interest, resulting from escaped assessments for any tax year covered by the audit. If such tax refunds exceed any proposed tax liabilities, including accumulated penalties and interest, the party audited shall be

notified by the tax collector of the amount of the excess and of the fact that a claim for cancellation or refund may be filed with the county as provided by Section 5096 or 5096.7. In the event that the assessment caused an excess payment of taxes and therefore resulted in an overpayment by the state for property tax relief as provided by Section 219, then subsequent subventions for property tax relief shall be reduced by the amount of such overpayment.

SEC. 16. Section 568 of the Revenue and Taxation Code is repealed.

SEC. 17. Section 568 is added to the Revenue and Taxation Code, to read:

568. All property tax deeded to the state shall be assessed as though the property were subject to taxation. The assessment shall be entered, in the name of the state, and taxes extended on either:

(a) A document separate from the roll;

(b) The secured roll, with the consent of the auditor and tax collector and approval of the board of supervisors.

Assessments made under this section are for the purpose of facilitating tax accounting in connection with determining the amounts necessary to redeem tax-deeded property and the distribution of proceeds received from the sale of tax-deeded property. The property shall be treated for all other purposes as though not subject to taxation.

SEC. 18. Section 2188.6 of the Revenue and Taxation Code is amended to read:

2188.6. (a) Whenever real property has been divided into condominiums, as defined in Section 783 of the Civil Code, the initial seller or purchaser of an individual unit in a condominium project may request that the county assessor separately assess such unit for property tax purposes and that a separate tax bill be sent to such purchaser for the current fiscal year.

(b) The tax due on the individual unit shall constitute a lien solely on that unit.

(c) Property taxes due on other units within the condominium project shall not constitute a lien on any unit which has been separately assessed, and for which a separate tax bill has been sent to the seller or purchaser of the separate unit.

(d) This section shall not be applicable where adequate security has been posted for the payment of property taxes pursuant to the provisions of Section 66493 of the Government Code.

SEC. 19. Section 2189.6 of the Revenue and Taxation Code is amended to read:

2189.6. Improvements which constitute component parts of a water distribution system located in whole or in part on property assessed to a person other than the assessee of the land on which they are located shall be assessed as improvements on the secured roll; provided, however, that such assessments shall not be a lien on the land on which such improvements are located and such fact shall be noted on the secured roll.

If the tax thereon is unpaid when any installment of secured taxes becomes delinquent, the tax collector may use the same collection procedures available for the collection of taxes on the unsecured roll.

If the tax thereon remains unpaid at the time set for the sale to the state, such tax together with such penalty and costs as may have accrued thereon while on the secured roll shall be transferred to the current unsecured roll.

SEC. 20. Section 2190 of the Revenue and Taxation Code is amended to read:

2190. Notwithstanding any provision of law to the contrary, the assessment of any possessory interest in tax-exempt real estate to which the exemption authorized by Section 218 of this code has been applied shall be entered on the secured roll; provided, however, that such assessment shall not be a lien on such tax-exempt real estate and such fact shall be noted on the secured roll.

If the tax thereon is unpaid when any installment of taxes on the secured roll becomes delinquent, the tax collector may use the procedures which are applicable to the collection of taxes on the unsecured roll.

If the tax thereon remains unpaid at the time set for the sale to the state, the tax applicable to such possessory interest together with such penalties and costs as may have accrued thereon while on the secured roll shall be transferred to the unsecured roll.

SEC. 21. Section 2191.3 of the Revenue and Taxation Code is amended to read:

2191.3. Where there is a tax on:

(a) (1) A possessory interest secured only by a lien on such taxed possessory interest, or on

(2) Goods in transit, not secured by any lien on real property, or on

(3) Improvements that have been assessed pursuant to the provisions of Section 2188.2, or on

(4) Unsecured property not secured by a lien on any real property, and such tax has become delinquent; or where a tax has been:

(b) (1) Entered on the unsecured roll pursuant to Section 482, 531.2, or 4836.5 of this code, or

(2) Transferred to the unsecured roll pursuant to any provision of law:

The tax collector may file for record without fee in the office of the county recorder of any county a certificate specifying the amount due, the name, federal social security number, if known, and last known address of the assessee liable for the amount, and the fact, if such be the fact, that all provisions of this division in the computation and levy of the tax have been complied with. The procedure authorized by this section is cumulative to the procedure provided by Sections 2951 and 3003.

SEC. 22. Section 2635 of the Revenue and Taxation Code is amended to read:

2635. The tax collector shall give notice by letter to the taxpayer, whether or not said taxpayer is also the assessee, where his records show that, with respect to particular property, taxes might have been:

(a) Paid more than once.

(b) Erroneously or illegally collected.

(c) Paid on an assessment in excess of the ratio of assessed value to the full value of the property as provided in Section 401 by reason of the assessor's clerical error.

(d) Paid on an assessment of improvements when the improvements did not exist on the lien date.

The notice shall be sent to the address last known by the tax collector and shall state that his records show that taxes for a named year might have been paid or collected in any of the ways specified in subdivisions (a) to (d), inclusive, and that a refund claim over the amount of five dollars ($5) may be filed pursuant to Section 5096.

SEC. 23. Section 2822 of the Revenue and Taxation Code is repealed.

SEC. 24. Section 2922 of the Revenue and Taxation Code is amended to read:

2922. (a) Taxes on the unsecured roll as of July 31st if unpaid are delinquent August 31st at 5 p.m., and thereafter a delinquent penalty of 6 percent attaches to them. Taxes added to the unsecured roll after July 31st, if unpaid are delinquent at 5 p.m. on the last day of the month succeeding the month in which the assessment was added to the unsecured roll and thereafter a delinquent penalty of 6 percent attaches to them, except that taxes transferred to the unsecured roll pursuant to any provision of law, to which penalties had attached while on the secured roll and also were transferred, shall be subject only to the additional penalties prescribed by subdivision (b) if such transferred taxes are unpaid by 5 p.m. of the last day of the second succeeding month after the taxes are transferred; provided however, that taxes transferred to the unsecured roll at the time set for sale to the state of taxes unpaid on the secured roll, shall be subject to additional penalties beginning July 1 and on the first day of each month thereafter. If August 31st or the last day of any month falls on Saturday, Sunday or a legal holiday, and if payment is received by 5 p.m. of the next business day, the 6 percent penalty shall not attach.

(b) If taxes on the unsecured roll are unpaid by 5 p.m. of the last day of the second succeeding month after the 6 percent penalty attaches pursuant to subdivision (a), an additional penalty of 1 percent attaches to them on the first day of each month thereafter to the time of payment or to the time a court judgment is entered for the amount of the unpaid taxes and penalties, whichever occurs first. If the last day of any month falls on Saturday, Sunday or a legal holiday, the additional penalty of 1 percent shall attach after 5 p.m. on the next business day.

(c) If the last day of any month falls on Saturday, Sunday, or legal holiday and if taxes on the unsecured roll are unpaid by 5 p.m. of the

last day of the first succeeding month after the 6 percent penalty attaches pursuant to subdivision (a), an additional penalty of 1 percent attaches to them on the first day of each month thereafter to the time of payment or to the time a court judgment is entered for the amount of the unpaid taxes and penalties, whichever occurs first.

SEC. 26. Section 3513 of the Revenue and Taxation Code is amended to read:

3513. In addition to the usual provisions of a deed conveying real property, the deed shall specify:

(a) The date of sale to the state.

(b) That the property was duly assessed for taxation and the tax legally levied.

(c) That the property was sold to the state for nonpayment of delinquent taxes which were a lien on the real property.

(d) The amount for which the property was sold to the state unless there has been a partial cancellation of taxes, a redemption from a portion thereof, or a correction under Sections 4831.5 and 4876.5 of this code, in any of which events, the amount shall be the balance remaining.

(e) That five or more years have elapsed since the sale to the state and no person has redeemed the property.

(f) That the property is therefore conveyed to the state according to law.

SEC. 27. Section 3692 of the Revenue and Taxation Code is amended to read:

3692. The tax collector shall attempt to sell tax-deeded property as provided in this chapter within two years of the time that the property becomes tax-deeded property, unless by other provisions of law such tax-deeded property is not subject to sale. If there are no acceptable bids at such attempted sale, the tax collector shall attempt to sell the property at intervals of no more than four years until the property is sold.

(a) When oil, gas, or mineral rights are tax-deeded to the state, the tax collector may offer the interest at minimum bid to the holders of outstanding interests where the tax-deeded interest is a partial interest or, where the tax-deeded interest is a complete and undivided interest, to the owner or owners of the property to which the oil, gas, or mineral rights are appurtenant.

(b) When parcels which are rendered unusable by their size, location or other conditions are tax-deeded to the state, the tax collector may offer the parcel at a minimum bid to owners of contiguous parcels.

Sealed bid sale procedures shall be used when offers are made pursuant to subdivision (a) or (b), and the property shall be sold to the highest eligible bidder. The offers shall remain in effect for 30 days or until notice is given pursuant to Section 3702, whichever is later.

SEC. 28. Section 3696 of the Revenue and Taxation Code is

repealed.

SEC. 29. Section 3696.5 of the Revenue and Taxation Code is repealed.

SEC. 30. Section 3697 of the Revenue and Taxation Code is repealed.

SEC. 31. Section 3698.5 of the Revenue and Taxation Code is amended to read:

3698.5. (a) The minimum price at which property may be sold pursuant to this chapter shall be an amount equal to not less than 50 percent of the fair market value of such property.

(b) For the purposes of this section, fair market value means the amount as defined in Section 110 as determined pursuant to an appraisal of such property by the county assessor within one year immediately preceding the date of the public auction. The fair market value of property as determined by the assessor pursuant to appraisal shall be conclusively presumed in favor of any purchaser or encumbrancer for value of such property.

(c) This section shall not apply to tax-deeded property which qualifies for sale in accordance with the provisions of subdivisions (a) and (b) of Section 3692.

SEC. 32. Section 3706.1 is added to the Revenue and Taxation Code, to read:

3706.1. The tax collector shall have authority to postpone the public auction sale under the following conditions:

(a) Notice of any postponement of the sale shall be made by the tax collector who, by public declaration at the time and place originally fixed for the sale, may postpone the sale to a new time, date, and place. No other notice of the postponed sale need be given if the date for the new time, date, and place is within seven days of the time originally fixed for the sale.

(b) Notice of any postponed sale which is to be held not less than eight days nor more than 40 days from the time originally fixed for the sale, shall be made pursuant to the same provisions which were followed in providing notice of the original sale to parties of interest, as defined in Section 4675.

SEC. 33. Section 3707 of the Revenue and Taxation Code is amended to read:

3707. (a) If not previously terminated, on completion of any sale under this chapter the right of redemption is terminated.

(b) Notwithstanding any other provision of law, any remittance sent by mail for redemption of tax-deeded property must be received in the tax collector's office prior to the completion of any sale under this chapter.

SEC. 34. Section 3708 of the Revenue and Taxation Code is amended to read:

3708. On receiving the full purchase price at any sale under this chapter, the tax collector shall, without charge, execute a deed to the purchaser and send a duplicate copy of the deed to the Controller.

SEC. 35. Section 3710 of the Revenue and Taxation Code is

amended to read:

3710. In addition to the usual provisions of a deed conveying real property, the deed shall specify all of the following:

(a) That the real property was duly sold and conveyed to the state for nonpayment of taxes which had been legally levied and were a lien on the property.

(b) That the state, through the tax collector, has sold the property at public auction.

(c) That no taxing agency objected to the sale. (If a taxing agency did object, state: That (name of each objecting taxing agency) objected to the sale).

(d) The name of the purchaser, the date of sale, the amount for which the property was sold, and a statement that the property was sold in accordance with the provisions of Section 3698.5.

(e) That the property is therefore conveyed to the purchaser according to law.

SEC. 36. Section 3715 of the Revenue and Taxation Code is repealed.

SEC. 37. Section 3772.5 of the Revenue and Taxation Code is amended to read:

3772.5. As used in this chapter, "low-income persons" means persons and families of low or moderate income, as defined by Section 50093 of the Health and Safety Code. "Nonprofit organization" means a nonprofit organization incorporated pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code for the purpose of acquisition of either of the following:

(a) Single-family dwellings for rehabilitation and sale to low-income persons.

(b) Vacant land for construction of residential dwellings and subsequent sale to low-income persons, or dedication of such vacant land to public use.

"Rehabilitation" means repairs and improvements to a substandard building, as defined in subdivision (f) of Section 17920 of the Health and Safety Code, necessary to make it a building which is not a substandard building.

SEC. 38. Section 3804 of the Revenue and Taxation Code is amended to read:

3804. If any portion of the property is not so redeemed, the tax collector shall, without charge, execute to the purchaser a deed of the property as to which either:

(a) The agreement provides that no payment is to be made by the purchaser, or

(b) There has been paid the purchase price in compliance with the terms of the agreement.

The tax collector shall send a copy of any such deed to the Controller.

SEC. 39. Section 4152 of the Revenue and Taxation Code is repealed.

SEC. 40. Section 4217 of the Revenue and Taxation Code is amended to read:

4217. Any person may elect to pay delinquent taxes in installments under this article at any time prior to 5 p.m. on June 30th of the fifth year after the property was sold to the state and prior to the deeding to the state, except that if payment of delinquent taxes in installments is started under this article and the amount required to be paid in any fiscal year is not paid as required by this article, payments on property subject to deed during the calendar year in which default occurs may not again be started under this article. All other payments may be started on or after July 1 of the fiscal year commencing after the fiscal year in which default occurred.

SEC. 41. Section 4377.1 of the Revenue and Taxation Code is amended to read:

4377.1. Notwithstanding the provisions of Section 4377, upon order of the board of supervisors any delinquent tax roll more than two years old and original secured roll on which it is based containing the information set forth in the abstract list may be destroyed by the county officer or officers in possession of the rolls; except that

(a) No original secured roll for the year 1912 (fiscal year 1912–1913) shall be so destroyed.

(b) The abstract list shall first have been certified as correct and complete by the county auditor.

The abstract list prepared under Section 4373, or any photographic record thereof, shall be retained by the tax collector for at least two years after such time as the lien has been removed.

SEC. 42. Section 4672.2 is added to the Revenue and Taxation Code, to read:

4672.2. There shall be distributed to the county general fund to reimburse the county for the cost of giving notice pursuant to Section 3701 thirty-five dollars ($35) for all or any portion of each separately valued parcel of real property deeded to the state and sold to private parties or to taxing agencies. Thirty-five dollars ($35) for property sold shall be paid from the total amount to be distributed after satisfaction of the amounts specified in Sections 4672 and 4672.1. If such amount is insufficient, the thirty-five dollars ($35) shall be reduced accordingly.

SEC. 43. Section 4675 of the Revenue and Taxation Code is amended to read:

4675. Any party of interest in the property at the time of sale by the state may file with the county a claim for the excess proceeds at any time prior to the expiration of one year following the recordation of the tax collector's deed to the purchaser

After the property has been sold by the state, a party of interest in the property at the time of the sale may assign his or her right to claim the excess proceeds only by a dated, written instrument that explicitly states that the right to claim the excess proceeds is being assigned, and only after each party to the proposed assignment has disclosed to each other party to the proposed assignment all facts of

which he or she is aware relating to the value of the right that is being assigned. Any attempted assignment that does not comply with these requirements shall have no effect. This paragraph shall apply only with respect to assignments on or after the effective date of this paragraph. In addition, any person or entity who in any way acts on behalf of, or in place of, any party of interest in respect to filing a claim for any excess proceeds shall submit proof with the claim that the amount of excess proceeds has been disclosed to such party of interest and that such party of interest has been advised of his or her right to file a claim for such excess proceeds on his or her own behalf.

The claims shall contain any information and proof deemed necessary by the board of supervisors to establish the claimant's rights to all or any portion of the excess proceeds.

No sooner than one year following the recordation of the tax collector's deed to the purchaser, and if the excess proceeds have been claimed by any party of interest as provided herein, such excess proceeds shall be distributed only to those parties of interest who have claimed such excess proceeds on order of the board of supervisors to the parties of interest who have claimed such excess proceeds in the order of priority set forth in subdivisions (a) and (b). For the purposes of this article, parties of interest and their order of priority are:

(a) First, lienholders of record prior to the property becoming tax deeded to the state or to any other taxing agency, in the order of their priority, as to liens that were extinguished by the issuance of the deed to the state; and

(b) Then, any person who would be established with title to all or any portion of the property sold by the state by redemption of such property immediately prior to the sale by the state.

In the event more than one party of interest, as defined in subdivisions (a) and (b) of this section, files claims for the excess proceeds as provided herein, the superior court shall give all claimants opportunity for a hearing to establish the priority and extent of their claim following a period of at least 90 days after written notice has been given to each claimant.

SEC. 44. Section 4831 of the Revenue and Taxation Code is amended to read:

4831. (a) Any error of the assessor resulting in the entry of incorrect values on the roll may be corrected under this article. The correction may be made at any time after the roll is delivered to the auditor but shall be made within four years after the making of the assessment which is being corrected. This section does not apply to the following:

(1) Errors involving the exercise of value judgments; or

(2) Escape assessments caused by the assessee's failure to report the information required by Article 2 (commencing with Section 441) of Chapter 3 of Part 2.

If any such error is discovered as the result of an audit of a taxpayer's books and records, such error may be corrected at any

time prior to the expiration of six months after the completion of the audit.

(b) Taxes which are not a lien or charge on the property assessed may be transferred from the secured roll to the unsecured roll of the corresponding year by the county auditor on order of the board of supervisors with the written consent of their legal counsel. These taxes shall be collected in the same manner as other delinquent taxes on the unsecured roll and shall be subject to delinquent penalties in the same manner as taxes transferred to the unsecured roll under Section 5090. The statute of limitations for the collection of such taxes shall commence to run from the date of transfer.

(c) Any liens created pursuant to this section prior to the effective date of Chapter 1190 of the Statutes of 1973 (January 1, 1974), shall have the force, effect and priority of a judgment lien, and shall continue for 10 years from the time of recording of the certificate authorized under this section unless sooner released or otherwise discharged.

SEC. 45. Section 4835 of the Revenue and Taxation Code is amended to read:

4835. If the correction will decrease the amount of unpaid taxes, the consent of the board of supervisors is necessary to the correction.

SEC. 46. Section 4836 of the Revenue and Taxation Code is amended to read:

4836. If the correction will increase the amount of unpaid taxes, the assessor shall notify the assessee of the procedure for obtaining review by the county board under Section 1605 and the procedure for applying for cancellation under Section 4986.

SEC. 47. Section 5150 of the Revenue and Taxation Code is amended to read:

5150. In an action in which the recovery of taxes is allowed by the court, the plaintiff is entitled to interest on the taxes for which recovery is allowed at a rate of 6 percent per annum from the date of filing of the claim for refund, but in no event earlier than the date of payment of the tax or installments thereof sought to be refunded, to the date of entry of judgment, and such accrued interest shall be included in the judgment. This section shall also apply to any action for the recovery of taxes in which the plaintiff is a city.

This section shall not apply to taxes which became due and payable before March 1, 1977. Interest on taxes which became due and payable before March 1, 1977, shall be subject to the provisions on payment of interest in effect prior to January 1, 1977.

For taxes which become due and payable on and after March 1, 1981, the rate of interest allowed pursuant to this section shall be 9 percent per annum.

SEC. 48. Section 5151 of the Revenue and Taxation Code is amended to read:

5151. Interest at the rate of 9 percent per annum shall be paid, when such interest is ten dollars ($10) or more, on amounts refunded under Section 5096.7, or refunded as a result of the reduction of

assessed value following an application for equalization by a board of equalization or by a court action to recover taxes, or as a consequence of an assessor's clerical error. However, no interest shall be paid under the provisions of this section if the taxpayer has been given the notice required by Section 2635 and has failed to apply for the refund within 30 days after the mailing of such notice.

Interest allowed under this section shall be computed from whichever of the three following dates provides the longest period: the date of the recording of the deed to the public agency acquiring the property in eminent domain to the date of the filing of the claim for refund; the date of the payment of the tax on property subject to an application for equalization of the assessed value thereof to the date of the determination of the equalized value of the property; or a date preceding by 30 days the date of paying the refund.

The interest charged shall be apportioned to the appropriate funds, as determined by the county auditor.

SEC. 49. Part 11 (commencing with Section 5501) of Division 1 of the Revenue and Taxation Code is repealed; provided, however, its provisions shall remain applicable for the collection of tax liabilities incurred prior to its repeal, the making of any refunds, the effecting of any credits, the disposition of money collected, and for the commencement or the continuation of any action or proceeding pursuant to such part.

SEC. 50. Section 19.80 of Chapter 1150 of the Statutes of 1979 is amended to read:

Sec. 19.80. Section 16114 of the Government Code shall have no force or effect for the 1980–81 fiscal year or any fiscal year thereafter.

SEC. 51. Sections 18, 21, 23, 27, 31, 39, 43, and 49 of this act shall become operative on July 1, 1980, and the remaining provisions of this act shall become operative on January 1, 1981.

SEC. 52. 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 provisions of this measure, including the repeal of the livestock head-day tax, must be in effect during the 1980–81 fiscal year in order to avoid useless filings of reports, and to correct certain problems relating to collection of taxes which create confusion for taxpayers and jeopardize collection of revenues in an orderly manner.

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## CHAPTER 412

An act to amend Section 27605 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 11, 1980 Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 27605 of the Vehicle Code is amended to read:

27605. No person shall own or operate a motor vehicle painted in the manner described in Section 40800 to resemble a motor vehicle used by a peace officer or traffic officer on duty for the primary purpose of enforcing the provisions of Division 10 (commencing with Section 20000) or Division 11 (commencing with Section 21000) pursuant to Section 40800.

The provisions of this section shall not apply to vehicles which are painted one solid color or to vehicles first registered on or before January 1, 1979. These provisions shall not apply to vehicles which are any of the following:

(a) Owned by vehicle manufacturers or dealers.

(b) Used by law enforcement agencies in the enforcement of the provisions of Division 10 (commencing with Section 20000) or Division 11 (commencing with Section 21000).

(c) Owned by persons or companies who use the vehicles exclusively for movie or television production and display signs stating "movie car" prominently on the doors.

(d) Owned by persons or companies who use the vehicles exclusively for funeral escort purposes.

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## CHAPTER 413

An act to amend Sections 14100, 14102, 14810, 15201, 15250, 15302, 15303, 15304, 15353, and 15354 of the Financial Code, relating to credit unions.

[Approved by Governor July 11, 1980 Filed with Secretary of State July 11, 1980 ]

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

SECTION 1. Section 14100 of the Financial Code is amended to read:

14100. Credit unions may be incorporated under this division in the same manner as corporations under the Nonprofit Mutual Benefit Corporation Law of this state, except as otherwise provided in this division.

SEC. 2. Section 14102 of the Financial Code is amended to read:

14102. (a) Amendments to the articles of incorporation of any credit union may be adopted by resolution of the board of directors, which is also adopted by a vote of a majority of the members of the credit union present, in person or by proxy, as provided in the credit

union's bylaws, at any regular or special meeting of the members for which notice of such proposed amendments has been given; provided, however, that a minimum vote of at least 10 percent of the entire membership entitled to vote on the question votes in favor of the amendment and those voting in favor of the amendment constitute a majority of the members participating in the vote.

(b) The commissioner may approve the amendment according to the resolution adopted by the board of directors if approved by less than 10 percent of the entire membership as provided in this section if the commissioner finds, upon the written and verified application filed by the board of directors, that (1) notice of the meeting called to consider the amendment or the ballot for written vote on the amendment was mailed to each member entitled to vote upon the question, (2) such notice or ballot disclosed the purpose of the meeting or the written vote, (3) such notice or ballot informed the membership that approval of the amendment might be sought pursuant to this section, and (4) a majority of the votes cast upon the question were in favor of the amendment.

SEC. 3. Section 14810 of the Financial Code is amended to read:

14810. The bylaws may provide that any action or specifically designated actions which may be taken at a meeting of the members may be taken without a meeting by submitting the matter to all members who would be entitled to vote upon such action at a meeting, for their written vote. Any such bylaw shall require that each matter submitted to the members for their written vote shall be certified by the president and secretary as to the manner by which the matter was submitted and the result of the voting.

An amendment to the bylaws of a credit union pursuant to this section shall not be adopted except upon the submission of the proposed amendment by mail to all members entitled to vote and the affirmative vote of a majority of the members responding to such notice, given either in person at a meeting or by written ballot. Any such amendment to the bylaws adopted by written vote shall be certified by the president and secretary as to the manner by which the matter was submitted and the result of the voting.

Except for amendments to the articles of incorporation, mergers, dissolution, or conversion, a proposed action on which a written vote is authorized shall be considered approved by the members when approved by a majority of the written votes cast upon the question unless the bylaws provide that a greater number of written votes is required and provided that the number of written votes cast represents at least 10 percent of the members entitled to vote.

No member shall vote by proxy upon any matter referred to all members for their written vote pursuant to this section, and the powers of any previously issued or outstanding valid proxy are suspended as to any such action.

SEC. 4. Section 15201 of the Financial Code is amended to read:

15201. (a) The merger shall be made pursuant to any plan agreed upon by the majority of the board of directors of each credit

union joining in the merger, and approved by the affirmative vote of at least a majority of the members of each such credit union, in person or by proxy, at meetings of the members called for that purpose or by written consent of a majority of the members of each credit union.

(b) The commissioner may approve a merger according to the plan agreed upon by the majority of the board of directors of each credit union if approved by less than a majority of the entire membership as provided in this section if the commissioner finds, upon the written and verified application filed by the board of directors, that (1) notice of the meeting called to consider the merger or the ballot for written vote on the merger was mailed to each member entitled to vote upon the question, (2) such notice or ballot disclosed the purpose of the meeting or the written vote, (3) such notice or ballot informed the membership that approval of the merger might be sought pursuant to this section, and (4) a majority of the votes cast upon the question were in favor of the merger.

SEC. 5. Section 15250 of the Financial Code is amended to read:

15250. (a) Whenever the members of the board of directors by a three-fourths majority vote recommend the dissolution of any credit union, the members of the credit union, at any meeting specially called to consider the subject, may elect to dissolve the credit union, by the vote or written consent of a majority of members.

(b) The commissioner may approve a dissolution according to the recommendation of a three-fourths majority vote by the board of directors of any credit union if approved by less than a majority of the entire membership as provided in this section if the commissioner finds, upon the written and verified application filed by the board of directors, that (1) notice of the meeting called to consider the dissolution or the written ballot for written vote on the dissolution was mailed to each member entitled to vote upon the question, (2) such notice or such written ballot disclosed the purpose of the meeting or the written vote and informed the membership that approval of the dissolution might be sought pursuant to this section, and (3) a majority of the votes cast upon the question were in favor of the dissolution.

(c) Whenever the members of the board of directors vote to recommend the dissolution of any credit union, the credit union shall not make any loans, withdrawal of shares, or withdrawal of certificates for funds until the members approve or disapprove the recommendation of the board of directors.

SEC. 6. Section 15302 of the Financial Code is amended to read:

15302. Within 10 days after the meeting or written vote at which the members determine to convert into a federal credit union, the credit union shall file with the commissioner a certificate verified by the board of directors of such credit union. The certificate shall contain a copy of the minutes of the meeting or a copy of the written

ballot and the results of the written vote and a statement that the members have approved the determination to convert such credit union into a federal credit union. A copy of such certificate shall be filed with the Secretary of State.

SEC. 7. Section 15303 of the Financial Code is amended to read:

15303. A certified copy of the certificate required by Section 15302 filed in the office of the Secretary of State is presumptive evidence of the holding of the meeting or written vote and the action taken thereat.

SEC. 8. Section 15304 of the Financial Code is amended to read:

15304. After the meeting or the written vote of the members, the credit union shall take such action as is necessary to make it a federal credit union, and within 10 days after receipt of the federal charter, the credit union shall file with the commissioner and with the Secretary of State, a copy of the charter issued to such credit union by the National Credit Union Administration or a certificate showing the organization of such credit union as a federal credit union certified by or on behalf of the National Credit Union Administration. Upon the filing of such instrument with the Secretary of State the credit union ceases to be a state credit union and is a federal credit union.

SEC. 9. Section 15353 of the Financial Code is amended to read:

15353. Copies of the minutes of the proceedings of the meeting of the members or the written ballot and the record of written vote of the members in which they voted to convert into a state credit union, verified by the board of directors of the credit union, shall be filed within 10 days after the meeting or written vote with the commissioner, and, in duplicate, with the National Credit Union Administration.

SEC. 10. Section 15354 of the Financial Code is amended to read:

15354. The verified copies of the minutes of the meeting or the record of written vote, when filed as required by Section 15353, are presumptive evidence of the holding of, and the action taken at, the meeting or the written vote.

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## CHAPTER 414

An act to amend Section 123.5 of the Labor Code, relating to workers' compensation.

[Approved by Governor July 11, 1980 Filed with Secretary of State July 11, 1980 ]

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

SECTION 1. Section 123.5 of the Labor Code is amended to read:

123.5. Referees employed by the administrative director pursuant to this chapter shall be taken from an eligible list of

attorneys, having the qualifications prescribed by the State Personnel Board. In establishing eligible lists for this purpose, state civil service examinations shall be conducted by the State Personnel Board on a nonpromotional basis.

A referee may not receive his or her salary as a referee while any cause before the referee remains pending and undetermined for 90 days after it has been submitted for decision.

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## CHAPTER 415

An act to amend Sections 5370.1 and 10002 of the Welfare and Institutions Code, relating to conservatorship and guardianship proceedings.

[Approved by Governor July 11, 1980 Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 5370.1 of the Welfare and Institutions Code is amended to read:

5370.1. The court in which a petition to establish a conservatorship is filed may appoint the county counsel or a private attorney to represent a private conservator in all proceedings connected with the conservatorship, if it appears that the conservator has insufficient funds to obtain the services of a private attorney. Such appointments of the county counsel, however, may be made only if the board of supervisors have, by ordinance or resolution, authorized the county counsel to accept them.

SEC. 2. Section 10002 of the Welfare and Institutions Code is amended to read:

10002. When an applicant for or recipient of public social services is incapable of managing his own resources and planning or carrying out arrangements for his own care and maintenance, and the applicant or recipient cannot secure the services of a private attorney, if authorized by the board of supervisors, the county counsel at the request of the county department, or the district attorney, if a county counsel does not exist, may initiate and carry out proceedings for the appointment of a public or private guardian or public or private conservator, or for changing the form of legal protection when this is indicated. Costs incurred in such proceedings for the protection of applicants or recipients, when not available from the person's own resources, shall be a proper welfare administrative or service cost, except where a relative engages a private attorney to accomplish this purpose.

# CHAPTER 416

An act to amend Sections 81929, 81936, 90013, 90040, 90048, 92476, and 92481 of the Education Code, relating to postsecondary education.

[Approved by Governor July 11, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 81929 of the Education Code is amended to read:

81929. Bonds shall bear interest at a rate of not to exceed 10 percent per annum, payable annually or semiannually or in part annually and in part semiannually.

SEC. 2. Section 81936 of the Education Code is amended to read:

81936. Bonds may be sold at either public or private sale. The board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The county treasurer, when authorized by resolution of the board, may sell bonds at less than their par or face value, but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than 10 percent per annum, payable semiannually, according to standard tables of bond values.

SEC. 3. Section 90013 of the Education Code is amended to read:

90013. The board, with the approval of the State Board of Control, may issue revenue bond anticipation notes, in anticipation of the sale of revenue bonds. Before issuing any such notes, the board shall, by resolution approved by the State Board of Control, authorize their issuance, declare the purpose for which the proceeds of the notes shall be expended and specify the maximum amount of notes to be issued for such purpose.

Revenue bond anticipation notes shall bear interest at such rate or rates as the board may determine, not exceeding 10 percent per annum, payable annually or semiannually, and shall mature on such date or dates as the board may determine and set forth in the resolution authorizing their issuance, but not more than three years from their date.

The proceeds from the sale of notes shall be used only for the purposes for which the proceeds of the sale of bonds may be used in anticipation whereof the notes are issued.

All notes issued, including renewal notes, and the interest thereon shall be payable from the proceeds of the sale of the bonds, the revenues of the project, any appropriations made for that purpose or all such sources, and not otherwise, except that in the event that the sale of the bonds shall not have occurred prior to the maturity of the notes issued in anticipation thereof, the board, with the approval of the State Board of Control, may issue renewal notes in order to pay

the notes then maturing. No renewal notes shall be issued after the sale of the bonds in anticipation of which the original note was issued.

Revenue bond anticipation notes may be secured by a pledge of, and lien upon, the proceeds of the sale of bonds, the revenues of the project and any other legally available funds.

A resolution authorizing the issuance of revenue bond anticipation notes may include such provisions as the board deems necessary or advisable for the security of the notes issued thereunder, and may include any and all provisions authorized to be included in indentures by this article.

SEC. 4. Section 90040 of the Education Code is amended to read:

90040. Bonds shall bear interest at a rate of not to exceed 10 percent per annum, payable annually or semiannually or in part annually and in part semiannually.

SEC. 5. Section 90048 of the Education Code is amended to read:

90048. Bonds and notes may be sold at either public or private sale. The board, with the approval of the State Board of Control, may fix terms and conditions for the sale or other disposition of any authorized issue of bonds or notes. The State Treasurer, when authorized by resolution of the board approved by the State Board of Control, may sell bonds and notes at less than their par or face value, but no bond or note may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than 10 percent per annum, payable semiannually, according to standard tables of bond values.

SEC. 6. Section 92476 of the Education Code is amended to read:

92476. Bonds shall bear interest at a rate of not to exceed 10 percent per annum, payable annually or semiannually, or in part annually and in part semiannually.

SEC. 7. Section 92481 of the Education Code is amended to read:

92481. Bonds may be sold at either public or private sale. The regents may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The regents may sell bonds at less than their par or face value, but no bond may be sold at a price below the par or face value of the bond which would result in a sale price yielding to the purchaser an average of more than 10 percent per annum, payable semiannually, according to standard tables of bond values.

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## CHAPTER 417

An act to add Section 4903.2 to the Labor Code, relating to workers' compensation.

[Approved by Governor July 11, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 4903.2 is added to the Labor Code, to read:

4903.2. Where a lien claimant is reimbursed pursuant to subdivisions (f) or (g) of Section 4903 or Section 4903.1, for benefits paid or services provided, the appeals board may award an attorney's fee to the applicant's attorney out of the lien claimant's recovery if the appeals board determines that all of the following occurred:

(a) The lien claimant received notice of all hearings following the filing of the lien and received notice of intent to award applicant's attorney a fee.

(b) An attorney or other representative of the lien claimant did not participate in the proceedings before the appeals board with respect to the lien claim.

(c) There were bona fide issues respecting compensability, or respecting allowability of the lien, such that the services of an attorney were reasonably required to effectuate recovery on the claim of lien and were instrumental in effecting such recovery.

(d) The case was not disposed of by compromise and release.

The amount of the attorney's fee out of the lien claimant's recovery shall be based on the extent of applicant's attorney's efforts on behalf of the lien claimant. The ratio of the amount of the attorney's fee awarded against the lien claimant's recovery to that recovery shall not exceed the ratio of the amount of the attorney's fee awarded against the applicant's award to that award.

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## CHAPTER 418

An act to amend Sections 18025, 18138, 18390, 18436, 18438, 18442, 18445, 18446, 18447, 18448, 18450, 18451, 18452 and 18454 of the Financial Code, relating to industrial loan companies.

[Approved by Governor July 11, 1980 Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 18025 of the Financial Code is amended to read:

18025. No person shall use a holding company or any other device for the purpose of evading or avoiding any of the provisions of this division. This section shall not affect the right of a holding company to issue preferred stock or debentures when permitted to do so under the Corporate Securities Law of 1968. "Holding company" means any company which directly or through one or more intervening subsidiaries, whether or not wholly owned, controls or has the power to control a majority of the shares of an industrial loan company.

SEC. 2. Section 18138 of the Financial Code is amended to read:

18138. No person may acquire 10 percent or more of the capital stock of an industrial loan company or a holding company as defined in Section 18025 of this division through purchase, foreclosure pursuant to a pledge or hypothecation, or other devices without the written consent of the commissioner provided, however, that the prior written consent of the commissioner is not required if the offer and sale of the capital stock of the holding company is exempt from the qualification requirement of Section 25130 of the Corporate Securities Law of 1968 by subdivision (a) or (b) of Section 25101 of the Corporation Code.

SEC. 3. Section 18390 of the Financial Code is amended to read:

18390. For the purpose of discovering violations of this division or securing information required, the commissioner may at any time investigate the affairs and examine the books, accounts, records, and files of every corporation engaged in the business of an industrial loan company or broker, or its holding company or affiliates, whether such corporation acts or claims to act as principal or agent, or under or without the authority of this division. For the purposes of examination and investigation, the commissioner and the commissioner's duly designated representatives shall have free access to the offices and places of business, books, accounts, papers, records, files, safes and vaults of all such corporations and their holding companies or affiliates.

SEC. 4. Section 18436 of the Financial Code is amended to read:

18436. An industrial loan company shall not, directly or indirectly, make any loan of money or property to or guarantee the obligation of any of its directors or officers, or officers and directors of its holding company, or officers and directors of its affiliates.

SEC. 5. Section 18438 of the Financial Code is amended to read:

18438. If a loan is made or other thing is purchased or discounted in violation of Section 18271, 18272, 18273, 18274, or 18437, the officers, directors and shareholders of the industrial loan company, its holding company, or its affiliates participating therein or knowingly approving the same shall be personally liable for any loss suffered by the industrial loan company by reason thereof.

SEC. 6. Section 18442 of the Financial Code is amended to read:

18442. An industrial loan company shall not make any loan of money or property to or guarantee the obligation of any person upon the security of the shares of capital stock of the company, its holding company, or its affiliates.

SEC. 7. Section 18445 of the Financial Code is amended to read:

18445. Any director, officer, or employee of an industrial loan company, its holding company, or its affiliates who asks for or receives, or consents or agrees to receive any commission, emolument, or gratuity or any money, property, or thing of value for procuring or endeavoring to procure for any person any loan from such company, or the purchase or discount of any note, contract, or other obligation or property by such company, is guilty of a felony.

SEC. 8. Section 18446 of the Financial Code is amended to read:

18446. Any director, officer, or employee of an industrial loan company, its holding company, or its affiliates who knowingly receives or possesses himself of any of its property otherwise than in payment of a just demand, or with intent to defraud, omits to make or causes to be made a full and true entry thereof in its books and accounts or concurs in omitting to make any material entry thereof, is guilty of a felony.

SEC. 9. Section 18447 of the Financial Code is amended to read:

18447. Any director, officer, or employee of an industrial loan company, its holding company, or its affiliates who knowingly makes or concurs in making or publishing any false entry in its books or records, any written report, exhibit, or statement of its affairs or pecuniary condition containing any material statement which is false, or having the custody of its books, willfully refuses or neglects to make any proper entry in such books as required by law, or to exhibit or allow the same to be inspected or extracts to be taken therefrom by the commissioner or his deputies or investigators, is guilty of a felony.

SEC. 10. Section 18448 of the Financial Code is amended to read:

18448. No director, officer, stockholder, or employee of an industrial loan company, its holding company, or its affiliates shall purchase, directly or indirectly, or be interested in the purchase of, any of the company's assets for an amount less than the then current market value thereof and any such purchase may not be made without the express approval of the board of directors of the company. Title and possession of assets shall not be transferred to the purchaser until full consideration in cash has been received by the industrial loan company. Every person violating this section shall be liable to the company for twice the market value of the assets so purchased.

SEC. 11. Section 18450 of the Financial Code is amended to read:

18450. A director, officer, or employee of an industrial loan company, its holding company, or its affiliates who concurs in any vote or act by which it is intended to make a loan or purchase a contract in violation of this division, is guilty of a misdemeanor.

SEC. 12. Section 18451 of the Financial Code is amended to read:

18451. A director, officer, or employee of an industrial loan company, its holding company, or its affiliates who makes or maintains, or attempts to make or maintain, a deposit of such company's funds with any other person on condition, or with the understanding, express or implied, that the person receiving such deposit make a loan or advance, directly or indirectly, to any director, officer, or employee of the company so making or maintaining or attempting to make or maintain such deposit, is guilty of a misdemeanor.

SEC. 13. Section 18452 of the Financial Code is amended to read:

18452. Every officer or employee of an industrial loan company, its holding company, or its affiliates who sells investment or thrift

certificates knowing that the company is insolvent, is guilty of a misdemeanor.

SEC. 14. Section 18454 of the Financial Code is amended to read:

18454. Any director, officer, agent or employee of an industrial loan company, its holding company, or its affiliates who willfully makes a false or untrue entry in any book or record or in any report, tag, or statement of the business, affairs, or condition, or in connection with any transaction of such company, with intent to deceive any officer, director, or employee thereof, or any agent or examiner, private or official, employed or lawfully appointed to examine into its condition or any of its affairs or transactions, or to any public officer who has authority to examine into its affairs or transactions, or who, with like intent, willfully omits to make a new entry of any matter particularly pertaining to the business property condition, affairs, transactions, assets or accounts of such company in any book, record, report, statement, or tag of such company, or who, with like intent, alters, abstracts, conceals, or destroys any book, record, report, statement, or tag of such company made, written, or kept, or required to be made, written, or kept by him or under his direction, is guilty of a felony.

SEC. 15. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be because this act creates a new crime or infraction or eliminates a crime or infraction. Furthermore, this act does not create any present or future obligation to reimburse any local agency or school district for any costs incurred because of this act.

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## CHAPTER 419

An act to amend Section 99232.5 of the Public Utilities Code, relating to transportation.

[Approved by Governor July 11, 1980. Filed with Secretary of State July 11, 1980 ]

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

SECTION 1. Section 99232.5 of the Public Utilities Code is amended to read:

99232.5. (a) Notwithstanding Section 99232, cities within the County of Sacramento which are outside the activated boundaries of the Sacramento Regional Transit District, but which provide transit service or which contract with the district for transit service, may also file claims under Article 8 (commencing with Section 99400) if it is determined by the Sacramento Regional Area Planning Commission, at a public hearing for which 15 days' notice has been

given pursuant to Section 6061 of the Government Code, that the transit needs of these cities can be met with use of an amount less than the total apportionment of these cities.

(b) With respect to such a city, not less than 25 percent of its apportionment shall be allocated for Article 4 (commencing with Section 99260) purposes.

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## CHAPTER 420

An act to amend Sections 1241 and 1241.1 of the Business and Professions Code, relating to podiatrists.

[Approved by Governor July 11, 1980 Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 1241 of the Business and Professions Code is amended to read:

1241. This chapter applies to all clinical laboratories in California except those owned and operated by:

(a) The United States of America, or any department, agency, or official thereof acting in his or her official capacity.

(b) An individual licensed physician and surgeon or podiatrist for laboratory work performed on his or her own patients. If direct or indirect referred work is received from any source, all provisions of this chapter shall apply.

(c) An academic institution accredited by an accrediting agency approved by the department when clinical laboratory procedures are performed for teaching or research purposes only, if the results of any examinations performed in such laboratories are not used in the diagnosis or treatment of disease.

(d) The Department of Corrections, except that after July 1, 1979, such exception shall not apply to any clinical laboratory of the Department of Corrections which conducts biomedical or behavioral research pursuant to Title 2.1 (commencing with Section 3500) of Part 3 of the Penal Code.

(e) The California Youth Authority.

(f) A nonprofit corporation or association, which contracts with or employs individual licensed physicians and surgeons or podiatrists to render medical care and the operations of which are directly funded at least 80 percent by the United States government, for laboratory work performed on the patients of such physicians and surgeons or podiatrists and under the supervision of such physicians and surgeons or podiatrists. If direct or indirect referred work is received from any source, all provisions of this chapter shall apply.

(g) A primary care clinic specified in subdivision (a) of Section 1204 of the Health and Safety Code, which contracts with or employs

individual licensed physicians and surgeons or podiatrists to render medical care for laboratory work performed on the patients of such physicians and surgeons or podiatrists. If direct or indirect referred work is received from any source, all provisions of this chapter shall apply.

SEC. 2. Section 1241.1 of the Business and Professions Code is amended to read:

1241.1. On and after January 1, 1972, the department shall require a laboratory exempt from this chapter pursuant to subdivision (b) or (g) of Section 1241 to demonstrate satisfactory performance in a proficiency testing program approved by the department in laboratory procedures which such a laboratory performs.

The department shall adopt regulations establishing the standards of satisfactory performance. Such standards shall not be higher than those established for licensed laboratories.

Physicians and surgeons and podiatrists who are tested under this section shall certify to the department, under penalty of perjury, that the proficiency test was performed in their own laboratory.

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## CHAPTER 421

An act to amend Sections 710, 714, 724, 732, 735, and 736 of the Harbors and Navigation Code.

[Approved by Governor July 11, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 710 of the Harbors and Navigation Code is amended to read:

710. The definitions of a broker or salesman as set forth in Section 701 shall not include the following:

(a) Anyone who directly performs any of the acts within the scope of this article with reference to his own yacht or yachts or in cases of a corporation which, through its regular officers receiving no special compensation therefor, performs any of the acts with reference to the corporation's own yacht or yachts.

(b) Services rendered by an attorney at law in performing his duties as such attorney at law.

(c) Any receiver, trustee in bankruptcy, or other person acting under the order of any court.

(d) Any transaction involving the foreclosure of a security interest in a yacht.

(e) Any transaction involving the sale of a yacht in excess of 300 gross tons or tenders thereof sold at the same time.

(f) Any transaction involving the sale of a new yacht or ship.

SEC. 2. Section 714 of the Harbors and Navigation Code is

amended to read:

714. A licensed broker who accepts funds from others in connection with any transaction subject to this article who does not as soon as possible place such funds into a neutral escrow depository, shall place such funds into a trust fund account maintained by the broker in some bank or recognized depository and shall retain all such funds in the account until such time as such broker has made a disbursement of the funds in accordance with written instructions from the person entrusting the money. Such written instructions shall also set forth the specific purposes for which the broker may use money deposited with him. Where the broker wishes to use money from the deposit for a purpose not included in such written instructions, the broker shall first obtain the written consent of the person entrusting the money specifically authorizing the use proposed by the broker for such money. Such written consent may be given to the broker by a letter or telegram. A separate record shall be maintained of all moneys received subject to this section and shall further indicate the disposition thereof. Any such funds received by a licensed salesman shall be delivered by the salesman to the broker under whom the salesman is at the time licensed.

As used in this section, "neutral escrow" means an escrow business conducted by a person licensed under Division 6 (commencing with Section 17000) of the Financial Code or by any person described by subdivision (a) or (c) of Section 17006 of the Financial Code.

SEC. 3. Section 724 of the Harbors and Navigation Code is amended to read:

724. (a) An application on the form prescribed by the department for the renewal of a broker or salesman license shall be filed with the department prior to the last day of the period for which a previous license was issued accompanied by the applicable renewal fee.

(b) Every license not renewed in accordance with subdivision (a) shall expire at midnight of the last day of the period for which it was issued and shall forthwith be returned to the department. Such license may thereafter be reinstated only upon the filing of an application therefor, accompanied by the payment of the renewal fee required by this article, together with a penalty equal to 50 percent of the renewal fee. No examination shall be required for the reinstatement of a license which has expired solely for nonpayment of the renewal fee as required by this subdivision, subject to the provisions of Section 726.

(c) An application for reinstatement of a license which has expired pursuant to subdivision (b) shall be affirmed or sworn to before a notary public or other person authorized by law to administer oaths and affirmations, and shall be executed under penalty of perjury. The department may refuse to grant reinstatement if the applicant after the expiration of the license has performed any act or participated in any transaction for which a license is required by this article or during such period has

committed any offense or performed any act which would be cause for the suspension or revocation of a license under this article, provided that the department shall not refuse to grant reinstatement unless written notice of the grounds of such refusal is mailed or delivered to such applicant.

(d) A salesman's license which expires other than pursuant to subdivision (b) and under conditions beyond the control of the salesman may be reinstated with another broker on payment of the transfer fee and the renewal fee if applicable and without penalty.

(e) All fees charged and collected under this article shall be paid by the department at least once a month accompanied by detailed statement into the State Treasury to the credit of the Harbors and Watercraft Revolving Fund.

(f) All fees charged and collected under this article and paid into the State Treasury are continuously appropriated to carry out the provisions of this article and shall be paid in the manner provided by law.

(g) The department may establish a revolving fund in such an amount as it may determine subject to the approval of the director.

SEC. 4. Section 732 of the Harbors and Navigation Code is amended to read:

732. The department may deny an application or temporarily suspend or permanently revoke the license of a broker or a salesman at any time where the licensee, while a broker or salesman, in performing or attempting to perform any of the acts within the scope of this article, has committed any of the following acts:

(a) Makes any substantial misrepresentation, including a false advertisement or an omission of relevant facts upon which any person has relied.

(b) Makes a false warranty of a character likely to influence, persuade, or induce any person with whom business is transacted under this article.

(c) Engages in a continued and flagrant course of misrepresentation or makes false warranties whether or not relied upon by another person.

(d) Acts for the buyer and seller in a transaction without the knowledge and consent of both parties, except in the case where the selling broker is not the listing broker.

(e) Commingles the money or other property of his principal with that of his own or uses it for any purpose other than that for which it was entrusted, when the yacht involved in the transaction is not his own.

(f) Disburses or uses entrusted money for purposes other than those specifically authorized by Section 714.

(g) Uses coercive or oppressive methods for the purpose of obtaining business or of procuring a listing or participating in a transaction.

(h) Quotes prices different than the gross listing prices without the consent of the seller.

(i) Engages in any other conduct constituting fraud or dishonest dealings, either with respect to his principal or other persons.

(j) Permits his name to be used for the purpose of assisting any person who is not a licensed broker or salesman to evade the provisions of this article.

(k) Violates any provisions of Sections 714, 715, 716, 730, and 731.

SEC. 5. Section 735 of the Harbors and Navigation Code is amended to read:

735. (a) Every broker shall maintain a definite place of business in this state as his principal office and may establish other branch offices throughout the state. Every broker maintaining more than one place of business within this state shall procure an additional license for every branch office maintained by him. Every broker shall keep the department informed at all times of the address of his principal and branch offices and any changes of address.

(b) Every broker's license shall be prominently displayed in the broker's principal office. The license for each branch office, if any, of such broker shall be prominently displayed in such branch office. Every salesman's license shall be prominently displayed in the principal office or branch office of the broker in which the business of such salesman is transacted. When a broker or any branch office to which a license was issued, for any reason ceases to be licensed, or when there is a name or address change, such license shall be immediately returned to the department.

(c) Every salesman's license shall remain in the control of the broker by whom the salesman is employed until the license is canceled or until he leaves the employment of the broker. Immediately upon the salesman's withdrawal from the employment of the broker, such broker shall return such salesman's license to the department for cancellation and shall notify the department of the exact date of termination.

(d) Upon the issuance of a license, a pocket card of such size, design, and content as may be determined by the department may be issued without charge to such licensee, which card shall be evidence that the licensee is duly licensed pursuant to this article. When any broker to whom a card is issued ceases for any reason to be licensed as a broker, the card issued to such broker shall be mailed or delivered by the broker to the department for cancellation. When any salesman to whom a card is issued ceases to be a salesman for any reason, the card issued to him shall be mailed or delivered to the department for cancellation.

SEC. 6. Section 736 of the Harbors and Navigation Code is amended to read:

736. The department shall charge and collect the fees prescribed by this article in accordance with the following schedule:

(a) One hundred dollars ($100) for each original broker's license.

(b) Fifty dollars ($50) per year for the renewal of an original broker's license.

(c) Fifty dollars ($50) for each original salesman's license.

(d) Twenty-five dollars ($25) per year for the renewal of an original salesman's license.

(e) Ten dollars ($10) for a salesman's temporary license.

(f) Twenty-five dollars ($25) for each license obtained by a broker for a branch office and for each renewal thereof.

(g) Ten dollars ($10) for each transfer of a salesman's license for each change of employment.

(h) Ten dollars ($10) for each duplicate license.

(i) Ten dollars ($10) for each substitution of a name in the license of a corporation or a partnership.

(j) Ten dollars ($10) for the granting of each certificate of convenience under Section 727.

(k) Twenty-five dollars ($25) for each examination.

SEC. 7. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be because this act creates a new crime or infraction, changes the definition of a crime or infraction, or eliminates a crime or infraction. Furthermore, this act does not create any present or future obligation to reimburse any local agency or school district for any costs incurred because of this act.

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## CHAPTER 422

An act to amend, repeal, and add Section 6159 of the Government Code, relating to credit cards.

[Approved by Governor July 11, 1980 Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 6159 of the Government Code is amended to read:

6159. (a) As used in this section:

(1) "Credit card" means any card, plate, coupon book, or other credit device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor, or services on credit.

(2) "Card issuer" means any person who issues a credit card and purchases credit card drafts or the agent of such person for such purposes with respect to such card.

(3) "Cardholder" means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

(4) "Draft purchaser" means any person who purchases credit

card drafts.

(b) Subject to the provisions of subdivision (c), a court, city, or other public agency may authorize the acceptance of a credit card for payment for the deposit of bail or for any fine for any offense nct declared to be a felony, or for payment of any towage or storage costs for a vehicle which has been removed from a highway, or from public or private property, as a result of parking violations, or for payment for services rendered by any county or city and county.

(c) A court desiring to authorize the use of a credit card pursuant to subdivision (b) shall obtain the approval of its county board of supervisors. A city desiring to authorize the use of a credit card pursuant to subdivision (b) shall obtain the approval of its city council. Any other public agency desiring to authorize the use of a credit card pursuant to subdivision (b) shall obtain the approval of the governing body which has fiscal responsibility for such agency. After approval is obtained, a contract may be executed with one or more credit card issuers or draft purchasers. The contract shall provide for:

(1) The respective rights and duties of the court, city, county, city and county, or other public agency and card issuer or draft purchaser regarding the presentment, acceptability and payment of credit card drafts;

(2) The establishment of a reasonable means by which to facilitate payment settlements; and

(3) The payment to the card issuer or draft purchaser of a reasonable fee or discount.

(4) Such other matters appropriately included in contracts with respect to the purchase of credit card drafts as may be agreed upon by the parties to the contract.

(d) The honoring of a credit card pursuant to subdivision (b) hereof constitutes payment of the amount owing to the court, city, county, city and county, or other public agency as of the date the credit card is honored provided the credit card draft is paid following its due presentment to a card issuer or draft purchaser.

(e) If any credit card draft is not paid following due presentment to a card issuer or draft purchaser or is charged back to the court, city, county, city and county, or other public agency for any reason, any record of payment made by the court, city, or other public agency honoring the credit card shall be void. Any receipt issued in acknowledgment of payment shall also be void. The obligation of the cardholder shall continue as an outstanding obligation as though no payment had been attempted.

(f) Fees or discounts provided for under paragraph (3) of subdivision (c) shall be deducted or accounted for prior to any statutory or other distribution of funds received from the card issuer or draft purchaser.

This section shall remain in effect only until January 1, 1983, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1983, deletes or extends such date.

SEC. 2. Section 6159 is added to the Government Code, to read:

6159. (a) As used in this section:

(1) "Credit card" means any card, plate, coupon book, or other credit device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor, or services on credit.

(2) "Card issuer" means any person who issues a credit card and purchases credit card drafts or the agent of such person for such purposes with respect to such card.

(3) "Cardholder" means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

(4) "Draft purchaser" means any person who purchases credit card drafts.

(b) Subject to the provisions of subdivision (c), a court, city, or other public agency may authorize the acceptance of a credit card for payment for the deposit of bail or for any fine for any offense not declared to be a felony, or for payment of any towage or storage costs for a vehicle which has been removed from a highway, or from public or private property, as a result of parking violations.

(c) A court desiring to authorize the use of a credit card pursuant to subdivision (b) shall obtain the approval of its county board of supervisors. A city desiring to authorize the use of a credit card pursuant to subdivision (b) shall obtain the approval of its city council. Any other public agency desiring to authorize the use of a credit card pursuant to subdivision (b) shall obtain the approval of the governing body which has fiscal responsibility for such agency. After approval is obtained, a contract may be executed with one or more credit card issuers or draft purchasers. The contract shall provide for:

(1) The respective rights and duties of the court, city, or other public agency and card issuer or draft purchaser regarding the presentment, acceptability and payment of credit card drafts;

(2) The establishment of a reasonable means by which to facilitate payment settlements; and

(3) The payment to the card issuer or draft purchaser of a reasonable fee or discount.

(4) Such other matters appropriately included in contracts with respect to the purchase of credit card drafts as may be agreed upon by the parties to the contract.

(d) The honoring of a credit card pursuant to subdivision (b) hereof constitutes payment of the amount owing to the court, city, or other public agency as of the date the credit card is honored provided the credit card draft is paid following its due presentment to a card issuer or draft purchaser.

(e) If any credit card draft is not paid following due presentment to a card issuer or draft purchaser or is charged back to the court, city, or other public agency for any reason, any record of payment

made by the court, city, or other public agency honoring the credit card shall be void. Any receipt issued in acknowledgment of payment shall also be void. The obligation of the cardholder shall continue as an outstanding obligation as though no payment had been attempted.

(f) Fees or discounts provided for under paragraph (3) of subdivision (c) shall be deducted or accounted for prior to any statutory or other distribution of funds received from the card issuer or draft purchaser.

This section shall become operative January 1, 1983.

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## CHAPTER 423

An act to amend Sections 10133.1 and 17351 of, and to repeal Chapter 4 (commencing with Section 11700) of Part 2 of Division 4 of, the Business and Professions Code, and to amend Sections 1695.1, 1695.3, 1695.5, 1695.6, 1695.7, 1695.12, 2924c, 2924f, 2924g, 2945.1, 2945.3, 2945.4, 2945.6, and 2945.7 of, and to add Sections 1695.13 and 1695.14 to, the Civil Code, relating to foreclosure, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 10133.1 of the Business and Professions Code is amended to read:

10133.1. The provisions of subdivision (d) of Section 10131, subdivision (e) of Section 10131, Section 10131.1, Articles 5 (commencing with Section 10230), 6 (commencing with Section 10237), and 7 (commencing with Section 10240) of this chapter and Section 1695.13 of the Civil Code do not apply to the following:

(a) Any person or employee thereof doing business under any law of this state, any other state, or of the United States relating to banks, trust companies, savings and loan associations, industrial loan companies, pension trusts, credit unions, or insurance companies.

(b) Any lender making a loan guaranteed or insured by an agency of the federal government or for which a commitment to so guarantee or insure has been made by such agency.

(c) Any nonprofit cooperative association organized under Chapter 1 (commencing with Section 5401) of Division 20 of the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein.

(d) Any corporation, association, syndicate, joint stock company, or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, livestock, poultry, or bee products on a cooperative nonprofit basis, in loaning or

advancing money to the members thereof or in connection with any such business.

(e) Any corporation securing money or credit from any federal intermediate credit bank organized and existing pursuant to the provisions of an act of Congress entitled the "Agricultural Credits Act of 1923," in loaning or advancing money or credit so secured.

(f) Any person licensed to practice law in this state, not actively and principally engaged in the business of negotiating loans secured by real property, when such person renders services in the course of his practice as an attorney at law, and the disbursements of such person, whether paid by the borrower or other person, are not charges or costs and expenses regulated by or subject to the limitations of Article 7 (commencing with Section 10240) of this chapter, provided, such fees and disbursements shall not be shared, directly or indirectly, with the person negotiating the loan or the lender.

(g) Any person licensed as a personal property broker when acting under the authority of such license.

(h) Any cemetery authority as defined by Section 7018 of the Health and Safety Code which is authorized to do business in this state or its authorized agent.

(i) Any person who makes collection of payments for lenders or on notes of owners in connection with loans secured directly or collaterally by liens on real property, insofar as such activities are concerned, and (1) who is not actively engaged in the business of negotiating loans secured by real property or (2) who is not acting as a principal or agent in the sale or exchange of promissory notes secured directly or collaterally by liens on real property; provided that:

(1) Such person has made application to the commissioner and has complied with all the provisions of Section 10133.25; or

(2) Such person makes such collections on 10 or less of such loans, or in amounts of forty thousand dollars ($40,000) or less in any calendar year.

(j) Any person authorized in writing by a savings and loan association to act as an agent, as defined in Section 5053 of the Financial Code, of that savings and loan association, when acting under the authority of such written authorization.

SEC. 2. Chapter 4 (commencing with Section 11700) of Part 2 of Division 4 of the Business and Professions Code is repealed.

SEC. 3. Section 17351 of the Business and Professions Code is amended to read:

17351. For the purposes of this chapter:

(a) "Financial institution" means a bank, savings and loan association, or credit union chartered under the laws of this state or the United States or any other person or organization making loans upon the security of real property.

(b) "Reassignment" means the exercise of a contractual right of a financial institution which is the assignee of a contract which is

subject to the provisions of the Unruh Act (Chapter 1 (commencing with Section 1801) of Title 2 of Part 4 of Division 3 of the Civil Code) and which is secured by a mortgage as defined in Article 1 (commencing with Section 2920) of Chapter 2 of Title 14 of Part 4 of Division 3 of the Civil Code on real property to return the contract to the party assigning it to the financial institution, or to assign it to any other person, upon the default of one or more of the parties to the contract.

SEC. 4. Section 1695.1 of the Civil Code is amended to read:

1695.1. The following definitions apply to this chapter:

(a) "Equity purchaser" means any person who acquires title to any residence in foreclosure, except a person who acquires such title as follows:

(1) For the purpose of using such property as a personal residence.

(2) By a deed in lieu of foreclosure of any voluntary lien or encumbrance of record.

(3) By a deed from a trustee acting under the power of sale contained in a deed of trust or mortgage at a foreclosure sale conducted pursuant to Article 1 (commencing with Section 2920) of Chapter 2 of Title 14 of Part 4 of Division 3.

(4) At any sale of property authorized by statute.

(5) By order or judgment of any court.

(6) From a spouse, blood relative, or blood relative of a spouse.

(b) "Residence in foreclosure" and "residential real property in foreclosure" means residential real property consisting of one- to four-family dwelling units, one of which the owner occupies as his or her principal place of residence, and against which there is an outstanding notice of default, recorded pursuant to Article 1 (commencing with Section 2920) of Chapter 2 of Title 14 of Part 4 of Division 3.

(c) "Equity seller" means any seller of a residence in foreclosure.

(d) "Business day" means any calendar day except Sunday, or the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

(e) "Contract" means any offer or any contract, agreement, or arrangement, or any term thereof, between an equity purchaser and equity seller incident to the sale of a residence in foreclosure.

(f) "Property owner" means the record title owner of the residential real property in foreclosure at the time the notice of default was recorded.

SEC. 5. Section 1695.3 of the Civil Code is amended to read:

1695.3. Every contract shall contain the entire agreement of the parties and shall include the following terms:

(a) The name, business address, and the telephone number of the equity purchaser.

(b) The address of the residence in foreclosure.

(c) The total consideration to be given by the equity purchaser in

connection with or incident to the sale.

(d) A complete description of the terms of payment or other consideration including, but not limited to, any services of any nature which the equity purchaser represents he will perform for the equity seller before or after the sale.

(e) The time at which possession is to be transferred to the equity purchaser.

(f) The terms of any rental agreement.

(g) A notice of cancellation as provided in subdivision (b) of Section 1695.5.

(h) The following notice in at least 14-point boldface type, if the contract is printed or in capital letters if the contract is typed, and completed with the name of the equity purchaser, immediately above the statement required by Section 1695.5(a):

"NOTICE REQUIRED BY CALIFORNIA LAW

Until your right to cancel this contract has ended,

_____
(Name)

or anyone working for _____
(Name)

CANNOT ask you to sign or have you sign any deed or any other document."

The contract required by this section shall survive delivery of any instrument of conveyance of the residence in foreclosure, and shall have no effect on persons other than the parties to the contract.

SEC. 6. Section 1695.5 of the Civil Code is amended to read:

1695.5. (a) The contract shall contain in immediate proximity to the space reserved for the equity seller's signature a conspicuous statement in a size equal to at least 12-point bold type, if the contract is printed or in capital letters if the contract is typed, as follows: "You may cancel this contract for the sale of your house without any penalty or obligation at any time before

_____.
(Date and time of day)

See the attached notice of cancellation form for an explanation of this right." The equity purchaser shall accurately enter the date and time of day on which the rescission right ends.

(b) The contract shall be accompanied by a completed form in duplicate, captioned "notice of cancellation" in a size equal to 12-point bold type, if the contract is printed or in capital letters if the contract is typed, followed by a space in which the equity purchaser shall enter the date on which the equity seller executes any contract. This form shall be attached to the contract, shall be easily detachable, and shall contain in type of at least 10-point, if the contract is printed or in capital letters if the contract is typed, the following statement written in the same language as used in the contract:

"NOTICE OF CANCELLATION

_____
(Enter date contract signed)

You may cancel this contract for the sale of your house, without any penalty or obligation, at any time before

_____.
(Enter date and time of day)

To cancel this transaction, personally deliver a signed and dated copy of this cancellation notice, or send a telegram to _____,
(Name of purchaser)

at _____
(Street address of purchaser's place of business)

NOT LATER THAN _____.
(Enter date and time of day)

I hereby cancel this transaction _____.
(Date)

_____ "
(Seller's signature)

(c) The equity purchaser shall provide the equity seller with a copy of the contract and the attached notice of cancellation.

SEC. 7. Section 1695.6 of the Civil Code is amended to read:

1695.6. (a) The contract as required by Sections 1695.2, 1695.3, and 1695.5, shall be provided and completed in conformity with those sections by the equity purchaser.

(b) Until the time within which the equity seller may cancel the transaction has fully elapsed, the equity purchaser shall not do any of the following:

(1) Accept from any equity seller an execution of, or induce any equity seller to execute, any instrument of conveyance of any interest in the residence in foreclosure.

(2) Record with the county recorder any document, including, but not limited to, any instrument of conveyance, signed by the equity seller.

(3) Transfer or encumber or purport to transfer or encumber any interest in the residence in foreclosure to any third party, provided no grant of any interest or encumbrance shall be defeated or affected as against a bona fide purchaser or encumbrancer for value and without notice of a violation of this chapter, and knowledge on the part of any such person or entity that the property was "residential real property in foreclosure" shall not constitute notice of a violation of this chapter. This section shall not be deemed to abrogate any duty of inquiry which exists as to rights or interests of persons in possession of the residential real property in foreclosure.

(4) Pay the equity seller any consideration.

(c) Within 10 days following receipt of a notice of cancellation

given in accordance with Sections 1695.4 and 1695.5, the equity purchaser shall return without condition any original contract and any other documents signed by the equity seller.

(d) An equity purchaser shall make no untrue or misleading statements regarding the value of the residence in foreclosure, the amount of proceeds the equity seller will receive after a foreclosure sale, any contract term, the equity seller's rights or obligations incident to or arising out of the sale transaction, the nature of any document which the equity purchaser induces the equity seller to sign, or any other untrue or misleading statement concerning the sale of the residence in foreclosure to the equity purchaser.

(e) Whenever any equity purchaser purports to hold title as a result of any transaction in which the equity seller grants the residence in foreclosure by any instrument which purports to be an absolute conveyance and reserves or is given by the equity purchaser an option to repurchase such residence, the equity purchaser shall not cause any encumbrance or encumbrances to be placed on such property or grant any interest in such property to any other person without the written consent of the equity seller.

SEC. 8. Section 1695.7 of the Civil Code is amended to read:

1695.7. An equity seller may bring an action for the recovery of damages or other equitable relief against an equity purchaser for a violation of any subdivision of Section 1695.6 or Section 1695.13. The equity seller shall recover actual damages plus reasonable attorneys' fees and costs. In addition, the court shall award exemplary damages or equitable relief, or both, if the court deems such award proper, but in any event shall award exemplary damages in an amount not less than three times the equity seller's actual damages for any violation of paragraph (3) of subdivision (b) of Section 1695.6 or Section 1695.13. Any action brought pursuant to this section shall be commenced within four years after the date of the alleged violation.

SEC. 9. Section 1695.12 of the Civil Code is amended to read:

1695.12. In any transaction in which an equity seller purports to grant a residence in foreclosure to an equity purchaser by any instrument which appears to be an absolute conveyance and reserves to himself or herself or is given by the equity purchaser an option to repurchase, such transaction shall create a presumption affecting the burden of proof, which may be overcome by clear and convincing evidence to the contrary that the transaction is a loan transaction, and the purported absolute conveyance is a mortgage; however, such presumption shall not apply to a bona fide purchaser or encumbrancer for value without notice of a violation of this chapter, and knowledge on the part of any such person or entity that the property was "residential real property in foreclosure" shall not constitute notice of a violation of this chapter. This section shall not be deemed to abrogate any duty of inquiry which exists as to rights or interests of persons in possession of the residential real property in foreclosure.

SEC. 10. Section 1695.13 is added to the Civil Code, to read:

1695.13. It is unlawful for any person to initiate, enter into, negotiate, or consummate any transaction involving residential real property in foreclosure, as defined in Section 1695.1, if such person, by the terms of such transaction, takes unconscionable advantage of the property owner in foreclosure.

SEC. 11. Section 1695.14 is added to the Civil Code, to read:

1695.14. (a) In any transaction involving residential real property in foreclosure, as defined in Section 1695.1, which is in violation of Section 1695.13 is voidable and the transaction may be rescinded by the property owner within two years of the date of the recordation of the conveyance of the residential real property in foreclosure.

(b) Such rescission shall be effected by giving written notice as provided in Section 1691 to the equity purchaser and his successor in interest, if the successor is not a bona fide purchaser or encumbrancer for value as set forth in subdivision (c), and by recording such notice with the county recorder of the county in which the property is located, within two years of the date of the recordation of the conveyance to the equity purchaser. The notice of rescission shall contain the names of the property owner and the name of the equity purchaser in addition to any successor in interest holding record title to the real property and shall particularly describe such real property. The equity purchaser and his successor in interest if the successor is not a bona fide purchaser or encumbrancer for value as set forth in subdivision (c), shall have 20 days after the delivery of the notice in which to reconvey title to the property free and clear of encumbrances created subsequent to the rescinded transaction. Upon failure to reconvey title within such time, the rescinding party may bring an action to enforce the rescission and for cancellation of the deed.

(c) The provisions of this section shall not affect the interest of a bona fide purchaser or encumbrancer for value if such purchase or encumbrance occurred prior to the recordation of the notice of rescission pursuant to subdivision (b). Knowledge that the property was residential real property in foreclosure shall not impair the status of such persons or entities as bona fide purchasers or encumbrancers for value. This subdivision shall not be deemed to abrogate any duty of inquiry which exists as to rights or interests of persons in possession of the residential real property in foreclosure.

(d) In any action brought to enforce a rescission pursuant to this section, the prevailing party shall be entitled to costs and reasonable attorneys fees.

(e) The remedies provided by this section shall be in addition to any other remedies provided by law.

SEC. 12. Section 2924c of the Civil Code is amended to read:

2924c. (a) Whenever all or a portion of the principal sum of any obligation secured by deed of trust or mortgage on real property hereafter executed has, prior to the maturity date fixed in such obligation, become due or been declared due by reason of default in

payment of interest or of any installment of principal, or by reason of failure of trustor or mortgagor to pay, in accordance with the terms of such obligation or of such deed of trust or mortgage, taxes, assessments, premiums for insurance or advances made by beneficiary or mortgagee in accordance with the terms of such obligation or of such deed of trust or mortgage, the trustor or mortgagor or his successor in interest in the mortgaged or trust property or any part thereof, or any beneficiary under a subordinate deed of trust or any other person having a subordinate lien or encumbrance of record thereon, at any time within three months of the recording of the notice of default under such deed of trust or mortgage, if the power of sale therein is to be exercised, or, otherwise at any time prior to entry of the decree of foreclosure, may pay to the beneficiary or the mortgagee or their successors in interest, respectively, the entire amount then due under the terms of such deed of trust or mortgage and the obligation secured thereby (including costs and expenses actually incurred in enforcing the terms of such obligation, deed of trust or mortgage, and trustee's or attorney's fees actually incurred not exceeding one hundred dollars ($100) in case of a mortgage and fifty dollars ($50) in case of a deed of trust or one-half of 1 percent of the entire unpaid principal sum secured, whichever is greater) other than such portion of principal as would not then be due had no default occurred, and thereby cure the default theretofore existing, and thereupon, all proceedings theretofore had or instituted shall be dismissed or discontinued and the obligation and deed of trust or mortgage shall be reinstated and shall be and remain in force and effect, the same as if no such acceleration had occurred. The provisions of this section shall not apply to bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations or made by a public utility subject to the provisions of the Public Utilities Code.

(b) (1) The notice, of any default described in this section, recorded pursuant to Section 2924, and mailed to any person pursuant to Section 2924b, shall begin with the following statement, printed or typed thereon:

"IMPORTANT NOTICE [14-point boldface type if printed or in capital letters if typed]

IF YOUR PROPERTY IS IN FORECLOSURE BECAUSE YOU ARE BEHIND IN YOUR PAYMENTS, IT MAY BE SOLD WITHOUT ANY COURT ACTION, [14-point boldface type if printed or in capital letters if typed] and you may have the legal right to bring your account in good standing by paying all of your past due payments plus permitted costs and expenses within three months from the date this notice of default was recorded
This amount is _____ as of _____ ,
(Date)

and will increase until your account becomes current. You may not have to pay the entire unpaid portion of your account, even though full payment was demanded, but you must pay the amount stated above.

Unless the obligation being foreclosed upon permits a longer period, you have the legal right to stop the foreclosure only by paying the entire amount demanded by your creditor within three months after the date of recordation of this document, which date of recording appears hereon.

To find out the amount you must pay, or to arrange for payment to stop the foreclosure, or if your property is in foreclosure for any other reason, contact:

_____

(Name of beneficiary or mortgagee)

_____

(Mailing address)

_____

(Telephone)

If you have any questions, you should contact a lawyer or the government agency which may have insured your loan.

Remember, YOU MAY LOSE LEGAL RIGHTS IF YOU DO NOT TAKE PROMPT ACTION. [14-point boldface type if printed or in capital letters if typed]"

Unless otherwise specified, the notice, if printed, shall appear in at least 12-point boldface type.

If the obligation secured by the deed of trust or mortgage is a contract or agreement described in paragraph (1) or paragraph (4) of subdivision (a) of Section 1632, the notice required herein shall be in Spanish if the trustor requested a Spanish language translation of the contract or agreement pursuant to Section 1632. If the obligation secured by the deed of trust or mortgage is contained in a home improvement contract, as defined in Sections 7151.2 and 7159 of the Business and Professions Code, which is subject to the provisions of Title 2 (commencing with Section 1801), the seller shall specify on the contract whether or not the contract was principally negotiated in Spanish and if the contract was principally negotiated in Spanish, the notice required herein shall be in Spanish. No assignee of such contract or person authorized to record the notice of default shall incur any obligation or liability for failing to mail a notice in Spanish unless Spanish is specified in the contract or such assignee or person has actual knowledge that the secured obligation was principally negotiated in Spanish. Unless specified in writing to the contrary, a copy of the notice required by subdivision (3) of Section 2924b shall be in English.

(2) Any failure to comply with the provisions of this subdivision shall not affect the validity of a sale in favor of a bona fide purchaser or the rights of an encumbrancer for value and without notice.

SEC. 13. Section 2924f of the Civil Code is amended to read:

2924f. (a) As used in this section and Sections 2924g and 2924h "property" means real property or a leasehold estate therein.

(b) Except as provided in subdivision (c), before any sale of property can be made under the power of sale contained in any deed of trust or mortgage notice of the sale thereof must be given by posting a written notice of the time of sale and of the street address and the specific place at such street address where the sale will be held, and describing the property to be sold, at least 20 days before the date of sale in one public place in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in one public place in the judicial district in which the property is to be sold, and publishing a copy thereof once a week for the same period, in some newspaper of general circulation published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation published in the judicial district in which the property or some part thereof is situated, or in case no newspaper of general circulation is published in the city or judicial district, as the case may be, in some newspaper of general circulation published in the county in which the property or some part thereof is situated. A copy of such notice of sale shall also be posted in some conspicuous place on the property to be sold at least 20 days before date of sale and shall be recorded with the county recorder of the county in which the property or some part thereof is situated at least 14 days prior to the date of sale. The notice of sale shall contain the name, street address, and telephone number of the trustee or other person conducting the sale. In addition to any other description of the property, the notice shall describe the property by giving its street address, if any, or other common designation, if any; but if the property has no street address or other common designation, the notice shall contain the name and address of the beneficiary at whose request the sale is to be conducted and a statement that directions may be obtained pursuant to a written request submitted to the beneficiary within 10 days from the first publication of such notice. Directions shall be deemed reasonably sufficient to locate the property if information as to the location of the property is given by reference to the direction and approximate distance from the nearest crossroads, frontage road, or access road. If a legal description of the property is given, the validity of the notice and the validity of the sale shall not be affected by the fact that the street address, other common designation, name and address of the beneficiary, or the directions obtained therefrom are erroneous or that the street address, other common designation, name and address of the beneficiary or directions obtained therefrom are omitted. The term newspaper of general circulation as used herein is as defined in Article 1 (commencing with Section

6000) of Chapter 1, Division 7, Title 1 of the Government Code.

The notice of sale shall contain a statement of the total amount of the unpaid balance of the obligation secured by the property to be sold and reasonably estimated costs, expenses, and advances at the time of the initial publication of the notice of sale; provided, that the trustee shall incur no liability for any good faith error in stating the proper amount. An inaccurate statement of such amount shall not affect the validity of any sale to a bona fide purchaser for value.

(c) (1) The provisions of this subdivision shall only apply to deeds of trust or mortgages which contain a power of sale and which are secured by real property containing a single-family, owner-occupied residence wherein the obligation secured by the deed of trust or mortgage is contained in a contract for goods or services subject to the provisions of the Unruh Act (Chapter 1 (commencing with Section 1801) of Title 2 of Part 4 of Division 3).

(2) Except as otherwise expressly set forth in this subdivision, all other provisions of law relating to the exercise of a power of sale shall govern the exercise of such a power contained in a deed of trust or mortgage described in paragraph (1) of this subdivision.

(3) If any default of the obligation secured by a deed of trust or mortgage described in paragraph (1) of this subdivision has not been cured within 30 days after the recordation of the notice of default, the trustee or mortgagee shall mail to the trustor or mortgagor, at his or her last known address, a copy of the following statement:

YOU ARE IN DEFAULT UNDER A

_____ ,

(Deed of trust or mortgage)

DATED _____. UNLESS YOU TAKE ACTION TO PROTECT YOUR HOME, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

(4) All sales of real property pursuant to a power of sale contained in any deed of trust or mortgage described in paragraph (1) of this subdivision shall be held in the county where the residence is located and shall be made to the person making the highest offer. The trustee may receive offers during the 10-day period immediately prior to the date of sale and if any such offer is accepted in writing by both the trustor or mortgagor and the beneficiary or mortgagee prior to the time set for sale, the sale shall be postponed to a date certain and, prior to which the property may be conveyed by the trustor to the person making such offer according to its terms. Any such offer is revocable until accepted. The performance of such offer following acceptance, according to its terms by a conveyance of the property to the offeror shall operate to terminate any further proceeding under the notice of sale and it shall be deemed revoked.

(5) In addition to the trustee fee pursuant to Section 2924c, the trustee or mortgagee pursuant to a deed of trust or mortgage subject to this subdivision shall be entitled to charge an additional fee of fifty

dollars ($50).

(6) This subdivision shall apply only to property on which notices of default were filed on or after the effective date of this subdivision.

SEC. 14. Section 2924g of the Civil Code is amended to read:

2924g. (a) All sales of property under the power of sale contained in any deed of trust or mortgage shall be held in the county where such property or some part thereof is situated, and shall be made at auction, to the highest bidder, between the hours of 9 a.m. and 5 p.m. on any business day, Monday through Friday.

The sale shall commence at the time and location specified in the notice of sale. Any postponement shall be announced at the time and location specified in the notice of sale for commencement of such sale or pursuant to subdivision (c) (1) herein.

If the sale of more than one parcel of real property has been scheduled for the same time and location by the same trustee, (1) any postponement of any of the sales shall be announced at the time published in the notice of sale; (2) the first sale shall commence at the time published in the notice of sale or immediately after the announcement of any postponement; and (3) each subsequent sale shall take place as soon as possible after the preceding sale has been completed.

(b) When the property consists of several known lots or parcels they shall be sold separately unless the deed of trust or mortgage provides otherwise; or when a portion of such property is claimed by a third person, and he requires it to be sold separately, such portion may be thus sold. The trustor, if present at the sale, may also, unless the deed of trust or mortgage otherwise provides, direct the order in which property shall be sold, when such property consists of such several known lots or parcels which may be sold to advantage separately, and the trustee shall follow such direction. After sufficient property has been sold to satisfy the indebtedness no more can be sold.

If the property under power of sale is in two or more counties the public auction sale of all of the property under the power of sale may take place in any one of the counties where the property or a portion thereof is located.

(c) (1) There may be a postponement of the sale proceedings at any time prior to the completion of the sale thereof at the discretion of the trustee, upon instruction by the beneficiary to the trustee that the sale proceedings be postponed, or upon the written request of the trustor provided the reason for such request is to permit the trustor to obtain cash sufficient to satisfy the obligation or bid at the sale. The trustor shall be entitled to make one such request for postponement and any postponement made at the request of the trustor shall be for a period not to exceed one business day.

There may be a maximum of three postponements of the sale proceedings pursuant to this subdivision. In the event that the sale proceedings are postponed three times, the scheduling of any further sale proceedings shall be preceded by the giving of a new notice of

sale in the manner prescribed by Section 2924f. A postponement made upon the request of the trustor shall not be deemed a postponement for purposes of this paragraph.

(2) The trustee shall postpone the sale upon the order of any court of competent jurisdiction; or by operation of law; or by the mutual agreement, whether oral or in writing, of any trustor and any beneficiary or any mortgagor and any mortgagee. Any postponement pursuant to this paragraph shall not be a postponement for purposes of determining the maximum number of postponements permitted pursuant to this subdivision.

(d) The notice of each postponement and the reason therefor shall be given by public declaration by the trustee at the time and place last appointed for sale. Such public declaration of the postponement shall also set forth the new date, time, and place of sale, which place of sale shall be the same place as originally fixed by the trustee for the sale. No other notice of postponement need be given. The trustee shall maintain records of each postponement and the reason therefor.

SEC. 15. Section 2945.1 of the Civil Code is amended to read:

2945.1. The following definitions apply to this chapter:

(a) "Foreclosure consultant" means any person who makes any solicitation, representation, or offer to any owner to perform for compensation or who, for compensation, performs any service which such person in any manner represents will in any manner do any of the following:

(1) Stop or postpone the foreclosure sale.

(2) Obtain any forbearance from any beneficiary or mortgagee.

(3) Assist the owner to exercise the right of reinstatement provided in Section 2924c.

(4) Obtain any extension of the period within which the owner may reinstate his obligation.

(5) Obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a deed of trust or mortgage on a residence in foreclosure or contained in any such deed of trust or mortgage.

(6) Assist the owner to obtain a loan or advance of funds.

(7) Avoid or ameliorate the impairment of the owner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale.

(8) Save such owner's residence from foreclosure.

(b) A foreclosure consultant does not include any of the following:

(1) A person licensed to practice law in this state when such person renders service in the course of his practice as an attorney at law.

(2) A person licensed under Division 3 (commencing with Section 12000) of the Financial Code when such person is acting as a prorater as defined therein.

(3) A person licensed under Part 1 (commencing with Section 10000) of Division 4 of the Business and Professions Code when such

person makes a direct loan or when such person (A) engages in acts whose performance requires licensure under such part, (B) is entitled to compensation for such acts performed in connection with the sale of a residence in foreclosure or with the arranging of a loan secured by a lien on a residence in foreclosure, (C) does not claim, demand, charge, collect, or receive any compensation until such acts have been performed or cannot be performed because of an owner's failure to make the disclosures set forth in Section 10243 of the Business and Professions Code or failure to accept an offer from a purchaser or lender ready, willing, and able to purchase a residence in foreclosure or make a loan secured by a lien on a residence in foreclosure on the terms prescribed in a listing or a loan agreement, and (D) does not acquire any interest in a residence in foreclosure directly from an owner for whom such person agreed to perform such acts other than as a trustee or beneficiary under a deed of trust given to secure the payment of a loan or such compensation. For the purposes of this paragraph, a "direct loan" means a loan of a real estate broker's own funds secured by a deed of trust on the residence in foreclosure, which loan and deed of trust the broker in good faith attempts to assign to a lender, for an amount at least sufficient to cure all of the defaults on obligations which are then subject to a recorded notice of default, provided that, if a foreclosure sale is conducted with respect to such deed of trust, the person conducting such foreclosure sale has no interest in the residence in foreclosure or in the outcome of the sale and is not owned, controlled, or managed by the lending broker; the lending broker does not acquire any interest in the residence in foreclosure directly from the owner other than as a beneficiary under the deed of trust; and the loan is not made for the purpose or effect of avoiding or evading the provisions of this article.

(4) A person licensed under Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code when such person is acting in any capacity for which such person is licensed under such part.

(5) A person or his authorized agent acting under the express authority or written approval of the Department of Housing and Urban Development or other department or agency of the United States or this state to provide services.

(6) A person who holds or is owed an obligation secured by a lien on any residence in foreclosure when such person performs services in connection with this obligation or lien.

(7) Any person or entity doing business under any law of this state, or of the United States relating to banks, trust companies, savings and loan associations, industrial loan companies, pension trusts, credit unions, insurance companies, or any person or entity authorized under the laws of this state to conduct a title or escrow business, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of the above, and any agent or employee of the above while

engaged in the business of such persons or entities.

(c) "Person" means any individual, partnership, corporation, association or other group, however organized.

(d) "Service" means and includes, but is not limited to, any of the following:

(1) Debt, budget, or financial counseling of any type.

(2) Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a lien on a residence in foreclosure.

(3) Contacting creditors on behalf of an owner of a residence in foreclosure.

(4) Arranging or attempting to arrange for an extension of the period within which the owner of a residence in foreclosure may cure his default and reinstate his obligation pursuant to Section 2924c.

(5) Arranging or attempting to arrange for any delay or postponement of the time of sale of the residence in foreclosure.

(6) Advising the filing of any document or assisting in any manner in the preparation of any document for filing with any bankruptcy court.

(7) Giving any advice, explanation or instruction to an owner of a residence in foreclosure which in any manner relates to the cure of a default in or the reinstatement of an obligation secured by a lien on the residence in foreclosure, the full satisfaction of such an obligation, or the postponement or avoidance of a sale of a residence in foreclosure pursuant to a power of sale contained in any deed of trust.

(e) "Residence in foreclosure" means a residence as defined in Section 1695.1.

(f) "Owner" means a property owner as defined in Section 1695.1.

(g) "Contract" means any agreement, or any term thereof, between a foreclosure consultant and an owner for the rendition of any service as defined in subdivision (c).

SEC. 15.1. Section 2945.1 of the Civil Code is amended to read:

2945.1. The following definitions apply to this chapter:

(a) "Foreclosure consultant" means any person who makes any solicitation, representation, or offer to any owner to perform for compensation or who, for compensation, performs any service which such person in any manner represents will in any manner do any of the following:

(1) Stop or postpone the foreclosure sale.

(2) Obtain any forbearance from any beneficiary or mortgagee.

(3) Assist the owner to exercise the right of reinstatement provided in Section 2924c.

(4) Obtain any extension of the period within which the owner may reinstate his obligation.

(5) Obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a deed of trust or mortgage on a residence in foreclosure or contained in any such deed of trust

or mortgage.

(6) Assist the owner to obtain a loan or advance of funds.

(7) Avoid or ameliorate the impairment of the owner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale.

(8) Save such owner's residence from foreclosure.

(b) A foreclosure consultant does not include any of the following:

(1) A person licensed to practice law in this state when such person renders service in the course of his practice as an attorney at law.

(2) A person licensed under Division 3 (commencing with Section 12000) of the Financial Code when such person is acting as a prorater as defined therein.

(3) A person licensed under Part 1 (commencing with Section 10000) of Division 4 of the Business and Professions Code when such person makes a direct loan or when such person (A) engages in acts whose performance requires licensure under such part, (B) is entitled to compensation for such acts performed in connection with the sale of a residence in foreclosure or with the arranging of a loan secured by a lien on a residence in foreclosure, (C) does not claim, demand, charge, collect, or receive any compensation until such acts have been performed or cannot be performed because of an owner's failure to make the disclosures set forth in Section 10243 of the Business and Professions Code or failure to accept an offer from a purchaser or lender ready, willing, and able to purchase a residence in foreclosure or make a loan secured by a lien on a residence in foreclosure on the terms prescribed in a listing or a loan agreement, and (D) does not acquire any interest in a residence in foreclosure directly from an owner for whom such person agreed to perform such acts other than as a trustee or beneficiary under a deed of trust given to secure the payment of a loan or such compensation. For the purposes of this paragraph, a "direct loan" means a loan of a real estate broker's own funds secured by a deed of trust on the residence in foreclosure, which loan and deed of trust the broker in good faith attempts to assign to a lender, for an amount at least sufficient to cure all of the defaults on obligations which are then subject to a recorded notice of default, provided that, if a foreclosure sale is conducted with respect to such deed of trust, the person conducting such foreclosure sale has no interest in the residence in foreclosure or in the outcome of the sale and is not owned, controlled, or managed by the lending broker; the lending broker does not acquire any interest in the residence in foreclosure directly from the owner other than as a beneficiary under the deed of trust; and the loan is not made for the purpose or effect of avoiding or evading the provisions of this article.

(4) A person licensed under Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code when such person is acting in any capacity for which such person is licensed under such part.

(5) A person or his authorized agent acting under the express authority or written approval of the Department of Housing and Urban Development or other department or agency of the United States or this state to provide services.

(6) A person who holds or is owed an obligation secured by a lien on any residence in foreclosure when such person performs services in connection with this obligation or lien.

(7) Any person or entity doing business under any law of this state, or of the United States relating to banks, trust companies, savings and loan associations, industrial loan companies, pension trusts, credit unions, insurance companies, or any person or entity authorized under the laws of this state to conduct a title or escrow business, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of the above, and any agent or employee of the above while engaged in the business of such persons or entities.

(8) Any person licensed to make loans pursuant to Division 9 (commencing with Section 22000) of the Financial Code, subject to the authority of the Commissioner of Corporations to terminate this exclusion, after notice and hearing, for any person licensed pursuant to such division upon a finding that such licensee is found to have engaged in practices described in subdivision (a) of Section 2945.

(c) "Person" means any individual, partnership, corporation, association or other group, however organized.

(d) "Service" means and includes, but is not limited to, any of the following:

(1) Debt, budget, or financial counseling of any type.

(2) Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a lien on a residence in foreclosure.

(3) Contacting creditors on behalf of an owner of a residence in foreclosure.

(4) Arranging or attempting to arrange for an extension of the period within which the owner of a residence in foreclosure may cure his default and reinstate his obligation pursuant to Section 2924c.

(5) Arranging or attempting to arrange for any delay or postponement of the time of sale of the residence in foreclosure.

(6) Advising the filing of any document or assisting in any manner in the preparation of any document for filing with any bankruptcy court.

(7) Giving any advice, explanation or instruction to an owner of a residence in foreclosure which in any manner relates to the cure of a default in or the reinstatement of an obligation secured by a lien on the residence in foreclosure, the full satisfaction of such an obligation, or the postponement or avoidance of a sale of a residence in foreclosure pursuant to a power of sale contained in any deed of trust.

(e) "Residence in foreclosure" means a residence as defined in

Section 1695.1.

(f) "Owner" means a property owner as defined in Section 1695.1.

(g) "Contract" means any agreement, or any term thereof, between a foreclosure consultant and an owner for the rendition of any service as defined in subdivision (c).

SEC. 16. Section 2945.3 of the Civil Code is amended to read:

2945.3. (a) Every contract shall be in writing and shall fully disclose the exact nature of the foreclosure consultant's services and the total amount and terms of compensation.

(b) The following notice, printed in at least 14-point boldface type and completed with the name of the foreclosure consultant, shall be printed immediately above the statement required by subdivision (c):

"NOTICE REQUIRED BY CALIFORNIA LAW

_____ or anyone working for him
(Name)
or her CANNOT:

(1) Take any money from you or ask you for money until _____
(Name)
has completely finished doing everything he or she said he or she would do; and

(2) Ask you to sign or have you sign any lien, deed of trust, or deed."

(c) The contract shall be written in the same language as principally used by the foreclosure consultant to describe his services or to negotiate the contract; shall be dated and signed by the owner; and shall contain in immediate proximity to the space reserved for the owner's signature a conspicuous statement in a size equal to at least 10-point bold type, as follows: "You, the owner, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right."

(d) The contract shall contain on the first page, in a type size no smaller than that generally used in the body of the document, each of the following:

(1) The name and address of the foreclosure consultant to which the notice or cancellation is to be mailed.

(2) The date the owner signed the contract.

(e) The contract shall be accompanied by a completed form in duplicate, captioned "notice of cancellation", which shall be attached to the contract, shall be easily detachable, and shall contain in type of at least 10-point the following statement written in the same language as used in the contract:

"NOTICE OF CANCELLATION

_____
(Enter date of transaction) (Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram

to _____
(Name of foreclosure consultant)

at _____
(Address of foreclosure consultant's place of business)

NOT LATER THAN MIDNIGHT OF _____.
(Date)

I hereby cancel this transaction _____.
(Date)

_____ "
(Owner's signature)

(f) The foreclosure consultant shall provide the owner with a copy of the contract and the attached notice of cancellation.

SEC. 17. Section 2945.4 of the Civil Code is amended to read:

2945.4. It shall be a violation for a foreclosure consultant to:

(a) Claim, demand, charge, collect, or receive any compensation until after the foreclosure consultant has fully performed each and every service the foreclosure consultant contracted to perform or represented he would perform.

(b) Claim, demand, charge, collect, or receive any fee, interest, or any other compensation for any reason which exceeds 10 percent per annum of the amount of any loan which the foreclosure consultant may make to the owner.

(c) Take any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation. Any such security shall be void and unenforceable.

(d) Receive any consideration from any third party in connection with services rendered to an owner unless such consideration is fully disclosed to the owner.

(e) Acquire any interest in a residence in foreclosure from an owner with whom the foreclosure consultant has contracted. Any interest acquired in violation of this subdivision shall be voidable, provided that nothing herein shall affect or defeat the title of a bona fide purchaser or encumbrancer for value and without notice of a violation of this article. Knowledge that the property was "residential real property in foreclosure," shall not constitute notice of a violation of this article. This subdivision shall not be deemed to abrogate any duty of inquiry which exists as to rights or interests of persons in possession of residential real property in foreclosure.

(f) Take any power of attorney from an owner for any purpose,

except to inspect documents as provided by law.

(g) Induce or attempt to induce any owner to enter a contract which does not comply in all respects with Sections 2945.2 and 2945.3.

SEC. 18. Section 2945.6 of the Civil Code is amended to read:

2945.6. (a) An owner may bring an action against a foreclosure consultant for any violation of this chapter. Judgment shall be entered for actual damages, reasonable attorneys' fees and costs, and appropriate equitable relief. The court also may, in its discretion, award exemplary damages and shall award exemplary damages equivalent to at least three times the compensation received by the foreclosure consultant in violation of subdivision (a), (b), or (d) of Section 2945.4, in addition to any other award of actual or exemplary damages.

(b) The rights and remedies provided in subdivision (a) are cumulative to, and not a limitation of, any other rights and remedies provided by law. Any action brought pursuant to this section shall be commenced within four years from the date of the alleged violation.

SEC. 19. Section 2945.7 of the Civil Code is amended to read:

2945.7. Any person who commits any violation described in Section 2945.4 shall be guilty of a misdemeanor for each violation. These penalties are cumulative to any other remedies or penalties provided by law.

SEC. 20. Sections 12, 13, and 14 of this act shall apply to foreclosure proceedings, including sales, where the notice of default was filed on and after the effective date of this act.

SEC. 21. By the amendment to subdivision (a) of Section 2924g of the Civil Code, made by this act, the Legislature intends to restore the law regarding persons who may conduct a sale of property under a power of sale contained in a deed of trust to its status prior to the enactment of Section 4 of Chapter 1015 of the Statutes of 1979 without affecting any other statutes or any decisional law relating to any duty owed to any trustor, beneficiary, mortgagor, or mortgagee by any person conducting the sale.

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:

Chapters 655, 819, 1015 and 1029 of the Statutes of 1979 relate to foreclosure practices, but in attempting to safeguard the interest of the public, the interaction of the chapters has resulted in a serious impairment to the marketability of title to real property in California. In order to protect the public in its dealing with real property and to prevent hardship on those members of the public who are in default on obligations secured by real property, it is necessary that this act go into effect immediately.

SEC. 23. It is the intent of the Legislature, if this bill and Assembly Bill 3141 are both chaptered and become effective on or before January 1, 1981, both bills amend Section 2945.1 of the Civil Code, and this bill is chaptered after Assembly Bill 3141, that Section

2945.1 of the Civil Code, as amended by Section 15 of this act, shall remain operative until the effective date of Assembly Bill 3141, and that on the effective date of Assembly Bill 3141 Section 2945.1 of the Civil Code, as amended by Section 15 of this act, be further amended in the form set forth in Section 15.1 of this act to incorporate the changes in Section 2945.1 proposed by Assembly Bill 3141. Therefore, if this bill and Assembly Bill 3141 are both chaptered and become effective on or before January 1, 1981, and Assembly Bill 3141 is chaptered before this bill and amends Section 2945.1, Section 15.1 of this act shall become operative on the effective date of Assembly Bill 3141.

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## CHAPTER 424

An act to amend Section 18272 of the Financial Code, relating to loans.

[Approved by Governor July 11, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 18272 of the Financial Code is amended to read:

18272. (a) The secured or unsecured loans or obligations which exceed ten thousand dollars ($10,000) in principal amount made or held by an industrial loan company that has investment certificates outstanding shall not exceed in the aggregate 40 percent of the company's outstanding loans and obligations, except as provided in subdivision (b). The unsecured loans and obligations which exceed ten thousand dollars ($10,000) in principal amount shall in no event exceed in the aggregate 20 percent of the company's outstanding loans and obligations.

(b) Subject to the written consent of the commissioner and pursuant to rules and regulations which the department may adopt in carrying out the purposes of this subdivision, an industrial loan company that has investment certificates outstanding may, upon application to the commissioner, increase its loans or other obligations, whether secured or unsecured, which exceed ten thousand dollars ($10,000) to a percentage in excess of 40 percent as specified by the commissioner but in no event shall such loans exceed in the aggregate 70 percent of the company's net outstanding loans and obligations.

## CHAPTER 425

An act to amend Section 27293 of the Government Code, relating to the recording of instruments in foreign language, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1980 Filed with Secretary of State July 11, 1980]

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

SECTION 1. Section 27293 of the Government Code is amended to read:

27293. (a) Except as otherwise provided in subdivision (b), when an instrument intended for record is executed or certified in whole or in part in any language other than English, the recorder shall not accept the instrument for record. A translation in English of an instrument executed or certified in whole or in part in any language other than English may be presented to the judge of a court of record, and upon verification that the translation is a true translation the judge shall duly make certification of the fact under seal of the court, attach the certification to the translation, and attach the certified translation to the original instrument. For such verification and certification, a fee of fifty cents ($0.50) shall be paid for each folio contained in the translation. The attached original instrument and certified translation may be presented to the recorder, and upon payment of the usual fees the recorder shall accept and permanently file the instrument and record the certified translation. The recording of the certified translation gives notice and is of the same effect as the recording of an original instrument. Certified copies of the recorded translation may be recorded in other counties, with the same effect as the recording of the original translation; provided, however, that in those counties where photostatic or photographic method of recording is employed, the whole instrument, including the foreign language and the translation may be recorded, and the original instrument returned to the party leaving it for record or upon his or her order.

(b) The provisions of subdivision (a) do not apply to any instrument offered for record which contains provisions in English and a translation of the English provisions in any language other than English, provided that the English provisions and the translation thereof are specifically set forth in state or federal law.

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 the necessity are:

Provisions in the Civil Code require a notice in English and Spanish, which is set out verbatim in the code, to be included in any consumer credit contract which has a cosigner. Provisions of the

Government Code prohibit the recording of any instrument which is executed or certified in whole or in part in any language other than English, unless a certified translation is attached to the original instrument. In order to permit, as soon as possible, the recording of instruments which are required by law to include notices in English and another language, without the additional cost of the presently required certified translation of the other language, it is imperative that this act take effect immediately.

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## CHAPTER 426

An act to amend Sections 17037, 17207, 17266, 17299, 17299.3, 17530, 17599, 18211, 18215, 18242, 18405.5, 18684.2, 19053.8, 20503, 20510, 20563, 23060, 24436.5, 24444, 24503, 24514, 24540, 24562, 24575.1, 24610.5, 24676.5, 24833.5, 38011, of, to amend and renumber Section 18568.6 of, to add Sections 19414 and 23305b to, and to repeal 18802.6 of, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 11, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 17037 of the Revenue and Taxation Code is amended to read:

17037. Provisions which are related to this part include:

(a) Chapter 20.6 (commencing with Section 9891) of Division 3 of the Business and Professions Code, relating to the Tax Preparers Act.

(b) Part 10.5 (commencing with Section 20501) of this division, relating to the Property Tax Assistance and Postponement Law.

(c) Government Code Sections 15700 to 15702.1, inclusive, relating to the Franchise Tax Board.

SEC. 2. Section 17207 of the Revenue and Taxation Code is amended to read:

17207. (a) (1) There shall be allowed as a deduction any debt which becomes worthless within the taxable year; (2) when satisfied that a debt is recoverable only in part, the Franchise Tax Board may allow such debt in an amount not in excess of the part charged off within the taxable year, as a deduction.

(b) For purposes of subdivision (a), the basis for determining the amount of the deduction for any bad debt shall be the adjusted basis provided in Section 18041 for determining the loss from the sale or other disposition of property.

(c) In lieu of any deduction under subdivision (a), there shall be allowed (in the discretion of the Franchise Tax Board) a deduction for a reasonable addition to a reserve for bad debts.

(d) (1) (A) Subdivisions (a) and (c) shall not apply to any nonbusiness debt; and

(B) Where any nonbusiness debt becomes worthless within the taxable year, the loss resulting therefrom shall be considered a loss from the sale or exchange, during the taxable year, of a capital asset held for not more than one year.

(2) For purposes of paragraph (1), the term "nonbusiness debt" means a debt other than—

(A) A debt created or acquired (as the case may be) in connection with a trade or business of the taxpayer; or

(B) A debt the loss from the worthlessness of which is incurred in the taxpayer's trade or business.

(e) This section shall not apply to a debt which is evidenced by a security as defined in subparagraph (C) of paragraph (2) of subdivision (g) of Section 17206.

(f) (1) In the case of a taxpayer who is a dealer in property, in lieu of any deduction under subdivision (a), there shall be allowed (in the discretion of the Franchise Tax Board) for any taxable year beginning on and after January 1, 1967, a deduction—

(A) For a reasonable addition to a reserve for bad debts which, may arise out of his liability as a guarantor, endorser, or indemnitor of debt obligations arising out of the sale by him of real property or tangible personal property (including related services) in the ordinary course of his trade or business; and

(B) For the amount of any reduction in the suspense account required by clause (i) of subparagraph (B) of paragraph (4).

(2) Except as provided in paragraph (1), no deduction shall be allowed to a taxpayer for any addition to a reserve for bad debts which may arise out of his liability as guarantor, endorser, or indemnitor of debt obligations.

(3) The opening balance of a reserve described in subparagraph (A) of paragraph (1) for the first taxable year beginning on and after January 1, 1967, for which a taxpayer maintains such reserve shall, under regulations prescribed by the Franchise Tax Board, be determined as if the taxpayer had maintained such reserve for the preceding taxable years.

(4) (A) Except as provided by subparagraph (C), each taxpayer who maintains a reserve described in subparagraph (A) of paragraph (1) shall, for purposes of this subdivision and Section 17122, establish and maintain a suspense account. The initial balance of such account shall be equal to the opening balance described in paragraph (3).

(B) At the close of each taxable year the suspense account shall be—

(i) Reduced by the excess of the suspense account at the beginning of the year over the reserve described in subparagraph (A) of paragraph (1) (after making the addition for such year provided in such paragraph), or

(ii) Increased (but not to an amount greater than the initial balance of the suspense account) by the excess of the reserve described in subparagraph (A) of paragraph (1) after making the addition for such year provided in such paragraph) over the suspense

account at the beginning of such year.

(C) Subparagraphs (A) and (B) shall not apply in the case of the taxpayer who maintained for his last taxable year beginning before January 1, 1967, a reserve for bad debts under subdivision (c) which included debt obligations described in subparagraph (A) of paragraph (1).

(5) If the taxpayer establishes a reserve under paragraph (1) of subdivision (f) of this section for a taxable year beginning on and after January 1, 1967, and ending before December 1, 1968, the establishment of such reserve shall not be considered as a change in method of accounting for purposes of subdivision (e) of Section 17561.

(g) The amendment to this section by the 1977–78 Regular Session of the Legislature shall apply to guarantees made after December 31, 1976, in taxable years beginning after such date.

SEC. 3. Section 17266 of the Revenue and Taxation Code is amended to read:

17266. (a) There shall be allowed as a deduction moving expenses paid or incurred during the taxable year in connection with the commencement of work by the taxpayer as an employee or as a self-employed individual at a new principal place of work.

(b) (1) For purposes of this section, the term "moving expenses" means only the reasonable expenses—

(A) Of moving household goods and personal effects from the former residence to the new residence,

(B) Of traveling (including meals and lodging) from the former residence to the new place of residence,

(C) Of traveling (including meals and lodging), after obtaining employment, from the former residence to the general location of the new principal place of work and return, for the principal purpose of searching for a new residence,

(D) Of meals and lodging while occupying temporary quarters in the general location of the new principal place of work during any period of 30 consecutive days after obtaining employment, or

(E) Constituting qualified residence sale, purchase, or lease expenses.

(2) For purposes of subparagraph (E) of paragraph (1), the term "qualified residence sale, purchase, or lease expenses" means only reasonable expenses incident to—

(A) The sale or exchange by the taxpayer or his spouse of the taxpayer's former residence (not including expenses for work performed on such residence in order to assist in its sale) which (but for this subdivision and subdivision (e)) would be taken into account in determining the amount realized on the sale or exchange,

(B) The purchase by the taxpayer or his spouse of a new residence in the general location of the new principal place of work which (but for this subdivision and subdivision (e)) would be taken into account in determining—

(i) The adjusted basis of the new residence, or

(ii) The cost of a loan (but not including any amounts which represent payments or prepayments of interest),

(C) The settlement of an unexpired lease held by the taxpayer or his spouse on property used by the taxpayer as his former residence, or

(D) The acquisition of a lease by the taxpayer or his spouse on property used by the taxpayer as his new residence in the general location of the new principal place of work (not including amounts which are payments or prepayments of rent).

(3) (A) The aggregate amount allowable as a deduction under subdivision (a) in connection with a commencement of work which is attributable to expenses described in subparagraph (C) or (D) of paragraph (1) shall not exceed one thousand five hundred dollars ($1,500). The aggregate amount allowable as a deduction under subdivision (a) which is attributable to qualified residence sale, purchase, or lease expenses shall not exceed three thousand dollars ($3,000), reduced by the aggregate amount so allowable which is attributable to expenses described in subparagraph (C) or (D) of paragraph (1).

(B) If a husband and wife both commence work at a new principal place of work within the same general location, subparagraph (A) shall be applied as if there was only one commencement of work. In the case of a husband and wife filing separate returns, subparagraph (A) shall be applied by substituting seven hundred fifty dollars ($750) for one thousand five hundred dollars ($1,500), and by substituting one thousand five hundred dollars ($1,500) for three thousand dollars ($3,000).

(C) In the case of any individual other than the taxpayer, expenses referred to in subparagraphs (A) to (D), inclusive, of paragraph (1) shall be taken into account only if such individual has both the former residence and the new residence as his principal place of abode and is a member of the taxpayer's household.

(c) No deduction shall be allowed under this section unless—

(1) The taxpayer's new principal place of work—

(A) Is at least 35 miles farther from his former residence than was his former principal place of work, or

(B) If he had no former principal place of work, is at least 35 miles from his former residence, and

(2) Either—

(A) During the 12-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee, in such general location, during at least 39 weeks, or

(B) During the 24-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee or performs services as a self-employed individual on a full-time basis, in such general location, during at least 78 weeks, of which not less than 39 weeks are during the 12-month period referred to in subparagraph (A).

For purposes of paragraph (1), the distance between two points shall be the shortest of the more commonly traveled routes between such two points.

(d) In the case of an individual whose former residence was outside this state and his new place of residence is located within this state or whose former residence was located in this state and his new place of residence is located outside this state, the deduction allowed by this section shall be allowed only if any amount received as payment for or reimbursement of expenses of moving from one residence to another residence is includable in gross income as provided by Section 17122.5 and the amount of deduction shall be limited only to the amount of such payment or reimbursement or the amounts specified in subdivision (b), whichever amount is the lesser.

(e) (1) The condition of paragraph (2) of subdivision (c) shall not apply if the taxpayer is unable to satisfy such condition by reason of—

(A) Death or disability, or

(B) Involuntary separation (other than for willful misconduct) from the service of, or transfer for the benefit of, an employer after obtaining full-time employment in which the taxpayer could reasonably have been expected to satisfy such condition.

(2) If a taxpayer has not satisfied the condition of paragraph (2) of subdivision (c) before the time prescribed by law (including extensions thereof) for filing the return for the taxable year during which he paid or incurred moving expenses which would otherwise be deductible under this section, but may still satisfy such condition, then such expenses may (at the election of the taxpayer) be deducted for such taxable year notwithstanding paragraph (2) of subdivision (c).

(3) If—

(A) For any taxable year moving expenses have been deducted in accordance with the rule provided in paragraph (2), and

(B) The condition of paragraph (2) of subdivision (c) cannot be satisfied at the close of the subsequent taxable year,

then an amount equal to the expenses which were so deducted shall be included in gross income for the first such subsequent taxable year.

(f) The amount realized on the sale of the residence described in subparagraph (A) of paragraph (2) of subdivision (b) shall not be decreased by the amount of any expenses described in such subparagraph which are allowed as a deduction under subdivision (a), and the basis of a residence described in subparagraph (B) of paragraph (2) of subdivision (b) shall not be increased by the amount of any expenses described in such subparagraph which are allowed as a deduction under subdivision (a). This subdivision shall not apply to any expenses with respect to which an amount is included in gross income under paragraph (3) of subdivision (e).

(g) In the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and

incident to a permanent change of station—

(1) The limitations under subdivision (c) shall not apply;

(2) Any moving and storage expenses which are furnished in kind (or for which reimbursement or an allowance is provided, but only to the extent of the expenses paid or incurred) to such member, his spouse, or his dependents, shall not be includable in gross income, and no reporting with respect to such expenses shall be required by the Franchise Tax Board.

(3) If moving and storage expenses are furnished in kind (or if reimbursement or an allowance for such expenses is provided) to such member's spouse and his dependents with regard to moving to a location other than the one to which such member moves (or from a location other than the one to which such member moves). This section shall apply with respect to the moving expenses of his spouse and dependents—

(A) As if his spouse commenced work as an employee at a new principal place of work at such location;

(B) For purposes of subdivision (b) (3), as if such place of work was within the same general location as the member's new principal place of work; and

(C) Without regard to the limitations under subdivision (c).

(h) (1) For purposes of this section, the term "self-employed individual" means an individual who performs personal services—

(A) As the owner of the entire interest in an unincorporated trade or business, or

(B) As a partner in a partnership carrying on a trade or business.

(2) For purposes of subparagraphs (C) and (D) of paragraph (1) of subdivision (b), an individual who commences work at a new principal place of work as a self-employed individual shall be treated as having obtained employment when he has made substantial arrangements to commence such work.

(i) The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the purposes of this section.

SEC. 4. Section 17299 of the Revenue and Taxation Code is amended to read:

17299. (a) Notwithstanding any other provisions in this part to the contrary, in the case of a taxpayer who derives rental income from substandard housing located in this state, no deduction shall be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year with respect to such substandard housing, except as provided in subdivision (c).

(b) Substandard housing means housing which (1) has been determined by a state or local government regulatory agency to violate state law or local codes dealing with health, safety, or building; and (2) after written notice of violation by the regulatory agency, specifying the applicability of this section, has not been brought to a condition of compliance within six months after the date of the notice or the time prescribed in the notice, whichever period is later; or on which good faith efforts for compliance have not been

commenced, as determined by the regulatory agency. The regulatory agency may, for good cause shown, extend the compliance date prescribed in a violation notice.

(c) When the period specified in subdivision (b) has expired without compliance, the regulatory agency shall mail to the taxpayer a notice of noncompliance. The notice of noncompliance shall be in such form and shall include such information as may be prescribed by the Franchise Tax Board, shall be mailed by certified mail to the taxpayer at his last known address, and shall advise the taxpayer (1) of an intent to notify the Franchise Tax Board of such noncompliance within 10 days unless an appeal is filed, (2) where an appeal may be filed, and (3) a general description of the tax consequences of such filing with the Franchise Tax Board. Appeals shall be made to the same body and in the same manner as appeals from other actions of the regulatory agency. If no appeal is made within 10 days or after disposition of the appeal if the regulatory agency is sustained, the regulatory agency shall notify the Franchise Tax Board of such noncompliance. No deduction shall be allowed for the items provided in subdivision (a) from the date of the notice of noncompliance until the date the regulatory agency determines that the substandard housing has been brought to a condition of compliance. The regulatory agency shall mail to the Franchise Tax Board and the taxpayer a notice of compliance, which notice shall be in such form and include such information as may be prescribed by the Franchise Tax Board. In the event the period of noncompliance does not cover an entire taxable year, the deductions shall be denied at the rate of one-twelfth for each full month during the period of noncompliance.

If the property is owned by more than one owner or if recorded title is in the name of a fictitious owner, the notice requirements provided in subdivision (b) and this subdivision shall be satisfied for each owner if the notices are mailed to one owner or to the fictitious name owner at the address appearing on the latest available property tax bill. However, notices made pursuant to this subdivision shall not relieve the regulatory agency from furnishing taxpayer identification information required to implement this section to the Franchise Tax Board.

(d) For the purposes of this section, a notice of noncompliance shall not be mailed by the regulatory agency to the Franchise Tax Board if:

(1) The rental housing was rendered substandard solely by reason of earthquake, flood or other natural disaster except where such condition remains for more than three years after the disaster,

(2) The owner of the rental housing has secured financing to bring such housing into compliance with those laws or codes which have been violated, causing such housing to be classified as substandard, and has commenced repairs or other work necessary to bring such housing into compliance or

(3) The owner of rental housing which is not within the meaning

of housing accommodation as defined by subdivision (d) of Section 35805 of the Health and Safety Code has attempted to:

(A) Secure financing to bring such housing into compliance with those laws or codes which have been violated, causing such housing to be classified as substandard; and

(B) Such financing is denied solely because such housing is located in a neighborhood or geographical area in which financial institutions do not provide financing for rehabilitation of any such housing.

(e) The provisions of this section do not apply to deductions from income derived from property rendered substandard solely by reason of a change in applicable state or local housing standards unless such violations cause substantial danger to the occupants of such property, as determined by the regulatory agency which has served notice of violation pursuant to subdivision (b).

(f) The owner of rental housing found to be in noncompliance shall, upon total or partial divestiture of interest in such property, immediately notify the regulatory agency of the name and address of the person or persons to whom the property has been sold or otherwise transferred and the date of the sale or transference.

(g) By July 1st of each year, the regulatory agency shall report to the appropriate legislative body of its jurisdiction all of the following information, for the preceding calendar year, regarding its activities to secure code enforcement, which shall be public information:

(1) The number of written notices of violation issued for substandard dwellings under subdivision (b).

(2) The number of violations complied with within the period prescribed in subdivision (b).

(3) The number of notices of noncompliance issued pursuant to subdivision (c).

(4) The number of appeals from those notices pursuant to subdivision (c).

(5) The number of successful appeals by owners.

(6) The number of notices of noncompliance mailed to the Franchise Tax Board pursuant to subdivision (c).

(7) The number of cases in which a notice of noncompliance was not sent pursuant to the provision of subdivision (d).

(8) The number of extensions for compliance granted pursuant to subdivision (b) and the mean average length of such extensions.

(9) The mean average length of time from the issuance of a notice of violation to the mailing of a notice of noncompliance to the Franchise Tax Board where such notice is actually sent to the Franchise Tax Board.

(10) The number of cases where compliance is achieved after a notice of noncompliance has been mailed to the Franchise Tax Board.

(11) The number of instances of disallowance of tax deductions by the Franchise Tax Board resulting from referrals made by the regulatory agency. This information may be filed in a supplemental

report in succeeding years as it becomes available.

SEC. 5. Section 17299.3 of the Revenue and Taxation Code is amended to read:

17299.3. (a) Except as otherwise provided in this section, in the case of a taxpayer who is an individual, no deduction otherwise allowable under this part shall be allowed with respect to the use of a dwelling unit which is used by the taxpayer during the taxable year as a residence.

(b) Subdivision (a) shall not apply to any deduction allowable to the taxpayer without regard to its connection with his trade or business (or with his income-producing activity).

(c) (1) Subdivision (a) shall not apply to any item to the extent such item is allocable to a portion of the dwelling unit which is exclusively used on a regular basis—

(A) As the taxpayer's principal place of business,

(B) As a place of business which is used by patients, clients, or customers in meeting or dealing with the taxpayer in the normal course of his trade or business, or

(C) In the case of a separate structure which is not attached to the dwelling unit, in connection with the taxpayer's trade or business.

In the case of an employee, the preceding sentence shall apply only if the exclusive use referred to in the preceding sentence is for the convenience of his employer.

(2) Subdivision (a) shall not apply to any item to the extent such item is allocable to space within the dwelling unit which is used on a regular basis as a storage unit for the inventory of the taxpayer held for use in the taxpayer's trade or business of selling products at retail or wholesale, but only if the dwelling unit is the sole fixed location of such trade or business.

(3) Subdivision (a) shall not apply to any item which is attributable to the rental of the dwelling unit or portion thereof (determined after the application of subdivision (e)).

(4) In the case of a use described in paragraph (1) or (2), and in the case of a use described in paragraph (3) where the dwelling unit is used by the taxpayer during the taxable year as a residence, the deductions allowed under this part for the taxable year by reason of being attributed to such use shall not exceed the excess of—

(A) The gross income derived from such use for the taxable year, over

(B) The deductions allocable to such use which are allowable under this part for the taxable year whether or not such unit (or portion thereof) was so used.

(d) (1) For purposes of this section, a taxpayer uses a dwelling unit during the taxable year as a residence if he uses such unit (or portion thereof) for personal purposes for a number of days which exceeds the greater of—

(A) Fourteen days, or

(B) Ten percent of the number of days during such year for which

such unit is rented at a fair rental.

For purposes of subparagraph (B), a unit shall not be treated as rented at a fair rental for any day for which it is used for personal purposes.

(2) For purposes of this section, the taxpayer shall be deemed to have used a dwelling unit for personal purposes for a day, if for any part of such day, the unit is used—

(A) For personal purposes by the taxpayer or any other person who has an interest in such unit, or by any member of the family (as defined in Section 17289(d)) of the taxpayer or such other person;

(B) By any individual who uses the unit under an arrangement which enables the taxpayer to use some other dwelling unit (whether or not a rental is charged for the use of such other unit); or

(C) By any individual (other than an employee with respect to whose use Section 17151 applies), unless for such day the dwelling unit is rented for a rental which, under the facts and circumstances, is fair rental.

The Franchise Tax Board shall prescribe regulations with respect to the circumstances under which use of the unit for repairs and annual maintenance will not constitute personal use under this paragraph.

(3) (A) For purposes of applying paragraph (4) of subdivision (c) to deductions allocable to a qualified rental period, a taxpayer shall not be considered to have used a dwelling unit for personal purposes for any day during the taxable year which occurs before or after a qualified rental period described in clause (i) of subparagraph (B), or before a qualified rental period described in clause (ii) of subparagraph (B), if with respect to such day such unit constitutes the principal residence of the taxpayer.

(B) For purposes of subparagraph (A), the term "qualified rental period" means a consecutive period of—

(i) Twelve or more months which begins or ends in such taxable year, or

(ii) Less than 12 months which begins in such taxable year and at the end of which such dwelling unit is sold or exchanged, and for which such unit is rented to a person other than a member of the family (as defined in subdivision (d) of Section 17289) of the taxpayer, or is held for rental, at a fair rental.

(e) (1) In any case where a taxpayer who is an individual uses a dwelling unit for personal purposes on any day during the taxable year (whether or not he is treated under this section as using such unit as a residence), the amount deductible under this part with respect to expenses attributable to the rental of the unit (or portion thereof) for the taxable year shall not exceed an amount which bears the same relationship to such expenses as the number of days during each year that the unit (or portion thereof) is rented at a fair rental bears to the total number of days during such year that the unit (or portion thereof) is used.

(2) This subdivision shall not apply with respect to deductions which would be allowable under this part for the taxable year whether or not such unit (or portion thereof) was rented.

(f) (1) For purposes of this section—

(A) The term "dwelling unit" includes a house, apartment, condominium, mobilehome, boat, or similar property, and all structures or other property appurtenant to such dwelling unit.

(B) The term "dwelling unit" does not include that portion of a unit which is used exclusively as a hotel, motel, inn, or similar establishment.

(2) If subdivision (a) applies with respect to any dwelling unit (or portion thereof) for the taxable year—

(A) Section 17233 (relating to activities not engaged in for profit) shall not apply to such unit (or portion thereof) for such year, but

(B) Such year shall be taken into account as a taxable year for purposes of applying subdivision (d) of Section 17233 (relating to five-year presumption).

(g) Notwithstanding any other provision of this section or Section 17233, if a dwelling unit is used during the taxable year by the taxpayer as a residence and such dwelling unit is actually rented for less than 15 days during the taxable year, then—

(1) No deduction otherwise allowable under this part because of the rental use of such dwelling unit shall be allowed, and

(2) The income derived from such use for the taxable year shall not be included in the gross income of such taxpayer under Section 17071.

(h) This section shall not apply to any owner-occupied dwelling which is receiving the homeowners' exemption pursuant to Section 218.

SEC. 6. Section 17530 of the Revenue and Taxation Code is amended to read:

17530. (a) For purposes of this section, the term "individual retirement account" means a trust created or organized in the United States for the exclusive benefit of an individual or his beneficiaries, but only if the written governing instrument creating the trust meets the following requirements:

(1) Except in the case of a rollover contribution described in subdivision (d) (3), in Section 17503(d), 17511(e), 17512(a) (9), or 17530.1(b) (3), no contribution will be accepted unless it is in cash, and contributions will not be accepted for the taxable year in excess of one thousand five hundred dollars ($1,500) on behalf of any individual.

(2) The trustee is a bank (as defined in Section 17502.3(a)) or such other person who demonstrates to the satisfaction of the Franchise Tax Board that the manner in which such other person will administer the trust will be consistent with the requirements of this section.

(3) No part of the trust funds will be invested in life insurance contracts.

(4) The interest of an individual in the balance in his account is nonforfeitable.

(5) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

(6) The entire interest of an individual for whose benefit the trust is maintained will be distributed to him not later than the close of his taxable year in which he attains age 70½, or will be distributed, commencing before the close of such taxable year, in accordance with regulations prescribed by the Franchise Tax Board, over—

(A) The life of such individual or the lives of such individual and his spouse, or

(B) A period not extending beyond the life expectancy of such individual or the life expectancy of such individual and his spouse.

(7) If an individual for whose benefit the trust is maintained dies before his entire interest has been distributed to him, or if distribution has been commenced as provided in paragraph (6) to his surviving spouse and such surviving spouse dies before the entire interest has been distributed to such spouse, the entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within five years after his death (or the death of the surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which annuity will be immediately distributed to such beneficiary or beneficiaries. The preceding sentence does not apply if distributions over a term certain commenced before the death of the individual for whose benefit the trust was maintained and the term certain is for a period permitted under paragraph (6).

(b) For purposes of this section, the term "individual retirement annuity" means an annuity contract, or an endowment contract (as determined under regulations prescribed by the Franchise Tax Board), issued by an insurance company which meets the following requirements:

(1) The contract is not transferable by the owner.

(2) Under the contract—

(A) The premiums are not fixed,

(B) The annual premium on behalf of any individual will not exceed one thousand five hundred dollars ($1,500), and

(C) Any refund of premiums will be applied before the close of the calendar year following the year of the refund toward the payment of future premiums or the purchase of additional benefits.

(3) The entire interest of the owner will be distributed to him not later than the close of his taxable year in which he attains age 70½, or will be distributed, in accordance with regulations prescribed by the Franchise Tax Board over—

(A) The life of such owner or the lives of such owner and his

spouse, or

(B) A period not extending beyond the life expectancy of such owner or the life expectancy of such owner and his spouse.

(4) If the owner dies before his entire interest has been distributed to him, or if distribution has been commenced as provided in paragraph (3) to his surviving spouse and such surviving spouse dies before the entire interest has been distributed to such spouse, the entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within five years after his death (or the death of the surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which annuity will be immediately distributed to such beneficiary or beneficiaries. The preceding sentence shall have no application if distributions over a term certain commenced before the death of the owner and the term certain is for a period permitted under paragraph (3).

(5) The entire interest of the owner is nonforfeitable. Such term does not include such an annuity contract for any taxable year of the owner in which it is disqualified on the application of subdivision (e) or for any subsequent taxable year. For purposes of this subdivision, no contract shall be treated as an endowment contract if it matures later than the taxable year in which the individual in whose name such contract is purchased attains age 70½; if it is not for the exclusive benefit of the individual in whose name it is purchased or his beneficiaries; or if the aggregate annual premiums under all such contracts purchased in the name of such individual for any taxable year exceed one thousand five hundred dollars ($1,500).

(c) A trust created or organized in the United States by an employer for the exclusive benefit of his employees or their beneficiaries, or by an association of employees (which may include employees within the meaning of Section 17502.2(a)) for the exclusive benefit of its members or their beneficiaries, shall be created as an individual retirement account (described in subdivision (a)), but only if the written governing instrument creating the trust meets the following requirements:

(1) The trust satisfies the requirements of paragraphs (1) through (7) of subdivision (a).

(2) There is a separate accounting for the interest of each employee or member (or spouse of an employee or member).

The assets of the trust may be held in a common fund for the account of all individuals who have an interest in the trust.

(d) (1) Except as otherwise provided in this subdivision, any amount paid or distributed out of an individual retirement account or under an individual retirement annuity shall be included in gross income by the payee or distributee, as the case may be, for the taxable year in which the payment or distribution is received.

Notwithstanding any other provision of this code (including Parts 8 (commencing with Section 13301) and 9 (commencing with Section 15101) of this division), the basis of any person in such an account or annuity is zero.

(2) Paragraph (1) does not apply to any annuity contract which meets the requirements of paragraphs (1), (3), (4), and (5) of subdivision (b) and which is distributed from an individual retirement account. Sections 17101 to 17112.7, inclusive, apply to any such annuity contract, and for purposes of Sections 17101 to 17112.7, inclusive, the investment in such contract is zero.

(3) An amount is described in this paragraph as a rollover contribution if it meets the requirements of subparagraphs (A) and (B).

(A) Paragraph (1) does not apply to any amount paid or distributed out of an individual retirement account or individual retirement annuity to the individual for whose benefit the account or annuity is maintained if—

(i) The entire amount received (including money and any other property) is paid into an individual retirement account or individual retirement annuity (other than an endowment contract) or retirement bond for the benefit of such individual not later than the 60th day after the day on which he receives the payment or distribution;

(ii) The entire amount received (including money and other property) represents the entire amount in the account or the entire value of the annuity and no amount in the account and no part of the value of the annuity is attributable to any source other than a rollover contribution from an employees' trust described in Section 17501 which is exempt from tax under Section 17631 (other than a trust forming part of a plan under which the individual was an employee within the meaning of Section 17502.2(a) at the time contributions were made on his behalf under the plan), or an annuity plan described in Section 17511 (other than a plan under which the individual was an employee within the meaning of Section 17502.2(a) at the time contributions were made on his behalf under the plan) and any earnings on such sums and the entire amount thereof is paid into another such trust (for the benefit of such individual) or annuity plan not later than the 60th day on which he receives the payment or distribution; or

(iii) (I) The entire amount received (including money and other property) represents the entire interest in the account or the entire value of the annuity,

(II) No amount in the account and no part of the value of the annuity is attributable to any source other than a rollover contribution from an annuity contract described in Section 17512 and any earnings on such rollover, and

(III) The entire amount thereof is paid into another annuity contract described in Section 17512 (for the benefit of such individual) not later than the 60th day after he receives the payment

or distribution.

(B) This paragraph does not apply to any amount described in subparagraph (A) (i) received by an individual from an individual retirement account or individual retirement annuity if at any time during the one-year period ending on the day of such receipt such individual received any other amount described in that subparagraph from an individual retirement account, individual retirement annuity, or a retirement bond which was not includable in his gross income because of the application of this paragraph. Clause (ii) of subparagraph (A) shall not apply to any amount paid or distributed out of an individual retirement account or an individual retirement annuity to which an amount was contributed which was treated as a rollover contribution by Section 17503(f) (or in the case of an individual retirement annuity, such section as made applicable by Section 17511(e)(2)).

(4) Paragraph (1) does not apply to the distribution of any contribution paid for a taxable year to an individual retirement account or for an individual retirement annuity to the extent that such contribution exceeds the amount allowable as a deduction under Section 17240 or 17241 if—

(A) Such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year.

(B) No deduction is allowed under Section 17240 or 17241 with respect to such excess contribution, and

(C) Such distribution is accompanied by the amount of net income attributable to such excess contribution.

In the case of such a distribution, for purposes of Section 17071, any net income described in subparagraph (C) shall be deemed to have been earned and receivable in the taxable year in which such excess contribution is made.

(5) (A) In the case of any individual, if the aggregate contributions (other than rollover contributions) paid for any taxable year to an individual retirement account or for an individual retirement annuity do not exceed one thousand seven hundred fifty dollars ($1,750), paragraph (1) shall not apply to the distribution of any such contribution to the extent that such contribution exceeds the amount allowable as a deduction under Section 17240 or 17241 for the taxable year for which the contribution was paid—

(i) If such distribution is received after the date described in paragraph (4),

(ii) But only to the extent that no deduction has been allowed under Section 17240 or 17241 with respect to such excess contribution.

If employer contributions on behalf of the individual are paid for the taxable year to a simplified employee pension, the dollar limitation of the preceding sentence shall be increased by the lesser of the amount of such contributions or seven thousand five hundred dollars ($7,500).

(B) (i) The taxpayer reasonably relies on information supplied pursuant to this part for determining the amount of a rollover contribution, but

(ii) The information was erroneous, subparagraph (A) shall be applied by increasing the dollar limit set forth therein by that portion of the excess contribution which was attributable to such information.

(6) The transfer of an individual's interest in an individual retirement account, individual retirement annuity, or retirement bond to his former spouse under a divorce decree or under a written instrument incident to such divorce is not to be considered a taxable transfer made by such individual notwithstanding any other provision of this part, and such interest at the time of the transfer is to be treated as an individual retirement account of such spouse, and not of such individual. Thereafter such account, annuity, or bond for purposes of this part is to be treated as maintained for the benefit of such spouse.

(e) (1) Any individual retirement account is exempt from taxation under this part unless such account has ceased to be an individual retirement account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by Section 17651 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

(2) (A) In the case of such a plan in existence in taxable year 1975 where contributions were made pursuant to and in conformance with Section 408 or 409 of the Internal Revenue Code of 1954 as amended by the Employee's Income Security Act of 1974 (P.L. 93-406), any net income attributable to the 1975 contribution shall not be includable in the gross income, for taxable year 1977 or succeeding taxable years, of the individual for whose benefit the plan was established until distributed pursuant to the provisions of the plan or by operation of law.

(B) In the case of a simplified employee pension, where contributions are also made pursuant to, and in conformance with, the provisions of Section 408(k) of the Internal Revenue Code of 1954, as amended by Public Law 95-600, the net income attributable to the nondeductible portion of such contributions shall not be includable in the gross income of the individual for whose benefit the plan was established for the taxable year or for succeeding taxable years until distributed pursuant to the provisions of the plan or by operation of law.

(3) (A) If, during any taxable year of the individual for whose benefit any individual retirement account is established, that individual or his beneficiary engages in any transaction prohibited by Section 4975 of the Internal Revenue Code of 1954 as amended by Public Law 95-600 with respect to such account, such account ceases to be an individual retirement account as of the first day of such taxable year. For purposes of this paragraph—

(i) The individual for whose benefit any account was established

is treated as the creator of such account and

(ii) The separate account for any individual within an individual retirement account maintained by an employer or association of employees is treated as a separate individual retirement account.

(B) In any case in which any account ceases to be an individual retirement account by reason of subparagraph (A) as of the first day of any taxable year, paragraph (1) of subdivision (d) applies as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

(4) If during any taxable year the owner of an individual retirement annuity borrows any money under or by use of such contract, the contract ceases to be an individual retirement annuity as of the first day of such taxable year. Such owner shall include in gross income for such year an amount equal to the fair market value of such contract as of such first day.

(5) If, during any taxable year of the individual for whose benefit an individual retirement account is established, that individual uses the account or any portion thereof as security for a loan, the portion so used is treated as distributed to that individual.

(6) If the assets of an individual retirement account or any part of such assets are used to purchase an endowment contract for the benefit of the individual for whose benefit the account is established—

(A) To the extent that the amount of the assets involved in the purchase are not attributable to the purchase of life insurance, the purchase is treated as a rollover contribution described in subdivision (d) (3), and

(B) To the extent that the amount of the assets involved in the purchase are attributable to the purchase of life, health, accident, or other insurance, such amounts are treated as distributed to that individual (but the provisions of subdivision (f) do not apply).

(7) Any common trust fund or common investment fund of individual retirement account assets which is exempt from taxation under this part does not cease to be exempt on account of the participation or inclusion of assets of a trust exempt from taxation under Section 17631 which is described in Section 17501.

(f) (1) If a distribution from an individual retirement account or under an individual retirement annuity to the individual for whose benefit such account or annuity was established is made before such individual attains age 59½, his tax under this article for the taxable year in which such distribution is received shall be increased by an amount equal to 2.5 percent of the amount of distribution which is includable in his gross income for such taxable year.

(2) If an amount is includable in gross income for a taxable year under subdivision (e) and the taxpayer has not attained age 59½ before the beginning of such taxable year, his tax under this article for such taxable year shall be increased by an amount equal to 2.5 percent of such amount so required to be included in his gross

income.

(3) Paragraphs (1) and (2) do not apply if the amount paid or distributed, or the disqualification of the account or annuity under subdivision (e), is attributable to the taxpayer becoming disabled within the meaning of Section 17112.5(f).

(g) This section shall be applied without regard to any community property laws.

(h) For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in Section 17502.3(a)) or another person who demonstrates, to the satisfaction of the Franchise Tax Board, that the manner in which he will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute an individual retirement account described in subdivision (a). For purposes of this part, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

(i) The trustee of an individual retirement account and the issuer of an endowment contract described in subdivision (b) or an individual retirement annuity shall make such reports regarding such account, contract, or annuity to the Franchise Tax Board and to the individuals for whom the account, contract, or annuity is, or is to be, maintained with respect to contributions, distributions, and such other matters as the Franchise Tax Board may require under regulations. The reports required by this subdivision shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations.

(j) In the case of a simplified employee pension, this section shall be applied by substituting "two thousand five hundred dollars ($2,500)" for "one thousand five hundred dollars ($1,500)" in the following provisions:

(1) Paragraph (1) of subdivision (a), and

(2) Paragraph (2) of subdivision (b).

(k) (1) For purposes of this part, the term "simplified employee pension" means an individual retirement account or individual retirement annuity with respect to which the requirements of paragraphs (2), (3), (4), and (5) of this subdivision are met.

(2) This paragraph is satisfied with respect to a simplified employee pension for a calendar year only if for such year the employer contributes to the simplified employee pension of each employee who—

(A) Has attained age 25, and

(B) Has performed service for the employer during at least three of the immediately preceding five calendar years.

For purposes of this paragraph, there shall be excluded from consideration employees described in subparagraph (A) or (C) of paragraph (1) of subsection (b) of Section 410 of the Internal

Revenue Code of 1954 as amended by Public Law 95-600.

(3) (A) The requirements of this paragraph are met with respect to a simplified employee pension for a calendar year if for such year the contributions made by the employer to simplified employee pensions for his employees do not discriminate in favor of any employee who is—

(i) An officer,

(ii) A shareholder,

(iii) A self-employed individual, or

(iv) Highly compensated.

(B) For purposes of subparagraph (A)—

(i) There shall be excluded from consideration employees described in subparagraph (A) or (C) of Section 410(b)(2) of the Internal Revenue Code of 1954, as amended by Public Law 95-600, and

(ii) An individual shall be considered a shareholder if he owns (with the application of Section 17384) more than 10 percent of the value of the stock of the employer.

(C) For purposes of subparagraph (A), employer contributions to simplified employee pensions shall be considered discriminatory unless contributions thereto bear a uniform relationship to the total compensation (not in excess of the first one hundred thousand dollars ($100,000)) of each employee maintaining a simplified employee pension.

(D) Except as provided in this subparagraph, employer contributions do not meet the requirements of this paragraph unless such contributions meet the requirements of this paragraph without taking into account contributions or benefits relating to tax on self-employment income, relating to Federal Insurance Contributions Act, Title II of the Social Security Act, or any other federal or state law. Taxes paid under Section 3111 of the Internal Revenue Code of 1954, as amended by Public Law 95-600 (relating to tax on employers) with respect to an employee may, for purposes of this paragraph, be taken into account as a contribution by the employer to an employee's simplified employee pension. If contributions are made to the simplified employee pension of an owner-employee, the preceding sentence shall not apply unless taxes paid by all such owner-employees under Chapter 2 of the Internal Revenue Code of 1954, as amended by Public Law 95-600, and the taxes which would be payable under Chapter 2 by such owner-employees but for paragraphs (4) and (5) of Section 1402(c) of the Internal Revenue Code of 1954, as amended by Public Law 95-600, are taken into account as contributions by the employer on behalf of such owner-employees.

(4) A simplified employee pension meets the requirements of this paragraph only if—

(A) Employer contributions thereto are not conditioned on the retention in such pension of any portion of the amount contributed, and

(B) There is no prohibition imposed by the employer on withdrawals from the simplified employee pension.

(5) The requirements of this paragraph are met with respect to a simplified employee pension only if employer contributions to such pension are determined under a definite written allocation formula which specifies—

(A) The requirements which an employee must satisfy to share in an allocation, and

(B) The manner in which the amount allocated is computed.

(6) For purposes of this subdivision and subdivision (*l*)—

(A) The terms "employee", "employer", and "owner-employee" shall have the respective meanings given such terms by Section 17502.2.

(B) The term "compensation" means, in the case of an employee within the meaning of Section 17502.2(a), earned income within the meaning of Section 17502.2(b).

(*l*) An employer who makes a contribution on behalf of an employee to a simplified employee pension shall provide such simplified reports with respect to such contributions as the Franchise Tax Board may require by regulations. The reports required by this subsection shall be filed at such time and in such manner, and information with respect to such contributions shall be furnished to the employee at such time and in such manner, as may be required by regulations.

SEC. 7. Section 17599 of the Revenue and Taxation Code is amended to read:

17599. (a) In the case of a taxpayer engaged in an activity to which this section applies, any loss from such activity for the taxable year shall be allowed only to the extent of the aggregate amount with respect to which the taxpayer is at risk (within the meaning of subdivision (b)) for such activity at the close of the taxable year. Any loss from such activity not allowed under this section for the taxable year shall be treated as a deduction allocable to such activity in the first succeeding taxable year.

(b) (1) For purposes of this section, a taxpayer shall be considered at risk for an activity with respect to amounts including—

(A) The amount of money and the adjusted basis of other property contributed by the taxpayer to the activity, and

(B) Amounts borrowed with respect to such activity (as determined under paragraph (2)).

(2) For purposes of this section, a taxpayer shall be considered at risk with respect to amounts borrowed for use in an activity to the extent that he—

(A) Is personally liable for the repayment of such amounts, or

(B) Has pledged property, other than property used in such activity, as security for such borrowed amount (to the extent of the net fair market value of the taxpayer's interest in such property).

No property shall be taken into account as security if such property

is directly or indirectly financed by indebtedness which is secured by property described in paragraph (1).

(3) For purposes of subparagraph (B) of paragraph (1), amounts borrowed shall not be considered to be at risk with respect to an activity if such amounts are borrowed from any person who—

(A) Has an interest (other than an interest as a creditor) in such activity, or

(B) Has a relationship to the taxpayer specified within any one of the paragraphs of Section 17288.

(4) Notwithstanding any other provision of this section, a taxpayer shall not be considered at risk with respect to amounts protected against loss through nonrecourse financing, guarantees, stop loss agreements, or other similar arrangements.

(5) If in any taxable year the taxpayer has a loss from an activity to which this section applies, the amount with respect to which a taxpayer is considered to be at risk (within the meaning of subdivision (b)) in subsequent taxable years with respect to that activity shall be reduced by that portion of the loss which (after the application of subdivision (a)) is allowable as a deduction.

(c) (1) This section applies to any taxpayer engaged in the activity of—

(A) Holding, producing, or distributing motion picture films or video tapes,

(B) Farming (as defined in Section 17599.1(e)),

(C) Leasing any Section 18211 property (as defined in paragraph (3) of subdivision (a) of Section 18211),

(D) Exploring for, or exploiting, oil and gas resources as a trade or business or for the production of income, or

(E) Exploring for, or exploiting, geothermal deposits (as defined in Section 17686).

(2) For purposes of this section, a taxpayer's activity with respect to each—

(A) Film or video tape,

(B) Section 18211 property which is leased or held for leasing,

(C) Farm,

(D) Oil and gas property (as defined under Section 614 of the Internal Revenue Code of 1954), or

(E) Geothermal property (as determined under Section 614 of the Internal Revenue Code of 1954),

shall be treated as a separate activity. A partner's interest in a partnership shall be treated as a single activity to the extent that the partnership is engaged in activities described in any subparagraph of this paragraph.

(3) (A) In the case of taxable years beginning after December 31, 1978, this section also applies to each activity—

(i) Engaged in by the taxpayer in carrying on a trade or business or for the production of income, and

(ii) Which is not described in paragraph (1).

(B) Except as provided in subparagraph (C), for purposes of this

section, activities described in subparagraph (A) which constitute a trade or business shall be treated as one activity if—

(i) The taxpayer actively participates in the management of such trade or business, or

(ii) Such trade or business is carried on by a partnership and 65 percent or more of the losses for the taxable year is allocable to persons who actively participate in the management of the trade or business.

(C) The Franchise Tax Board shall prescribe which activities described in subparagraph (A) shall be aggregated or treated as separate activities.

(D) In the case of activities described in subparagraph (A), the holding of real property (other than mineral property) shall be treated as a separate activity, and subdivision (a) shall not apply to losses from such activity. For purposes of the preceding sentence, personal property and services which are incidental to making real property available as living accommodations shall be treated as part of the activity of holding such real property.

(E) In the case of an activity described in subparagraph (A), subdivision (b) (3) shall apply only to the extent prescribed by the Franchise Tax Board.

(d) For purposes of this section, the term "loss" means the excess of the deductions allowable under this part for the taxable year (determined without regard to the first sentence of subdivision (a)) and allocable to an activity to which this section applies over the income received or accrued by the taxpayer during the taxable year from such activity.

(e) Except as provided in paragraphs (1) and (2), this section shall apply to losses attributable to amounts paid or incurred in taxable years beginning after December 31, 1976. For purposes of this section, any amount allowed or allowable for depreciation or amortization for any period shall be treated as an amount paid or incurred in such period.

(1) (A) In the case of any activity described in subparagraph (A) of paragraph (1) of subdivision (c), this section shall not apply to—

(i) Deductions for depreciation or amortization with respect to property the principal production of which began before January 1, 1977, and for the purchase of which there was on January 1, 1977, and at all times thereafter a binding contract, and

(ii) Deductions attributable to producing or distributing property the principal production of which began before January 1, 1977.

(B) In the case of any activity described in subparagraph (A) of paragraph (1) of subdivision (c), this section shall not apply to deductions attributable to the producing of a film the principal photography of which began on or before December 31, 1976, if—

(i) On December 31, 1976, there was an agreement with the director or a principal motion picture star, or on or before December 31, 1976, there had been expended (or committed to the production) an amount not less than the lower of one hundred thousand dollars

($100,000) or 10 percent of the estimated costs of producing the film, and

(ii) The production takes place in the United States. Subparagraph (A) shall apply only to taxpayers who held their interests on December 31, 1976. Subparagraph (B) shall apply only to taxpayers who held their interests on December 31, 1976.

(2) (A) In the case of any activity described in subparagraph (C) of paragraph (1) of subdivision (c) of this section shall not apply with respect to—

(i) Leases entered into before January 1, 1977, and

(ii) Leases where the property was ordered by the lessor or lessee before January 1, 1977.

(B) Subparagraph (A) shall apply only to taxpayers who held their interest in the property on December 31, 1976.

(f) (1) If zero exceeds the amount for which the taxpayer is at risk in any activity at the close of any taxable year—

(A) The taxpayer shall include in his gross income for such taxable year (as income from such activity) an amount equal to such excess, and

(B) An amount equal to the amount so included in gross income shall be treated as a deduction allocable to such activity for the first succeeding taxable year.

(2) The excess referred to in paragraph (1) shall not exceed—

(A) The aggregate amount of the reductions required by subsection (b) (5) with respect to the activity for all prior taxable years beginning after December 31, 1978, reduced by

(B) The amounts previously included in gross income with respect to such activity under this subsection.

(g) The amendments made to this section by the 1979–80 Regular Session of the Legislature shall apply to taxable years beginning after December 31, 1978.

(h) If the amount for which the taxpayer is at risk in any activity as of the close of the taxpayer's last taxable year beginning before January 1, 1979, is less than zero, subdivision (f) shall be applied with respect to such activity by substituting such negative amount for zero.

SEC. 9. Section 18211 of the Revenue and Taxation Code is amended to read:

18211. (a) (1) Except as otherwise provided in this section, if Section 18211 property is disposed of during a taxable year beginning after December 31, 1962, the amount by which the lower of—

(A) The recomputed basis of the property, or

(B) (i) In the case of a sale, exchange or involuntary conversion, the amount realized, or

(ii) In the case of any other disposition, the fair market value of such property,

exceeds the adjusted basis of such property shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182. Such gain shall

be recognized notwithstanding any other provision of this part.

(2) For purposes of this section, the term "recomputed basis" means—

(A) With respect to any property referred to in subparagraphs (A) or (B) of paragraph (3), its adjusted basis recomputed by adding thereto all adjustments, attributable to periods after December 31, 1961,

(B) With respect to any property referred to in subparagraph (C) of paragraph (3), its adjusted basis recomputed by adding thereto all adjustments attributable to periods after June 30, 1963,

(C) With respect to livestock its adjusted basis recomputed by adding thereto all adjustments attributable to periods after December 31, 1969, or

(D) With respect to any property referred to in subparagraph (D) of paragraph (3), its adjusted basis recomputed by adding thereto all adjustments attributable to periods beginning with the first month for which a deduction for amortization is allowed under Section 17226 or 17227, reflected in such adjusted basis on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for depreciation, or for amortization under Section 17226, 17227, or (in the case of property described in subparagraph (C) of paragraph (3)) 17228. For purposes of the preceding sentence if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed for depreciation, or for amortization under Section 17226, 17227, or (in the case of property discussed in subparagraph (c) of paragraph (3)) 17228, for any period was less than the amount allowable, the amount added for such period shall be the amount allowed. For purposes of this section, any deduction allowable under Section 17227 shall be treated as if it were a deduction for amortization.

(3) For purposes of this section, the term "Section 18211 property" means any property which is or has been property of a character subject to the allowance for depreciation provided in Sections 17208 to 17211.7, inclusive, and is either—

(A) Personal property,

(B) Other property (not including a building or its structural components) but only if such other property is tangible and has an adjusted basis in which there are reflected adjustments described in paragraph (2) for a period in which such property (or other property)—

(i) Was used as an integral part of manufacturing, production, or extraction or of furnishing transportation, communications, electrical energy, gas, water, or sewage disposal services, or

(ii) Constituted research or storage facilities used in connection with any of the activities referred to in clause (i),

(C) An elevator or an escalator, or

(D) So much of any real property (other than any property described in subparagraph (B)) which has an adjusted basis in which

there are reflected adjustments for amortization under Section 17226, or 17227.

(4) (A) For purposes of this section, if a franchise to conduct any sports enterprise is sold or exchanged, and if, in connection with such sale or exchange, there is a transfer of any player contracts, the recomputed basis of such player contracts in the hands of the transferor shall be the adjusted basis of such contracts increased by the greater of—

(i) The previously unrecaptured depreciation with respect to player contracts acquired by the transferor at the time of acquisition of such franchise, or

(ii) The previously unrecaptured depreciation with respect to the player contracts involved in such transfer.

(B) For purposes of clause (i) of subparagraph (A), the term "previously unrecaptured depreciation" means the excess (if any) of—

(i) The sum of the deduction allowed or allowable to the taxpayer transferor for the depreciation attributable to periods after December 31, 1975, of any player contracts acquired by him at the time of acquisition of such franchise, plus the deduction allowed or allowable for losses incurred after December 31, 1975, with respect to such player contracts acquired at the time of such acquisition, over

(ii) The aggregate of the amounts described in clause (i) treated as ordinary income by reason of this section with respect to prior dispositions of such player contracts acquired upon acquisition of the franchise.

(C) For purposes of clause (ii) of subparagraph (A) the term "previously unrecaptured depreciation" means the amount of any deduction allowed or allowable to the taxpayer transferor for the depreciation of any contracts involved in such transfer.

(D) For purposes of this paragraph, the term "player contract" means any contract for the services of an athlete which, in the hands of the taxpayer, is of a character subject to the allowance for depreciation provided in Section 17208.

(E) This section shall apply to transfers of player contracts in connection with any sale or exchange of a franchise after December 31, 1976, in taxable years ending after the enactment of this section.

(b) (1) Subdivision (a) shall not apply to a disposition by gift.

(2) Except as provided in Sections 17831 to 17837, inclusive (relating to income in respect of a decedent), subdivision (a) shall not apply to a transfer at death.

(3) If the basis of property in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of Section 17431, 17481, 17881, 17891, or Section 24502, 24521, or 24551 of the Bank and Corporation Tax Law, then the amount of gain taken into account by the transferor under paragraph (1) of subdivision (a) shall not exceed the amount of gain recognized to the transferor on the transfer of such property (determined without regard to this section). This paragraph shall not

apply to a disposition to an organization which is exempt from the tax imposed by this part.

(4) If property is disposed of and gain (determined without regard to this section) is not recognized in whole or in part under Section 18081 or Sections 18082 to 18090.2, inclusive, then the amount of gain taken into account by the transferor under paragraph (1) of subdivision (a) shall not exceed the sum of—

(A) The amount of gain recognized on such disposition (determined without regard to this section), plus

(B) The fair market value of property acquired which is not Section 18211 property and which is not taken into account under subparagraph (A).

(5) Under regulations prescribed by the Franchise Tax Board, rules consistent with paragraphs (3) and (4) of this subdivision shall apply in the case of transactions described in Section 18121 (relating to gain from sale or exchange to effectuate policies of FCC) or Sections 18131 to 18134, inclusive (relating to exchanges in obedience to SEC orders).

(6) (A) For purposes of this section, the basis of Section 18211 property distributed by a partnership to a partner shall be deemed to be determined by reference to the adjusted basis of such property to the partnership.

(B) In the case of any property described in subparagraph (A), for purposes of computing the recomputed basis of such property the amount of the adjustments added back for periods before the distribution by the partnership shall be—

(i) The amount of the gain to which subdivision (a) would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time, reduced by

(ii) The amount of such gain to which Section 17912 applied.

(c) The Franchise Tax Board shall prescribe such regulations as it may deem necessary to provide for adjustments to the basis of property to reflect gain recognized under subdivision (a).

(d) This section shall apply notwithstanding any other provisions of this part.

SEC. 10. Section 18215 of the Revenue and Taxation Code is amended to read:

18215. (a) Section 18212 shall not apply to a disposition by gift.

(b) Except as provided in Sections 17831 to 17837, inclusive, (relating to income in respect to a decedent), Section 18212 shall not apply to a transfer at death.

(c) If the basis of property in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of Sections 17431, 17481, 17881, 17891 or Sections 24502, 24521, 24551, or 24571 of the Bank and Corporation Tax Law, then the amount of gain taken into account by the transferor under Section 18212(a) shall not exceed the amount of gain recognized to the transferor on the transfer of such property

(determined without regard to Sections 18212 to 18218, inclusive). This subdivision shall not apply to a disposition to an organization which is exempt from the tax imposed by this part or the Bank and Corporation Tax Law.

(d) (1) If property is disposed of and gain (determined without regard to Sections 18212 to 18218, inclusive) is not recognized in whole or in part under Sections 18081 or 18082 to 18090.2, inclusive, then the amount of gain taken into account by the transferor under Section 18212(a) shall not exceed the greater of the following:

(A) The amount of gain recognized on the disposition (determined without regard to Sections 18212 to 18218, inclusive), increased as provided in paragraph (2), or

(B) The amount determined under paragraph (3).

(2) With respect to any transaction, the increase provided by this subparagraph is the amount equal to the fair market value of any stock purchased in a corporation which (but for this paragraph) would result in nonrecognition of gain under Section 18083.

(3) With respect to any transaction, the amount determined under this paragraph shall be the excess of—

(A) The amount of gain which would (but for this paragraph) be taken into account under Section 18212(a), over

(B) The fair market value (or cost in the case of a transaction described in Sections 18082(c) to 18086, inclusive), of the Section 18212 property acquired in the transaction.

(4) In the case of property purchased by the taxpayer in a transaction described in Sections 18082(c) to 18086, inclusive, in applying the last sentence of Section 18088, such sentence shall be applied—

(A) First solely to Section 18212 properties and to the amount of gain not taken into account under Section 18212(a) by reason of this paragraph, and

(B) Then to all purchased properties to which such sentence applies and to the remaining gain not recognized on the transaction as if the cost of the Section 18212 properties were the basis of such properties computed under clause (i).

In the case of property acquired in any other transaction to which this paragraph applies, rules consistent with the preceding sentence shall be applied under regulations prescribed by the Franchise Tax Board.

(5) In the case of any transaction described in Section 18081 or 18082 to 18090.2, inclusive, the additional depreciation in respect of the Section 18212 property acquired which is attributable to Section 18212 property disposed of shall be an amount equal to the amount of the gain which was not taken into account under Section 18212(a) by reason of the application of this paragraph.

(e) Under regulations prescribed by the Franchise Tax Board, rules consistent with subdivisions (c) and (d) of this section and with Sections 18216 and 18217 shall apply in the case of transactions described in Section 18121 (relating to gain from sale or exchange to

effectuate policies of FCC) or Sections 18131 to 18134, inclusive (relating to exchanges in obedience to SEC orders).

(f) (1) For purposes of Sections 18212 to 18218, inclusive, the basis of Section 18212 property distributed by a partnership to a partner shall be deemed to be determined by reference to the adjusted basis of such property to the partnership.

(2) In respect of any property described in paragraph (1), the additional depreciation attributable to periods before the distribution by the partnership shall be—

(A) The amount of the gain to which Section 18212 would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time and the applicable percentage for the property had been 100 percent, reduced by

(B) If Section 17912 applied to any part of such gain, the amount of such gain to which Section 17912 would have applied if the applicable percentage for the property had been 100 percent.

(g) Section 18212 shall not apply to a disposition of—

(1) Property to the extent used by the taxpayer as his principal residence (within the meaning of Sections 18091 to 18100, inclusive, relating to sale or exchange of residence), and

(2) Property in respect of which the taxpayer meets the age and ownership requirements of Section 17154 (relating to gains from sale or exchange of residence of individual who has attained the age of 65) but only to the extent that he meets the use requirements of such section in respect of such property.

(h) If any Section 18212 property is disposed of by the taxpayer pursuant to a bid for such property at foreclosure or by operation of an agreement or of process of law after there was a default on indebtedness which such property secured, the applicable percentage referred to in subparagraph (B) of paragraph (1) or subparagraph (B) of paragraph (2) or subparagraph (B) of paragraph (3) of subdivision (a) of Section 18212, as the case may be, shall be determined as if the taxpayer ceased to hold such property on the date of the beginning of the proceedings pursuant to which the disposition occurred, or, in the event there are no proceedings, such percentage shall be determined as if the taxpayer ceased to hold such property on the date, determined under regulations prescribed by the Franchise Tax Board, on which such operation of an agreement or process of law, pursuant to which the disposition occurred, began.

This subdivision shall apply with respect to proceedings (and to operations of law) which begin after December 31, 1976.

SEC. 10.5. Section 18215 of the Revenue and Taxation Code is amended to read:

18215. (a) Section 18212 shall not apply to a disposition by gift.

(b) Except as provided in Sections 17831 to 17837, inclusive, (relating to income in respect to a decedent), Section 18212 shall not apply to a transfer at death.

(c) If the basis of property in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of Sections 17431, 17481, 17881, 17891 or Sections 24502, 24521, 24551, or 24571 of the Bank and Corporation Tax Law, then the amount of gain taken into account by the transferor under Section 18212(a) shall not exceed the amount of gain recognized to the transferor on the transfer of such property (determined without regard to Sections 18212 to 18218, inclusive). This subdivision shall not apply to a disposition to an organization which is exempt from the tax imposed by this part or the Bank and Corporation Tax Law.

(d) (1) If property is disposed of and gain (determined without regard to Sections 18212 to 18218, inclusive) is not recognized in whole or in part under Sections 18081 or 18082 to 18090.2, inclusive, then the amount of gain taken into account by the transferor under Section 18212(a) shall not exceed the greater of the following:

(A) The amount of gain recognized on the disposition (determined without regard to Sections 18212 to 18218, inclusive), increased as provided in paragraph (2), or

(B) The amount determined under paragraph (3).

(2) With respect to any transaction, the increase provided by this subparagraph is the amount equal to the fair market value of any stock purchased in a corporation which (but for this paragraph) would result in nonrecognition of gain under Section 18083.

(3) With respect to any transaction, the amount determined under this paragraph shall be the excess of—

(A) The amount of gain which would (but for this paragraph) be taken into account under Section 18212(a), over

(B) The fair market value (or cost in the case of a transaction described in Sections 18082(c) to 18086, inclusive), of the Section 18212 property acquired in the transaction.

(4) In the case of property purchased by the taxpayer in a transaction described in Sections 18082(c) to 18086, inclusive, in applying the last sentence of Section 18088, such sentence shall be applied—

(A) First solely to Section 18212 properties and to the amount of gain not taken into account under Section 18212(a) by reason of this paragraph, and

(B) Then to all purchased properties to which such sentence applies and to the remaining gain not recognized on the transaction as if the cost of the Section 18212 properties were the basis of such properties computed under clause (i).

In the case of property acquired in any other transaction to which this paragraph applies, rules consistent with the preceding sentence shall be applied under regulations prescribed by the Franchise Tax Board.

(5) In the case of any transaction described in Section 18081 or 18082 to 18090.2, inclusive, the additional depreciation in respect of the Section 18212 property acquired which is attributable to Section

18212 property disposed of shall be an amount equal to the amount of the gain which was not taken into account under Section 18212(a) by reason of the application of this paragraph.

(e) Under regulations prescribed by the Franchise Tax Board, rules consistent with subdivisions (c) and (d) of this section and with Sections 18216 and 18217 shall apply in the case of transactions described in Section 18121 (relating to gain from sale or exchange to effectuate policies of FCC) or Sections 18131 to 18134, inclusive (relating to exchanges in obedience to SEC orders).

(f) (1) For purposes of Sections 18212 to 18218, inclusive, the basis of Section 18212 property distributed by a partnership to a partner shall be deemed to be determined by reference to the adjusted basis of such property to the partnership.

(2) In respect of any property described in paragraph (1), the additional depreciation attributable to periods before the distribution by the partnership shall be—

(A) The amount of the gain to which Section 18212 would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time and the applicable percentage for the property had been 100 percent, reduced by

(B) If Section 17912 applied to any part of such gain, the amount of such gain to which Section 17912 would have applied if the applicable percentage for the property had been 100 percent.

(g) Section 18212 shall not apply to a disposition of—

(1) Property to the extent used by the taxpayer as his principal residence (within the meaning of Sections 18091 to 18100, inclusive, relating to sale or exchange of residence), and

(2) Property in respect of which the taxpayer meets the age and ownership requirements of Section 17154 (relating to gains from sale or exchange of residence of individual who has attained the age of 65) but only to the extent that he meets the use requirements of such section in respect of such property.

(h) If any Section 18212 property is disposed of by the taxpayer pursuant to a bid for such property at foreclosure or by operation of an agreement or of process of law after there was a default on indebtedness which such property secured, the applicable percentage referred to in subparagraph (B) of paragraph (1) or subparagraph (B) of paragraph (2) or subparagraph (B) of paragraph (3) of subdivision (a) of Section 18212, as the case may be, shall be determined as if the taxpayer ceased to hold such property on the date of the beginning of the proceedings pursuant to which the disposition occurred, or, in the event there are no proceedings, such percentage shall be determined as if the taxpayer ceased to hold such property on the date, determined under regulations prescribed by the Franchise Tax Board, on which such operation of an agreement or process of law, pursuant to which the disposition occurred, began.

This subdivision shall apply with respect to proceedings (and to

operations of law) which begin after December 31, 1976.

(i) Section 18212 shall not apply to residential rental property described in subdivision (b) of Section 17211.6.

SEC. 11. Section 18242 of the Revenue and Taxation Code is amended to read:

18242. (a) For purposes of this article, the term "averageable income" means the amount by which taxable income for the computation year (reduced as provided in subdivision (b)) exceeds 133⅓ percent of average base period income.

(b) The taxable income for the computation year shall be reduced by—

(1) The amount (if any) to which Section 17112.5 applies, and

(2) The amounts included in the income of a beneficiary of a trust under subdivision (a) of Section 17775 and subdivision (b) of Section 17745.

(c) For purposes of this article—

(1) The term "average base period income" means one-fourth of the sum of the base period incomes for the base period.

(2) The base period income for any taxable year is the taxable income for such year—

(A) Decreased by the amounts included in the income of a beneficiary of a trust under subdivision (a) of Section 17775 and subdivision (b) of Section 17745; and

(B) For taxable years beginning prior to January 1, 1967, increased by the amount of the deductions for personal exemption claimed for such year; and

(d) For purposes of this article—

(1) The term "computation year" means the taxable year for which the taxpayer chooses the benefits of this article.

(2) The term "base period" means the four taxable years immediately preceding the computation year.

(3) The term "base period year" means any of the four taxable years immediately preceding the computation year.

(4) The term "joint return" means the return of a husband and wife made under Section 18402.

SEC. 12. Section 18405.5 of the Revenue and Taxation Code is amended to read:

18405.5. If the requirements of Section 18401 do not apply, any individual who is a nonresident for all or any portion of the taxable year shall be required to file a return, regardless of the amount of his adjusted gross income, if he is required to pay any tax imposed by this part after apportioning his deductions and credits for personal exemptions as provided in Section 17055.

SEC. 13. Section 18568.6 of the Revenue and Taxation Code is amended and renumbered to read:

18586.6. (a) In the case of any tax imposed by this part with respect to any person, the period for assessing a deficiency attributable to any partnership item of a federally registered partnership shall not expire before the later of—

(A) The date which is five years after the date on which the partnership return of the federally registered partnership for the partnership taxable year in which the item arose was filed (or later, if the date prescribed for filing the return), or

(B) If the name or address of such person does not appear on the partnership return, the date which is one year after the date on which such information is furnished to the Franchise Tax Board in such manner and at such place as it may prescribe.

(b) For purposes of this section, the term "partnership item" means—

(1) Any item required to be taken into account for the partnership taxable year under any provision of subchapter K of Chapter 1 of Title 26 of the Internal Revenue Code of 1954 to the extent that regulations prescribed by the Franchise Tax Board provide that for purposes of this part such item is more appropriately determined at the partnership level than at the partner level, and

(2) Any other item to the extent affected by an item described in paragraph (1).

(c) The extensions referred to in subsection (c) (4) of Section 6501 of the Internal Revenue Code of 1954, insofar as they relate to partnership items, may, with respect to any person, be consented to—

(1) Except to the extent the Franchise Tax Board is otherwise notified by the partnership, by a general partner of the partnership, or

(2) By any person authorized to do so by the partnership in writing.

(d) For purposes of this section, the term "federally registered partnership" means, with respect to any partnership taxable year, any partnership—

(A) Interests in which have been offered for sale at any time during such taxable year or a prior taxable year in any offering required to be registered with the Securities and Exchange Commission, or

(B) Which, at any time during such taxable year or a prior taxable year, was subject to the annual reporting requirements of the Securities and Exchange Commission which relate to the protection of investors in the partnership.

(e) This section shall apply to partnership items arising in partnership taxable years beginning after December 31, 1978.

SEC. 14. Section 18684.2 of the Revenue and Taxation Code is amended to read:

18684.2. (a) In case of failure to pay the amount shown as tax on any return specified in this part on or before the date prescribed for payment of such tax (determined with regard to any extension of time for payment), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, a penalty is hereby imposed consisting of: (1) 5 percent of the total tax unpaid (as defined in subdivision (c)), and (2) an amount computed at the rate

of 0.5 percent per month of the "remaining tax" (as defined in subdivision (d)) for each month during which the tax is unpaid (not exceeding 36 months). The penalty imposed by this section shall be due and payable upon notice and demand by the Franchise Tax Board. The tender of a check or money order does not constitute payment of the tax for purposes of this section unless the check or money order is paid on presentment.

(b) The penalty prescribed by subdivision (a) shall not be assessed if, for the same taxable year, the sum of any penalties imposed under Section 18681 (relating to failure to file return) and Section 18683 (relating to failure to file return after demand) is equal to or greater than the subdivision (a) penalty. In the event the penalty imposed under subdivision (a) is greater than the sum of any penalties imposed under Section 18681 and 18683, only the subdivision (a) penalty will be assessed.

(c) For purposes of this section, total tax unpaid means the amount of tax shown on the return reduced by: (1) the amount of any part of the tax which is paid on or before the date prescribed for filing the return, and (2) the amount of any credit against the tax which may be claimed upon the return.

(d) For purposes of this section, "remaining tax" means total tax unpaid reduced by the amount (if any) of any payment of the tax.

(e) If the amount required to be shown as a tax on a return is less than the amount shown as tax on such return, subdivision (a), subdivision (c), and subdivision (d) shall be applied by substituting such lower amount.

(f) No interest shall accrue on the portion of the penalty described in paragraph (2) of subdivision (a).

SEC. 16. Section 18802.6 of the Revenue and Taxation Code is repealed.

SEC. 17. Section 19053.8 of the Revenue and Taxation Code is amended to read:

19053.8. (a) The case of any tax imposed by this part with respect to any person, the period for filing a claim for credit or refund of any overpayment attributable to any partnership item of a federally registered partnership shall not expire before the later of—

(1) The date which is five years after the date prescribed by law (including extensions thereof) for filing the partnership return for the partnership taxable year in which the item arose, or

(2) If an agreement under the provisions of Section 6501(c)(4) of the Internal Revenue Code of 1954 extending the period for the assessment of any deficiency attributable to such partnership item is made before the date specified in paragraph (1), the date six months after the expiration of such extension.

In any case to which the preceding sentence applies, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in Section 19053 or 19053.3, whichever is applicable.

(b) For purposes of this subsection, the terms "partnership item"

and "federally registered partnership" have the same meanings as such terms have when used in Section 18586.6.

(c) This section shall apply to partnership items arising in partnership taxable years beginning after December 31, 1978.

SEC. 18. Section 19414 is added to the Revenue and Taxation Code, to read:

19414. Whenever it appears to the State Board of Equalization or any court of record of this state that proceedings before it under this part have been instituted by the taxpayer merely for delay, a penalty in an amount not in excess of five hundred dollars ($500) shall be imposed. Any penalty so imposed shall be paid upon notice and demand from the Franchise Tax Board and shall be collected as a tax.

SEC. 19. Section 20503 of the Revenue and Taxation Code is amended to read:

20503. (a) "Income" means adjusted gross income as defined in Section 17072 plus the following cash items:

(1) Public assistance and relief;

(2) Gross amount of pensions and annuities;

(3) Social security benefits (except Medi-Care);

(4) Railroad retirement benefits;

(5) Unemployment insurance payments;

(6) Veteran's benefits;

(7) Interest received from any source, whether or not exempt from income tax;

(8) Gifts and inheritances in excess of three hundred dollars ($300), other than transfers between members of the household. Gifts and inheritances includes noncash items;

(9) Amounts contributed on behalf of the contributor to a tax-sheltered retirement plan or deferred compensation plan;

(10) Temporary worker's compensation payments;

(11) Sick leave payments;

(12) Nontaxable military compensation as defined in Section 17146, 17146.5 or 17146.7;

(13) Nontaxable scholarship and fellowship grants as defined in Section 17150;

(14) Nontaxable gain from the sale of a residence as defined in Section 17155;

(15) Life insurance proceeds to the extent that such proceeds exceed the expenses incurred for the last illness and funeral of the deceased spouse of the claimant. "Expenses incurred for the last illness" includes unreimbursed expenses paid or incurred during the income calendar year and such expenses paid or incurred thereafter up until the date the claim is filed. For purposes of this paragraph, funeral expenses shall not exceed five thousand dollars ($5,000); and

(16) If a tax on preference income is required to be paid pursuant to Chapter 2.1 (commencing with Section 17062), the amount of tax preference income (whether or not cash) in excess of net business loss which resulted in the preference tax liability.

(b) For purposes of this chapter, total income shall be determined

for the calendar year (or approved fiscal year ending within such calendar year) which ends within the fiscal year for which assistance is claimed.

(c) For purposes of Chapter 2 (commencing with Section 20581), Chapter 3 (commencing with Section 20625) and Chapter 3.5 (commencing with Section 20640) of this part, total income shall be determined for the calendar year ending immediately prior to the commencement of the fiscal year for which postponement is claimed; provided, that for claims filed after January 1, 1978, for the 1977–78 fiscal year, total income may, at the election of the claimant, be determined for the 1977 calendar year. Notwithstanding any other provision of law, for purposes of claimants electing to determine household income for the 1977 calendar year pursuant to this subdivision, the household income shall not exceed twenty thousand dollars ($20,000).

SEC. 20. Section 20510 of the Revenue and Taxation Code is amended to read:

20510. "Rent" means amount paid at arms length solely for the right of occupancy of a residence and utility payments required to be paid by the rental agreement. At least fifty dollars ($50) per month must be paid by each renter claimant.

SEC. 21. Section 20563 of the Revenue and Taxation Code is amended to read:

20563. (a) The claim on which the assistance is based shall be filed after May 15 of the fiscal year for which assistance is claimed but on or before August 31 succeeding the fiscal year for which assistance is claimed. The Franchise Tax Board may thereafter accept claims through June 30 succeeding the fiscal year for which assistance is claimed.

(b) The state shall assist the claimant after June 30 and before October 31 of the calendar year in which the claim is filed, except that if the claim is defective, assistance shall be made as promptly as is practicable after the claim has been perfected.

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

SEC. 22. Section 23060 of the Revenue and Taxation Code is amended to read:

23060. Provisions in other codes or General Law Statutes which are related to this code include the following:

(a) Chapter 20.6 (commencing with Section 9891) of Division 3 of the Business and Professions Code, relating to the Tax Preparers Act.

(b) Sections 1502, 2204, and 2205 of the Corporations Code, relating to the corporation officer statement penalty.

SEC. 23. Section 23305b is added to the Revenue and Taxation Code, to read:

23305b. Notwithstanding the provisions of Section 23305, the

Franchise Tax Board may revive a corporation to good standing without full payment of the taxes, penalties and interest due if it determines that the revivor will improve the prospects for collection of the full amount due. Such revivor may be limited as to time or may limit the functions the revived corporation can perform, or both. The corporate powers rights, and privilege's may again be suspended or forfeited if the Franchise Tax Board determines that the prospects for collection of the full amount due have not been improved by the revivor of the corporation.

SEC. 24. Section 24436.5 of the Revenue and Taxation Code is amended to read:

24436.5. (a) In the case of a taxpayer who derives rental income from substandard housing located in this state, no deductions for interest, depreciation, taxes, or amortization under Section 24343, 24344, 24345, 24349, or 24354.2 shall be allowed which relate to such substandard housing.

(b) Substandard housing means housing which (1) has been determined by a state or local government regulatory agency to violate state law or local codes dealing with health, safety, or building; and (2) after written notice of violation by the regulatory agency, specifying the applicability of this section, has not been repaired or brought to a condition of compliance within six months after the date of the notice or the time prescribed in the notice, whichever period is longest; or on which good faith efforts for compliance have not been commenced, as determined by the regulatory agency. The regulatory agency may, for good cause shown, extend the compliance date prescribed in a violation notice.

(c) When the period specified in subdivision (b) has expired without compliance, the government regulatory agency shall mail to the taxpayer a notice of noncompliance. The notice of noncompliance shall be in such form and shall include such information as may be prescribed by the Franchise Tax Board, shall be mailed by certified mail to the taxpayer at his last known address, and shall advise the taxpayer (1) of an intent to notify the Franchise Tax Board of such noncompliance within 10 days unless an appeal is filed, (2) where an appeal may be filed, and (3) a general description of the tax consequences of such filing with the Franchise Tax Board. Appeals shall be made to the same body and in the same manner as appeals from other actions of the regulatory agency. If no appeal is made within 10 days or after disposition of the appeal if the regulatory agency is sustained, the regulatory agency shall notify the Franchise Tax Board of such noncompliance. No deduction shall be allowed for the items provided in subdivision (a) from the date of the notice of noncompliance until the date the regulatory agency determines that the substandard housing has been brought to a condition of compliance. The regulatory agency shall mail to the Franchise Tax Board and the taxpayer a notice of compliance, which notice shall be in such form and include such information as may be prescribed by the Franchise Tax Board. In the event the period of

noncompliance does not cover an entire income year, the deductions shall be denied at the rate of one-twelfth for each full month during the period of noncompliance.

If the property is owned by more than one owner or the recorded title is in the name of a fictitious owner, the notice requirements provided in subdivision (b) and this subdivision shall be satisfied for each owner if the notices are mailed to one owner or to the fictitious name owner at the address appearing on the latest available property tax bill. However, notices made pursuant to this subdivision shall not relieve the regulatory agency from furnishing taxpayer identification information required to implement this section to the Franchise Tax Board.

(d) For the purposes of this section, a notice of noncompliance shall not be mailed by the regulatory agency to the Franchise Tax Board if:

(1) The rental housing was rendered substandard solely by reason of earthquake, flood or other natural disaster except where such condition remains for more than three years after the disaster,

(2) The owner of the rental housing has secured financing to bring such housing into compliance with those laws or codes which have been violated, causing such housing to be classified as substandard, and has commenced repairs or other work necessary to bring such housing into compliance, or

(3) The owner of rental housing which is not within the meaning of housing accommodation, as defined in subdivision (d) of Section 35805 of the Health and Safety Code, has attempted to:

(A) Secure financing to bring such housing into compliance with those laws or codes which have been violated, causing such housing to be classified as substandard; and

(B) Such financing is denied solely because such housing is located in a neighborhood or geographical area in which financial institutions do not provide financing for rehabilitation of any such housing.

(e) The provisions of this section do not apply to deductions from income derived from property rendered substandard solely by reason of a change in applicable state or local housing standards unless such violations cause substantial danger to the occupants of such property, as determined by the regulatory agency which has served notice of violation pursuant to subdivision (b).

(f) The owner of rental housing found to be in noncompliance shall, upon total or partial divestiture of interest in such property, immediately notify the regulatory agency of the name and address of the person or persons to whom the property has been sold or otherwise transferred and the date of the sale or transference.

(g) By July 1st of each year, the regulatory agency shall report to the appropriate legislative body of its jurisdiction all of the following information, for the preceding calendar year, regarding its activities to secure code enforcement, which shall be public information:

(1) The number of written notices of violation issued for

substandard dwellings under subdivision (b).

(2) The number of violations complied with within the period prescribed in subdivision (b).

(3) The number of notices of noncompliance issued pursuant to subdivision (c).

(4) The number of appeals from those notices pursuant to subdivision (c).

(5) The number of successful appeals by owners.

(6) The number of notices of noncompliance mailed to the Franchise Tax Board pursuant to subdivision (c).

(7) The number of cases in which a notice of noncompliance was not sent pursuant to the provisions of subdivision (d).

(8) The number of extensions for compliance granted pursuant to subdivision (b) and the mean average length of such extensions.

(9) The mean average length of time from the issuance of a notice of violation to the mailing of a notice of noncompliance to the Franchise Tax Board where such notice is actually sent to the Franchise Tax Board.

(10) The number of cases where compliance is achieved after a notice of noncompliance has been mailed to the Franchise Tax Board.

(11) The number of instances of disallowance of tax deductions by the Franchise Tax Board resulting from referrals made by the regulatory agency. This information may be filed in a supplemental report in succeeding years as it becomes available.

SEC. 25. Section 24444 of the Revenue and Taxation Code is amended to read:

24444. (a) No deduction otherwise allowable under this chapter shall be allowed for any item—

(1) With respect to an activity which is of a type generally considered to constitute entertainment, amusement, or recreation, unless the taxpayer establishes that the item was directly related to, or, in the case of an item directly preceding or following a substantial and bona fide business discussion (including business meetings at a convention or otherwise), that such item was associated with, the active conduct of the taxpayer's trade or business, or

(2) With respect to a facility used in connection with an activity referred to in paragraph (1).

In the case of an item described in paragraph (1), the deduction shall in no event exceed the portion of such item which meets the requirements of paragraph (1).

(b) For purposes of applying subdivision (a), dues or fees to any social, athletic, or sporting club or organization shall be treated as items with respect to facilities.

In the case of a country club, paragraph (2) of subdivision (a) shall apply unless the taxpayer establishes that the facility was used primarily for the furtherance of the taxpayer's trade or business and that the item was directly related to the active conduct of such trade

or business.

SEC. 26. Section 24503 of the Revenue and Taxation Code is amended to read:

24503. (a) In the case of property distributed in complete liquidation of a corporation, if—

(1) The liquidation is made in pursuance of a plan of liquidation adopted on or after December 31, 1954; and

(2) The distribution is in complete cancellation or redemption of all the stock, and the transfer of all the property under the liquidation occurs within some one calendar month;

then in the case of each qualified electing shareholder (as defined in subdivision (c)) gain on the shares owned by him at the time of the adoption of the plan of liquidation shall be recognized only to the extent provided in subdivision (e).

(b) For purposes of this section, the term "excluded corporation" means a corporation which at any time between January 1, 1955, and the date of the adoption of the plan of liquidation, both dates inclusive, was the owner of stock possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote on the adoption of such plan.

(c) For purposes of this section, the term "qualified electing shareholder" means a shareholder (other than an excluded corporation) of any class of stock (whether or not entitled to vote on the adoption of the plan of liquidation) who is a shareholder at the time of the adoption of such plan, and whose written election to have the benefits of subdivision (a) has been made and filed in accordance with subdivision (d), but—

(1) In the case of a shareholder other than a corporation, only if written elections have been so filed by shareholders (other than corporations) who at the time of the adoption of the plan of liquidation are owners of stock possessing at least 80 percent of the total combined voting power (exclusive of voting power possessed by stock owned by corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation; or

(2) In the case of a shareholder which is a corporation, only if written elections have been so filed by corporate shareholders (other than an excluded corporation) which at the time of the adoption of such plan of liquidation are owners of stock possessing at least 80 percent of the total combined voting power (exclusive of voting power possessed by stock owned by an excluded corporation and by shareholders who are not corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation.

(d) The written elections referred to in subdivision (c) must be made and filed in such manner as to be not in contravention of regulations prescribed by the Franchise Tax Board. The filing must be within 30 days after the date of the adoption of the plan of liquidation.

(e) In the case of a qualified electing shareholder which is a corporation, the gain shall be recognized only to the extent of the

greater of the two following—

(1) The portion of the assets received by it which consists of money, or of stock or securities acquired by the liquidating corporation after December 31, 1954; or

(2) Its ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under paragraph (2) of subdivision (a), but without diminution by reason of distributions made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed.

SEC. 27. Section 24514 of the Revenue and Taxation Code is amended to read:

24514. (a) This section and Sections 24512 and 24513 shall not apply to any sale or exchange—

(1) Made by a collapsible corporation (as defined in Section 17412 of the Personal Income Tax Law), or

(2) Following the adoption of a plan of complete liquidation, if Section 24503 applies with respect to such liquidation.

(b) In the case of a sale or exchange following the adoption of a plan of complete liquidation, if Section 24502 applies with respect to such liquidation, then

(1) If the basis of the property of the liquidating corporation in the hands of the distributee is determined under Section 24504(b)(1), this section and Sections 24512 and 24513 shall not apply; or

(2) If the basis of the property of the liquidating corporation in the hands of the distributee is determined under Section 24504(b)(2), this section and Sections 24512 and 24513 shall apply only to that portion (if any) of the gain which is not greater than the excess of (A) that portion of the adjusted basis (adjusted for any adjustment required under the second sentence of Section 24504(b)(2) of the stock of the liquidating corporation which is allocable, under regulations prescribed by the Franchise Tax Board, to the property sold or exchanged, over (B) the adjusted basis, in the hands of the liquidating corporation, of the property sold or exchanged.

(c) (1) Subdivision (b) shall not apply to a sale or exchange by a corporation (hereinafter in this subdivision referred to as the "selling corporation") if:

(A) Within the 12-month period beginning on the date of the adoption of a plan of complete liquidation by the selling corporation, the selling corporation and each distributee corporation is completely liquidated, and

(B) None of the complete liquidations referred to in subparagraph (A) is a liquidation with respect to which Section 24503 applies.

(2) For purposes of paragraph (1):

(A) The term "distributee corporation" means a corporation in the chain of includable corporations to which the selling corporation

or a corporation above the selling corporation in such chain makes a distribution in complete liquidation within the 12-month period referred to in paragraph (1) (A).

(B) The term "chain of includable corporation" includes, in the case of any distribution, any corporation which (at the time of such distribution) is in a chain of includable corporations for purposes of Section 23361. Such term includes, where appropriate, the common parent corporation.

(d) The amendment made to subdivision (b) by the 1977–78 Regular Session of the Legislature shall apply to sales or exchanges made pursuant to a plan of complete liquidation adopted after December 31, 1976.

SEC. 28. Section 24540 of the Revenue and Taxation Code is amended to read:

24540. (a) Except as provided in subdivisions (b) and (c), if—

(1) The taxpayer receives property which would be permitted to be received under Section 24521, 24551, 24571 or 24578 without the recognition of gain if it were the sole consideration; and

(2) As part of the consideration, another party to the exchange assumes a liability of the taxpayer, or acquires from the taxpayer property subject to a liability;

then such assumption or acquisition shall not be treated as money or other property, and shall not prevent the exchange from being within the provisions of Section 24521, 24551, 24571, or 24578, as the case may be.

(b) (1) If, taking into consideration the nature of the liability and the circumstances in the light of which the arrangement for the assumption or acquisition was made, it appears that the principal purpose of the taxpayer with respect to the assumption or acquisition described in subsection (a)—

(A) Was a purpose to avoid tax under this part on the exchange; or

(B) If not such purpose, was not a bona fide business purpose;

then such assumption or acquisition (in the total amount of the liability assumed or acquired pursuant to such exchange) shall, for the purposes of Section 24521, 24551, 24571 or 24578 (as the case may be), be considered as money received by the taxpayer on the exchange.

(2) In any suit or proceeding where the burden is on the taxpayer to prove such assumption or acquisition is not to be treated as money received by the taxpayer, such burden shall not be considered as sustained unless the taxpayer sustains such burden by the clear preponderance of the evidence.

(c) (1) In the case of an exchange—

(A) To which Section 24521 applies; or

(B) To which Section 24551 applies by reason of a plan of reorganization within the meaning of Section 24562(a) (4),

if the sum of the amount of the liabilities assumed, plus the amount of the liabilities to which the property is subject, exceeds the total of

the adjusted basis of the property transferred pursuant to such exchange, then such excess shall be considered as a gain from the sale or exchange of a capital asset or of property which is not a capital asset, as the case may be.

(2) Paragraph (1) shall not apply to any exchange to which—

(A) Paragraph (1) of subdivision (b) of this section applies; or

(B) Sections 24571 to 24574, inclusive, or 24578, apply.

(3) (A) (i) If the taxpayer's taxable income is computed under the cash receipts and disbursements method of accounting, and

(ii) Such taxpayer transfers, in an exchange to which Section 24521 applies, a liability which is either—

(I) An account payable payment of which would give rise to a deduction, or

(II) An amount payable which is described in Section 736(a), of the Internal Revenue Code of 1954,

then, for purposes of paragraph (1), the amount of such liability shall be excluded in determining the amount of liabilities assumed or to which the property transferred is subject.

(B) Subparagraph (A) shall not apply to any liability to the extent that the incurrence of the liability resulted in the creation of, or an increase in, the basis of any property.

SEC. 29. Section 24562 of the Revenue and Taxation Code is amended to read:

24562. (a) For purposes of Chapters 8 (commencing with Section 24451) and 9 (commencing with Section 24501) and this chapter, the term "reorganization" means—

(1) A statutory merger or consolidation;

(2) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of stock of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the acquisition);

(3) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of substantially all of the properties of another corporation, but in determining whether the exchange is solely for stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded;

(4) A transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor, or one or more of its shareholders (including persons who were shareholders immediately before the transfer), or any combination thereof, is in control of the corporation to which the assets are transferred; but only if, in pursuance of the plan, stock or securities of the corporation to which the assets are transferred are distributed

in a transaction which qualifies under Section 24531, 24533, or 24535;

(5) A recapitalization; or

(6) A mere change in identity, form, or place of organization, however effected.

(b) (1) If a transaction is described in both paragraph (3) and paragraph (4) of subdivision (a), then, for purposes of this chapter, such transaction shall be treated as described only in paragraph (4) of subdivision (a).

(2) If—

(A) One corporation acquires substantially all of the properties of another corporation;

(B) The acquisition would qualify under paragraph (3) of subdivision (a) but for the fact that the acquiring corporation exchanges money or other property in addition to voting stock; and

(C) The acquiring corporation acquires, solely for voting stock described in paragraph (3) of subdivision (a), property of the other corporation having a fair market value which is at least 80 percent of the fair market value of all of the property of the other corporation;

then such acquisition shall (subject to paragraph (1) of this subdivision) be treated as qualifying under paragraph (3) of subdivision (a). Solely for the purpose of determining whether subparagraph (C) of the preceding sentence applies, the amount of any liability assumed by the acquiring corporation, and the amount of any liability to which any property acquired by the acquiring corporation is subject, shall be treated as money paid for the property.

(3) A transaction otherwise qualifying under paragraph (1), paragraph (2) or paragraph (3) of subdivision (a) shall not be disqualified by reason of the fact that part or all of the assets or stock which were acquired in the transaction are transferred to a corporation controlled by the corporation acquiring such assets or stock.

(4) The acquisition by one corporation, in exchange for stock of a corporation (referred to in this paragraph as "controlling corporation") which is in control of the acquiring corporation, of substantially all of the properties of another corporation which in the transaction is merged into the acquiring corporation shall not disqualify a transaction under paragraph (1) of subdivision (a), if—

(A) Such transaction would have qualified under paragraph (1) of subdivision (a) if the merger had been into the controlling corporation, and

(B) No stock of the acquiring corporation is used in the transaction.

(5) A transaction otherwise qualifying under paragraph (1) of subdivision (a) shall not be disqualified by reason of the fact that stock of a corporation (referred to in this paragraph as the "controlling corporation") which before the merger was in control

of the merged corporation is used in the transaction, if—

(A) After the transaction, the corporation surviving the merger holds substantially all of its properties and of the properties of the merged corporation (other than stock of the controlling corporation distributed in the transaction); and

(B) In the transaction, former shareholders of the surviving corporation exchanged, for an amount of voting stock of the controlling corporation, an amount of stock in the surviving corporation which constitutes control of such corporation.

(6) (A) If immediately before a transaction described in subdivision (a) (other than paragraph (5) thereof), two or more parties to the transaction were investment companies, then the transaction shall not be considered to be a reorganization with respect to any such investment company (and its shareholders and security holders) unless it was a regulated investment company, a real estate investment trust, or a corporation which meets the requirements of subparagraph (B).

(B) A corporation meets the requirements of this subparagraph if not more than 25 percent of the value of its total assets is invested in the stock and securities of any one issuer, and not more than 50 percent of the value of its total assets is invested in the stock and securities of five or fewer issuers. For purposes of this paragraph, all members of a controlled group of corporations (within the meaning of Section 1563(a) of the Internal Revenue Code of 1954) shall be treated as one issuer.

(C) For purposes of this paragraph the term "investment company" means a regulated investment company, a real estate investment trust, or a corporation 50 percent or more of the value of whose total assets are stock and securities and 80 percent or more of the value of whose total assets are assets held for investment. In making the 50-percent and 80-percent determinations under the preceding sentence, stock and securities in any subsidiary corporation shall be disregarded and the parent corporation shall be deemed to own its ratable share of the subsidiary's assets, and a corporation shall be considered a subsidiary if the parent owns 50 percent or more of the combined voting power of all classes of stock entitled to vote, or 50 percent or more of the total value of shares of all classes of stock outstanding.

(D) For purposes of this paragraph, in determining total assets there shall be excluded cash and cash items (including receivables), government securities, and, under regulations prescribed by the Franchise Tax Board, assets acquired (through incurring indebtedness or otherwise) for purposes of meeting the requirements of subparagraph (B) or ceasing to be an investment company.

(E) This paragraph shall not apply if the stock of each investment company is owned substantially by the same persons in the same proportions.

(F) If an investment company which does not meet the

requirements of subparagraph (B) acquires assets of another corporation, subparagraph (A) shall be applied to such investment company and its shareholders and security holders as though its assets had been acquired by such other corporation. If such investment company acquires stock of another corporation in a reorganization described in Section 24562(a) (2) (hereafter referred to as the "actual acquisition") subparagraph (A) shall be applied to the shareholders of such investment company as though they had exchanged with such other corporation all of their stock in such investment company for stock having a fair market value equal to the fair market value of their stock of such investment company immediately after the exchange.

(G) For purposes of subparagraphs (b) and (c), the term "securities" includes obligations of state and local governments, commodity futures contracts, shares of regulated investment companies and real estate investment trusts, and other investments constituting a security within the meaning of the Investment Company Act of 1940, 15 U.S.C. 80a-2(36).

(c) The amendments made to this section by the 1971 First Extraordinary Session of the Legislature shall apply to statutory mergers occurring after December 31, 1970.

SEC. 30. Section 24833.5 of the Revenue and Taxation Code is amended to read:

24833.5. (a) Notwithstanding the provisions of any section in this chapter, the total accumulated amount of deduction allowed or allowable for depletion with respect to sulfur shall be limited to an amount equal to the adjusted cost of the taxpayer's interest in such property which is subject to recovery through depletion under this part, except as provided in this section.

(b) Where the total accumulated amount of deduction allowed or allowable for depletion exceeds an amount equal to the adjusted cost of the taxpayer's interest in any property which is subject to recovery through depletion under this part, percentage depletion shall be allowed in respect to such interests in such property, subject to the limitations and adjustments of subdivisions (c) and (d).

(c) Where the total depletion allowance for all properties in subdivision (b) exceeds one million five hundred thousand dollars ($1,500,000), the allowance in subdivision (b) shall be reduced by 125 percent of the excess.

(d) When either (1) the income from sources within this state of two or more corporations which are commonly owned or controlled is determined in accordance with Chapter 17 (commencing with Section 25101) of this part or Part 18 (commencing with Section 38001) of this division, or (2) two or more commonly owned or controlled corporations derive income from sources solely within this state, whose business activities are such that if conducted within and without this state, the income derived from sources within this state would be determined in accordance with Chapter 17 (commencing with Section 25101) of this part or Part 18 (commencing with Section

38001) of this division (hereinafter referred to as "wholly intrastate corporations"), then such corporations shall determine the percentage depletion prescribed in subdivision (b) as if such corporations were one corporation. As to "wholly intrastate corporations", if subdivision (c) applies, then the amount of percentage depletion (as adjusted and limited by subdivision (c)) shall be prorated among them in the ratio to which the percentage depletion of each prescribed in subdivision (b) (before the application of subdivision (c)) bears to the total percentage depletion prescribed in subdivision (b) for all corporations (before the application of subdivision (c)). the taxpayer uses a method of computing the allowance of deductions for depreciation other than the retirement method.

SEC. 31. Section 24610.5 of the Revenue and Taxation Code is amended to read:

24610.5. If a plan would be described in Section 24601 (as modified by Section 24609) but for the fact that there is no employer-employee relationship, the contributions or compensation—

(a) Shall not be deductible by the payer thereof under Section 24343, but

(b) Shall (if they would be deductible under Section 24343 but for subdivision (a)) be deductible under this section for the income year in which an amount attributable to the contribution or compensation is includable in the gross income of the persons participating in the plan.

SEC. 32. Section 24676.5 of the Revenue and Taxation Code is amended to read:

24676.5. (a) A taxpayer who is on an accrual method of accounting may elect not to include in the gross income for the income year the income attributable to the qualified sale of any magazine, paperback, or record which is returned to the taxpayer before the close of the merchandise return period.

(b) For purposes of this section—

(1) The term "magazine" includes any other periodical.

(2) The term "paperback" means any book which has a flexible outer cover and the pages of which are affixed directly to such outer cover. Such term does not include a magazine.

(3) The term "record" means a disc, tape, or similar object on which musical, spoken, or other sounds are recorded.

(4) If a taxpayer makes qualified sales of more than one category of merchandise in connection with the same trade or business, this section shall be applied as if the qualified sales of each such category were made in connection with a separate trade or business. For purposes of the preceding sentence, magazines, paperbacks, and records shall each be treated as a separate category of merchandise.

(5) A sale of a magazine, paperback, or record is a qualified sale if—

(A) At the time of sale, the taxpayer has a legal obligation to adjust

the sales price of such magazine, paperback, or record if it is not resold, and

(B) The sales price of such magazine, paperback, or record is adjusted by the taxpayer because of a failure to resell it.

(6) The amount excluded under this section with respect to any qualified sale shall be the lesser of—

(A) The amount covered by the legal obligation described in paragraph (5) (A), or

(B) The amount of the adjustment agreed to by the taxpayer before the close of the merchandise return period.

(7) (A) Except as provided in subparagraph (B), the term "merchandise return period" means, with respect to any income year—

(i) In the case of magazines, the period of 2 months and 15 days first occurring after the close of the income year, or

(ii) In the case of paperbacks and records, the period of 4 months and 15 days first occurring after the close of the income year.

(B) The taxpayer may select a shorter period than the applicable period set forth in subparagraph (A).

(C) Any change in the merchandise return period shall be treated as a change in the method of accounting.

(8) As prescribed by the Franchise Tax Board, the taxpayer may substitute, for the physical return of magazines, paperbacks, or records required by subdivision (a), certification or other evidence that the magazine, paperback, or record has not been resold and will not be resold if such evidence—

(A) Is in the possession of the taxpayer at the close of the merchandise return period, and

(B) Is satisfactory to the Franchise Tax Board.

(9) A repurchase by the taxpayer shall be treated as an adjustment of the sales price rather than as a resale.

(c) (1) This section shall apply to qualified sales of magazines, paperbacks, or records, as the case may be, if and only if the taxpayer makes an election under this section with respect to the trade or business in connection with which such sales are made. An election under this section may be made without the consent of the Franchise Tax Board. The election shall be made in such manner as the Franchise Tax Board may prescribe and shall be made for any income year not later than the time prescribed by law for filing the return for such income year (including extensions thereof).

(2) An election made under this section shall apply to all qualified sales of magazines, paperbacks, or records, as the case may be, made in connection with the trade or business with respect to which the taxpayer has made the election.

(3) An election under this section shall be effective for the income year for which it is made and for all subsequent income years, unless the taxpayer secures the consent of the Franchise Tax Board to the revocation of such election.

(4) Except to the extent inconsistent with the provisions of this

section, for purposes of this subtitle, the computation of taxable income under an election made under this section shall be treated as a method of accounting.

(d) In applying Section 24723 with respect to any election under this section which applies to magazines, the period of taking into account any decrease in taxable income resulting from the application of subdivision (b) of Section 24721 shall be the income year for which the election is made and the four succeeding income years.

(e) (1) In the case of any election under this section which applies to paperbacks or records, in lieu of applying Sections 24721 through 24725, the taxpayer shall establish a suspense account for the trade or business for the income year for which the election is made.

(2) The opening balance of the account described in paragraph (1) for the first income year to which the election applies shall be the largest dollar amount of returned merchandise which would have been taken into account under this section for any of the three immediately preceding income years if this section had applied to such preceding three income years. This paragraph and paragraph (3) shall be applied by taking into account only amounts attributable to the trade or business for which such account is established.

(3) At the close of each income year the suspense account shall be—

(A) Reduced by the excess (if any) of—

(i) The opening balance of the suspense account for the income year, over

(ii) The amount excluded from gross income for the income year under subdivision (a), or

(B) Increased (but not in excess of the initial opening balance) by the excess (if any) of—

(i) The amount excluded from gross income for the income year under subdivision (a), over

(ii) The opening balance of the account for the income year.

(4) (A) In the case of any reduction under paragraph (3) (A) in the account for the income year, an amount equal to such reduction shall be excluded from gross income for such income year.

(B) In the case of any increase under paragraph (3) (B) in the account for the income year, an amount equal to such increase shall be included in gross income for such income year.

If the initial opening balance exceeds the dollar amount of returned merchandise which would have been taken into account under subdivision (a) for the income year preceding the first income year for which the election is effective if this section had applied to such preceding income year, then an amount equal to the amount of such excess shall be included in gross income for such first income year.

(5) The application of this subdivision with respect to a taxpayer which is a party to any transaction with respect to which there is nonrecognition of gain or loss to any party to the transaction by

reason of Chapter 8 shall be determined as prescribed by the Franchise Tax Board.

(6) The amendments to this section made by the 1979–80 Regular Session of the Legislature shall apply to income years beginning on or after October 1, 1979.

SEC. 34. Section 38011 of the Revenue and Taxation Code is amended to read:

38011. The executive officer of the Franchise Tax Board shall be the member of the Multistate Tax Commission to represent this state for the commission's fiscal year period beginning in even-numbered calendar years and the executive secretary of the State Board of Equalization shall be such member for the commission's fiscal year period beginning in odd-numbered calendar years.

SEC. 35. It is the intent of the Legislature, if this bill and Senate Bill No. 1682 are both chaptered and become effective on or before January 1, 1981, both bills amend Section 18215 of the Revenue and Taxation Code, and this bill is chaptered after Senate Bill No. 1682, that Section 18215 of the Revenue and Taxation Code, as amended by Section 2 of Senate Bill No. 1682 be further amended on the operative date of this act in the form set forth in Section 10.5 of this act to incorporate the changes in Section 18215 proposed by this bill. Therefore, Section 10.5 of this act shall become operative only if this bill and Senate Bill No. 1682 are both chaptered and become effective on or before January 1, 1981, both bills amend Section 18215, and this bill is chaptered after Senate Bill No. 1682, in which case Section 10.5 of this act shall become operative on the operative date of this act and Section 10 of this act shall not become operative.

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## CHAPTER 427

An act to amend Sections 12223, 17203.1, and 17203.2 of, and to add Section 18346.1 to, the Financial Code, relating to fidelity bonds.

[Approved by Governor July 11, 1980. Filed with Secretary of State July 11, 1980 ]

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

SECTION 1. Section 12223 of the Financial Code is amended to read:

12223. (a) The commissioner may require a licensee, in addition to the bond provided in Section 12206, to obtain an adequate fidelity bond for each officer, employee, agent, or any person having access to funds collected by or for the licensee or having authority to draw against such funds if in the commissioner's opinion such a bond is necessary for the protection of the public.

(b) In lieu of providing any bond required pursuant to subdivision (a), a licensee may deposit with the commissioner security in an

amount as the commissioner may determine, for the protection of the public against loss suffered through embezzlement by any person having access to funds collected by or for the licensee or having authority to draw against such funds, or from mysterious disappearance, theft, holdup or burglary. Such security may only be in the form of cash, lawful money of the United States, bearer bonds issued by the United States or the State of California or evidence of deposit in banks or investment certificates issued by insured savings and loan associations authorized or licensed to do business in the State of California.

(c) Security deposited with the commissioner pursuant to subdivision (b) may be sold by the commissioner at public auction if necessary to satisfy the requirements of this section. Notice of the sale shall be served upon the licensee who placed the security. If by mail, service shall be addressed to the licensee at its address as it appears in the records of the commissioner. Bearer bonds of the United States or the State of California without a prevailing market price must be sold at public auction. Such bonds having a prevailing market price may be sold at private sale at a price not lower than the prevailing market price thereof. Upon any sale any surplus above the amounts due shall be returned to the licensee, and licensee shall deposit with the commissioner additional security sufficient to meet the amount required by the commissioner.

(d) Security deposited with the commissioner pursuant to subdivision (b) shall not be deemed an asset of the licensee for the purpose of complying with Section 12205.

(e) The commissioner may at any time require a licensee to obtain an additional fidelity bond or deposit additional security with respect to any person when, in the commissioner's opinion, any bond then in force or any deposit of security is insufficient for any reason.

SEC. 2. Section 17203.1 of the Financial Code is amended to read:

17203.1. (a) All officers, directors, trustees, and employees of an escrow agent, whether or not compensated, who have access to money or negotiable securities belonging to the escrow agent or in the possession of the escrow agent in the regular discharge of their duties, or persons who draw checks upon the escrow agent or upon the trust funds of the escrow agent in the regular discharge of their duties, before entering upon their duties and throughout the entire term of their office and employment and any subsequent term thereof, shall furnish to the escrow agent a good and sufficient bond indemnifying the escrow agent against loss of money or property. The commissioner shall prescribe the amount of the bond on each individual employee, officer, director, or trustee, and the aggregate amount and the terms during which the bond runs. The sufficiency of the sureties on the bond are at all times subject to the approval of the commissioner. The bonds shall be filed in the commissioner's office. The aggregate liability of the surety, for all claims shall, in no event exceed the penal sum of the bond.

(b) The commissioner may at any time require a licensee to file

in the office of the commissioner an additional bond or surety with respect to any officer, director, trustee, or employee when, in the commissioner's opinion, any bond then in force is insufficient for any reason.

SEC. 3. Section 17203.2 of the Financial Code is amended to read:

17203.2. (a) In lieu of providing any bond required by Section 17203.1, a licensee may deposit with the commissioner security in an amount as the commissioner may determine, for the protection of the public against loss suffered through theft or mysterious disappearance.

Such security may only be in the form of cash, lawful money of the United States, bearer bonds issued by the United States or the State of California or evidence of deposit in banks or investment certificates issued by insured savings and loan associations authorized or licensed to do business in the State of California.

(b) Security deposited with the commissioner pursuant to subdivision (a) shall not be deemed an asset of the licensee for the purpose of complying with Section 17210.

SEC. 4. Section 18346.1 is added to the Financial Code, to read:

18346.1. (a) In lieu of providing a bond required pursuant to Section 18346, a licensee may deposit with the commissioner security in an amount as the commissioner may determine, for the protection of the public against loss suffered through theft or mysterious disappearance. Such security may only be in the form of cash, lawful money of the United States, bearer bonds issued by the United States or the State of California or evidence of deposit in banks or investment certificates issued by insured savings and loan associations authorized or licensed to do business in the State of California.

(b) Security deposited with the commissioner pursuant to subdivision (a) shall not be deemed an asset of the licensee for the purpose of complying with Article 3 of Chapter 2 of this division.

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## CHAPTER 428

An act to add Section 18101.5 to the Financial Code, relating to industrial loan companies.

[Approved by Governor July 11, 1980 Filed with Secretary of State July 11, 1980 ]

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

SECTION 1. Section 18101.5 is added to the Financial Code, to read:

18101.5. Upon filing an application for approval of proposed articles of incorporation with the commissioner, or upon filing an amendment to the articles of a proposed industrial loan company

changing the name of an existing corporation, the incorporators shall file an application for a certificate of reservation of the name of the proposed company as set forth in the articles of incorporation with the Secretary of State pursuant to Section 201 of the Corporations Code. The application filed with the Secretary of State shall recite the fact of the pendency of the application and the Secretary of State shall issue a certificate of reservation upon such an application for a certificate and upon payment of any required fee. Notwithstanding the provisions of Section 201 of the Corporations Code, the name contained in the certificate of reservation shall be reserved to the applicant until the commissioner refuses to issue a certificate of approval or, if a certificate is issued, as long as a certificate continues in force or effect, or for a period of up to one year from the date when the application is filed in accordance with this article, pending the applicant's fulfillment of any requirements precedent to opening for business. The Secretary of State may, upon the request of the applicant and the approval of the commissioner, extend the reservation of the name for an additional six months.

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## CHAPTER 429

An act to amend Section 54775 of the Government Code, relating to special districts.

[Approved by Governor July 11, 1980 Filed with Secretary of State July 11, 1980 ]

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

SECTION 1. Section 54775 of the Government Code is amended to read:

54775. Unless the provisions or context otherwise require, the following definitions shall govern the construction of this chapter:

(a) "Affected local agency" means, in the case of an incorporation, an affected county as defined in Section 35022 or an affected district as defined in Section 35023; or in the case of a formation of a district as defined in Section 2215 of the Revenue and Taxation Code, an affected city as defined in Section 56021, an affected county as defined in Section 56022 or an affected district as defined in Section 56023, except that district as used in Section 56023 shall have the same meaning as that term is defined in Section 2215 of the Revenue and Taxation Code.

(b) "City officer" means the mayor or a member of the legislative body of the city.

(c) "Commission" means a local agency formation commission created pursuant to this chapter.

(d) "County officer" means a member of the board of supervisors.

(e) "Function" means any power granted by law to a local agency

or a county to provide designated governmental or proprietary services or facilities for the use, benefit or protection of persons or property.

(f) "Independent special district" includes any special district having a legislative body all of whose members are elected by registered voters or landowners within the district, or whose members are appointed to fixed terms, and excludes any special district having a legislative body consisting, in whole or in part, of ex officio members who are officers of a county or another local agency or who are appointees of such officers other than those who are appointed to fixed terms. "Independent special district" does not include any district excluded from the provisions of the District Reorganization Act pursuant to the provisions of Section 56039.

(g) "Independent special district officer" means the presiding officer or a member of the legislative body of an independent special district.

(h) "Initiate" or "initiation" means, in the case of proceedings, the first procedural step authorized or required by any law for the commencement of such proceedings, such step being one of the following:

(1) The circulation of a petition requesting any proceedings;

(2) The filing with any officer of a county or a local agency of a notice of intention to circulate such a petition; or

(3) The adoption by a legislative body of a county or a local agency of any resolution, order, or ordinance initiating proceedings on its own motion.

(i) "Local agency" means a city or a special district.

(j) "Principal county," in the case of a special district whose territory is or will be located in two or more counties, shall have the meaning contained in any definition of "principal county," as set forth in the law pursuant to which said special district was or is proposed to be formed. If the law pursuant to which the special district was, or is proposed to be, formed contains no such definition, for purposes of this chapter, "principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the counties, of the taxable property in, or proposed to be included in, the special district.

(k) "Proceedings" means the procedure authorized and required by any law for the incorporation of a new city, the formation of a special district, the annexation of territory to a local agency or the exclusion of territory from a city, or the disincorporation of a city.

(*l*) "Proponent" means any person intending to circulate or cause the circulation of any petition.

(m) "Service" means a class established within and as a part of a single function, as provided by rules and regulations adopted by the commission pursuant to Article 4 (commencing with Section 54850).

(n) "Special district" means an agency of the state for the local performance of governmental or proprietary functions within

limited boundaries. "Special district" does not include the state, a city, a county, or a school district. "Special district" does include a county service area but does not include a special assessment district formed under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Street Opening Act of 1903, the Vehicle Parking District Law of 1943, the Parking District Law of 1951, the Pedestrian Mall Law of 1960, or any similar assessment law, or any similar procedural ordinance adopted by a chartered city. "Special district" does not include an improvement district or zone formed for the sole purpose of designating an area which is to bear a special tax or assessment for an improvement benefiting that area.

(o) "Open space" means any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in Section 65560.

(p) "Open-space use" means any use as defined in Section 65560.

(q) "Prime agricultural land" means land which qualifies for rating as class I or class II in the United States Soil Conservation Service land-use capability classifications or land which qualifies for rating 80 through 100 in the Storie Index Rating.

(r) "Agricultural preserve" means an area as defined in subdivision (d) of Section 51201.

SEC. 2. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code and Section 6 of Article XIII B of the California Constitution, no appropriation is made by this act pursuant to these sections because any costs which may be incurred by a local agency in carrying out any program specified in this act are minor in nature. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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## CHAPTER 430

An act to amend Sections 31557 and 31592.2 of the Government Code, relating to the County Employees Retirement Act of 1937, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1980 Filed with Secretary of State July 11, 1980]

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

SECTION 1. Section 31557 of the Government Code is amended to read:

31557. All officers and employees of any district become members of the association on the first day of the calendar month after:

(a) In the case of districts for which the board of supervisors is the

governing body, such body adopts by four-fifths vote a resolution providing for the inclusion of the district in the retirement association.

(b) In the case of districts for which the board of supervisors is not the governing body, the governing body adopts by a two-thirds vote, a resolution providing for the inclusion of the district in the retirement association and the board, by majority vote, consents thereto. Thereafter, each person entering such employment becomes a member on the first day of the calendar month following his entrance into the service. However, if prior to January 1, 1976, the governing body and the board of retirement have executed an agreement providing for the purchase of prior service, the agreement may be amended to provide that the date of membership in the retirement association for any officer or employee shall be the first day of the calendar month following the officer's or employee's entrance into district service.

Members may be withdrawn from the association in the manner provided in Section 31564.

SEC. 1.5. Section 31592.2 of the Government Code is amended to read:

31592.2. In any county, earnings of the retirement fund during any year in excess of the total interest credited to contributions and reserves during such year shall remain in the fund as a reserve against deficiencies in interest earnings in other years, losses on investments, and other contingencies, except that, when the accumulated surplus exceeds 1 percent of the total assets of the retirement system, the board may transfer all, or any part, of such surplus in excess of 1 percent of the total assets into the county advance reserves for the sole purpose of payment of the cost of new benefits which may be made available only on a year-to-year basis. The benefits provided under this paragraph are not subject to Section 31692.

Where the board of supervisors has provided for the payment of all, or a portion, of the premiums, dues, or other charges for health benefits, Medicare, or the payment of accrued sick leave at retirement to or for all, or a portion, of officers, employees, and retired employees and their dependents, from the county general fund or other sources, the board of retirement may authorize the payment of all, or a portion, of payments of the benefits described in this paragraph from the county advance reserves.

For the purposes of any benefits made available under this section, all contributions, liabilities, actuarial interest rates, and other valuation factors shall be determined on the basis of actuarial assumptions and methods which, in the aggregate, are reasonable and which, in combination, offer the actuary's best estimate of anticipated experience under the system.

SEC. 2. The Legislature hereby finds and declares that the provisions of Section 31592.2 of the Government Code relative to the applicability of Section 31692 of the Government Code are

declaratory of existing law and do not constitute a change of existing law.

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 implemented on or prior to the commencement of the next fiscal year, it is necessary that this act take effect immediately.

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## CHAPTER 431

An act to amend Section 31220 of the Financial Code, relating to securities.

[Approved by Governor July 11, 1980. Filed with Secretary of State July 11, 1980.]

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

SECTION 1. Section 31220 of the Financial Code is amended to read:

31220. Notwithstanding any other law of this state, but subject to the provisions of Section 31550:

(a) Any commercial bank or trust company organized under the laws of this state may, with the prior approval of the superintendent, acquire and hold securities issued by a licensee; provided, however, that the aggregate amount of securities issued by licensees which are held by such commercial bank or trust company shall not at any time exceed 2½ percent of the shareholders' equity of such commercial bank or trust company. This subdivision shall not apply to any loan or other extension of credit made by a commercial bank organized under the laws of this state to a licensee in acccordance with the Banking Law (Division 1 (commencing with Section 99)).

(b) Any savings and loan association organized under the laws of this state may, with the prior approval of the Savings and Loan Commissioner, acquire and hold securities issued by a licensee; provided, however, that the aggregate amount of securities issued by licensees which are held by such savings and loan association shall not at any time exceed ½ percent of the total outstanding loans of such savings and loan association.

(c) Any insurance company admitted to transact insurance business in this state may, with the approval of the Insurance Commissioner, acquire and hold securities issued by a licensee; provided, however, that the aggregate amount of securities issued by licensees which are held by such insurance company shall not at any time exceed 2½ percent of the unassigned surplus of such insurance company.

(d) Any public utility licensed or regulated by the Public Utilities Commission may, with the approval of the Public Utilities Commission, acquire and hold securities issued by a licensee; provided, however, that the aggregate amount of securities issued by licensees which are held by such public utility company shall not at any time exceed ½ percent of the total assets of such public utility company.

(e) Any industrial loan company organized under the laws of this state may, with the prior approval of the Commissioner of Corporations, acquire and hold securities issued by a licensee; provided, however, that the aggregate amount of securities issued by licensees which are held by such industrial loan companies shall not at any time exceed 5 percent of the net outstanding loans and obligations of such companies.

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## CHAPTER 432

An act to add Section 26820.7 to, to add Article 28.5 (commencing with Section 74660) to Chapter 10 of Title 8 of, and to repeal Article 28.5 (commencing with Section 74660) of Chapter 10 of Title 8 of, the Government Code, relating to courts.

[Became law without Governor's signature Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 26820.7 is added to the Government Code, to read:

26820.7. The term "total fee" defined in Section 26820.6 also includes any fee imposed pursuant to Section 74671.

SEC. 2. Article 28.5 (commencing with Section 74660) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 3. Article 28.5 (commencing with Section 74660) is added to Chapter 10 of Title 8 of the Government Code, to read:

### Article 28.5. Municipal Courts in the County of Santa Clara

74660. This article applies only to the municipal court in the Santa Clara County Judicial District.

74661. The Santa Clara County Judicial District shall have 22 judges.

74662. The judges of the Santa Clara County Judicial District may appoint one commissioner in addition to any traffic trial commissioners appointed pursuant to Article 10 (commencing with Section 72450) of Chapter 9. The duties of each commissioner shall be as prescribed by law. Each commissioner shall possess the same qualifications as the law requires of a judge of the court. Each

commissioner shall hold office at the pleasure of the judges and shall receive a salary equal to 86.9 percent of the salary of a judge of the municipal court. Each commissioner shall be an ex officio deputy clerk of the court. Each commissioner shall be a member of the same retirement system and shall receive the same fringe benefits as the board of supervisors determines from time to time shall apply to regular coded attachés appointed by the clerk-administrative officer of the court.

74663. In the Santa Clara County Judicial District there shall be one clerk-administrative officer who shall also act as secretary to the judges and shall receive a salary as specified in range 27.5A. The clerk-administrative officer may appoint all of the following:

(a) One assistant clerk-administrative officer who shall also act as secretary to the judges and shall receive a salary as specified in range 25.3A.

(b) One assistant clerk-administrative officer-calendar management who shall receive a salary as specified in range 24.0A.

(c) One assistant calendar manager who shall receive a salary as specified in range 14.5B.

(d) One municipal court data systems coordinator who shall receive a salary as specified in range 19.4A.

(e) One accountant III who shall receive a salary as specified in range 18.0B.

(f) One secretary II who shall receive a salary as specified in range 9.0B.

(g) One municipal court division manager III who shall receive a salary as specified in range 24.0A.

(h) Three municipal court division managers II who shall receive a salary as specified in range 22.3A.

(i) Two municipal court division managers I who shall receive a salary as specified in range 21.0A.

(j) One chief deputy clerk II who shall receive a salary as specified in range 20.0A.

(k) Three chief deputy court clerks I who shall receive a salary as specified in range 19.0A.

(*l*) Eight supervising deputy court clerks II who shall receive a salary as specified in range 14.5B.

(m) Two supervising deputy court clerks I who shall receive a salary as specified in range 12.0B.

(n) Seven assistant supervising deputy court clerks who shall receive a salary as specified in range 8.5B.

(o) Thirty-nine municipal courtroom clerks who shall receive a salary as specified in range 12.5B.

(p) One hundred thirty-seven deputy court clerks II who shall receive a salary as specified in range 6.9B, or deputy court clerk I who shall receive a salary as specified in range 4.2B.

(q) Five account clerks III who shall receive a salary as specified in range 8.2B.

(r) Eight data entry operators who shall receive a salary as

specified in range 5.2B.

(s) One messenger driver who shall receive a salary as specified in range 3.6B.

In the Santa Clara County Judicial District official reporters appointed pursuant to Section 72194 shall be attachés of such courts and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such courts, shall receive a biweekly salary as specified in range 19.1B, which shall be a charge against the general fund of the county. If the board of supervisors increases salaries or adopt a pay plan for official reporters in the superior court pursuant to Section 70046.1, the salary increase or pay plan shall apply equally for all official reporters in municipal courts, but all such changes or adjustments shall be effective only until January 1, 1983. During the hours which the courts are open for 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.

74665. In the Santa Clara County Judicial District the judges of such courts, pursuant to Section 72194, may appoint as many additional reporters as the business of the courts 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 eighty-five dollars ($85) a day, which shall, upon order of the court, be a charge against the general fund of the county. If the board of supervisors increases the per diem fees for official court reporters pro tempore in the superior court pursuant to Section 70046.1, such increase shall apply equally for all official reporters pro tempore in the municipal courts, but all such increases shall be effective only until January 1, 1983.

74666. Attachés of the Santa Clara County Judicial District shall be subject to the provisions of merit system rules established pursuant to the charter of the County of Santa Clara in the same manner and to the same extent as applicable generally to officers and employees of said county.

Each attaché shall receive a salary computed in accordance with the range established for that position or classification in order to provide compensation comparable to other positions and classifications in the county service as such comparability is determined by the board of supervisors. Whenever reference to a numbered salary range is made in any section of this article, the schedule found in the basic salary plan as adopted by the board of supervisors on October 16, 1979, which includes the same range numbers and rates of pay utilized for general employees of Santa Clara County, shall apply.

If the board of supervisors increases or decreases salaries, or adopts a revised salary plan, the new schedule of salaries and ranges shall

apply equally to and be effective for such attachés of the court in the manner and on the date as is determined by the board of supervisors, but all such changes or adjustments shall be effective only until January 1, 1983.

Such attachés shall be entitled to receive, on prescribed terms and conditions, such vacation, sick leave, leave of absence, and other benefits as are or may be provided by the board of supervisors from time to time. Such attachés may be appointed, promoted, demoted, terminated, or transferred, or their status otherwise adjusted, in the same manner and with the same effect as is or may be provided for by law. Such attachés shall be subject to such employment qualifications as may be adopted for their positions.

This section is expressly subject to the provisions of Section 72002.1 and any other provisions of state law regarding attachés of the court.

74667. In the Santa Clara County Judicial District the sheriff shall be ex officio marshal and shall act as such without additional compensation and his designated deputies shall be ex officio deputy marshals of the court.

74668. In the Santa Clara County Judicial District all per diem fees otherwise payable by law by the parties to proceedings in the court to official reporters or official reporters pro tempore shall be paid to the clerk of the court. All fees shall be deposited in the treasury of the county to the credit of the general fund.

74669. In the Santa Clara County Judicial District fees for transcription of testimony and proceedings in such courts 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.

74670. In the Santa Clara County Judicial District no further fee shall be collected from, or assessed against, any party to any proceeding for services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court. Such phonographic reporter shall be allowed and shall receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcription shall be paid as provided by Sections 69947 to 69953, inclusive, and by any other law pertinent to the case.

74671. In the Santa Clara County Judicial District in any civil action or proceeding 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 a fee or fees required by Sections 72054 to 72073, inclusive, a fee of fourteen dollars ($14) shall be paid to the clerk of the municipal 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 complaint in intervention where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(b) Upon the filing of an answer where the principal amount of the prayer of the complaint being answered, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

74672. In the Santa Clara County Judicial District the fee required by Section 74671 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.

The clerk of the Santa Clara County Judicial District shall transmit to the county treasurer in accordance with Section 24353 all money paid to him pursuant to Section 74671. The money shall be deposited in the general fund of the county.

74673. In any county with a population of over 1,000,000 and not over 1,070,000 as determined by the 1970 federal census and in which there is, or may be, established by a majority vote of the judges of the superior court and a majority vote of the judges of the municipal court of that county a joint committee comprised of an equal number of superior court and municipal court judges, such committee shall advise the respective courts on matters relating to the administration of criminal justice. Upon concurrence of a majority of the superior court judges and a majority of the municipal court judges, the joint committee may initiate and administer programs, services and other matters relating to the improvement of the criminal justice system.

The executive director and any and all other employees of the joint committee shall be appointed by and serve at the pleasure of the joint committee. The number and compensation of all employees of the joint committee shall be fixed by the board of supervisors. All expenses of the joint committee shall be paid from the general fund of the county, subject to the approval of the board of supervisors.

SEC. 4. Section 1 of this act shall become operative only if Assembly Bill No. 2361 adds Section 26820.4 to the Government Code, and becomes operative on or before January 1, 1981.

SEC. 5. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Furthermore, this act does not create any present or future obligation to reimburse the agency or district for any costs incurred

because of this act.

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## CHAPTER 433

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

[Became law without Governor's signature. Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. The Governing Board of the Mendocino Unified School District has actively pursued a plan for the replacement of its older school buildings which do not conform to the structural standards of the so-called Field Act. It has used district funds as well as state school building aid funds for this purpose.

The Comptche Elementary School, a two-room school located in the community of Comptche, is attended by 40 students in kindergarten through grade 4. The Governing Board of the Mendocino Unified School District was authorized by Chapter 82 of the Statutes of 1979 to use buildings and related facilities of the Comptche Elementary School. Those buildings and facilities are in a state of disrepair because of flooding. Therefore, the Legislature finds and declares that it is necessary for the Mendocino Unified School District to use other facilities, formerly known as the Blue Rose Building.

SEC. 2. Notwithstanding Section 39227 of the Education Code, the Governing Board of the Mendocino Unified School District may use facilities, formerly known as the Blue Rose Building, until June 30, 1982. During the period of use authorized by this section, the building and related facilities shall not be subject to Article 3 (commencing with Section 39140) or Article 6 (commencing with Section 39210) of Chapter 2 of Part 23 of the Education Code.

SEC. 3. In the Southern Humboldt Unified School District a large group of people have moved to the western portion of this geographically large school district. Until recently, this area has had a relatively small population. The school district does not know who and how many young people will go to school from that area in the future. Pupils from that area now must ride a bus for more than one and a half hours to get to school. Some are not going to public school. The Governing Board of the Southern Humboldt Unified School District desires to open a one-room small elementary school, the Ettersburg School building, to ascertain how many young people who currently are not going to public schools would go if a more local public educational opportunity is provided for the families in Ettersburg.

SEC. 4. Notwithstanding Section 39227 of the Education Code,

the Governing Board of the Southern Humboldt Unified School District may use the Ettersburg School building described in Section 3 of this act until June 30, 1982. During the period of use authorized by this section, such building shall not be subject to Article 3 (commencing with Section 39140) or Article 6 (commencing with Section 39210) of Chapter 2 of Part 23 of the Education Code.

SEC. 5. Notwithstanding Section 39227 of the Education Code, the Governing Board of the Potter Valley Community Unified School District may use an existing building which is constructed of heavy wood framing and is in excellent condition for a continuation education program until June 30, 1982. During the period of use authorized by this section, such building shall not be subject to Article 3 (commencing with Section 39140) or Article 6 (commencing with Section 39210) of Chapter 2 of Part 23 of the Education Code.

SEC. 6. Notwithstanding Section 39227 of the Education Code, the Governing Board of the Ferndale Elementary School District may use until June 30, 1982 an existing building at the Ferndale Elementary School which is a wood frame structure and for which the district is seeking funds for its repair. During the period of use authorized by this section, such building shall not be subject to Article 3 (commencing with Section 39140) or Article 6 (commencing with Section 39210) of Chapter 2 of Part 23 of the Education Code.

SEC. 7. Notwithstanding Section 39227 of the Education Code, the Governing Board of the Camptonville Union Elementary School District may use until June 30, 1982, an existing building which is a wooden structure on a concrete foundation for a staff workroom, nurse's station, school library, Title I resource room, and other administrative purposes. During the period of use authorized by this section, such building shall not be subject to Article 3 (commencing with Section 39140) or Article 6 (commencing with Section 39210) of Chapter 2 of Part 23 of the Education Code.

SEC. 8. Due to the unique circumstances concerning the use of facilities in the Mendocino Unified School District, the Ferndale Elementary School District, the Potter Valley Community Unified School District, the Camptonville Union Elementary School District, and the Southern Humboldt Unified School District and the limited nature of the exemption provided for in this act, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the Constitution.

SEC. 9. This act shall remain in effect only until June 30, 1982, and as of that date is repealed.

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 that certain buildings and facilities which are essential to the operation of schools in the Mendocino Unified School District, in

the Ferndale Elementary School District, in the Potter Valley Community Unified School District, in the Camptonville Union Elementary School District, and in the Southern Humboldt Unified School District may be utilized as early as possible, it is necessary that this act take effect immediately.

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## CHAPTER 434

An act to amend Sections 70047 and 73351.1 of the Government Code, relating to courts.

[Became law without Governor's signature. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 70047 of the Government Code is amended to read:

70047. (a) In Contra Costa County, the annual salary of each regular official reporter shall be based on a five-step salary plan with one-year increments as follows:

Step 1. Twenty thousand seven hundred forty-eight dollars ($20,748).

Step 2. Twenty-one thousand seven hundred ninety-two dollars ($21,792).

Step 3. Twenty-two thousand eight hundred seventy-two dollars ($22,872).

Step 4. Twenty-four thousand twenty-four dollars ($24,024).

Step 5. Twenty-five thousand two hundred twenty-four dollars ($25,224).

The step of entry to the above schedule shall be step 1. However, the judges of the court may appoint any such court reporter to a duly allocated exempt position at a higher step if, in the opinion of the appointing judge, an individual to be appointed has such experience and qualifications to entitle that individual to such higher initial step, and if such higher initial salary has the approval of the presiding judge of the court and the board of supervisors, but in no case may the initial salary be above the third step of the salary range. The compensation of each official reporter pro tempore shall be at the rate of seventy dollars ($70) 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.

(b) 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.

(c) The board of supervisors shall adjust the salary of regular official reporters as part of its regular review of county employee compensation. Such adjustment shall be to that salary level closest to the average percentage adjustment in basic salaries of the county classes of superior court clerk, legal clerk, legal services clerk, intermediate stenographer-clerk, and intermediate typist-clerk. Any such reporter salary adjustment shall be effective on the same day as the effective date of the board's action as to all of the aforesaid county classifications, but for official reporters of each municipal court district shall be effective only until January 1 of the second year following the calendar year in which the adjustment is made. The compensation of each official reporter pro tempore shall remain at the rate of seventy dollars ($70) a day for the days he actually is on duty until changed by the board of supervisors at the same time and on the same basis as regular official reporters.

SEC. 2. Section 73351.1 of the Government Code is amended to read:

73351.1. Classes of positions provided in Section 73350 are allocated to the salary schedule as follows:

| | |
|---|---|
| (a) Deputy clerk I | Level 232 |
| (b) Deputy clerk II | Level 278 |
| (c) Deputy clerk III | Level 342 |
| (d) Process clerk | Level 342 |
| (e) Supervising process clerk | Level 390 |
| (f) Deputy clerk IV | Level 405 |
| (g) Deputy marshal | Level 452 |
| (h) Chief deputy clerk | Level 485 |
| (i) Deputy marshal sergeant | Level 500 |
| (j) Assistant marshal | Level 554 |
| (k) Clerk-administrator of the court (schedule B) | Level 557 |
| (*l*) Marshal (schedule B) | Level 586 |
| (m) Clerk-administrator of the court (schedule A) | Level 593 |
| (n) Marshal (schedule A) | Level 604 |

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 or 2234 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 since, as provided for in Section 6(a) of Article XIII B of the California Constitution, this act is requested by the local agency affected. Moreover, there shall be no claim considered with respect to this act by the State Board of Control pursuant to Section 905.2 of the Government Code or Section 2250 of the Revenue and Taxation Code, and the Department of Finance shall not review or report on this act pursuant to Section 2246 of the Revenue and Taxation Code.

## CHAPTER 435

An act to amend Sections 6546, 6571, and 6579.5 of the Government Code, relating to joint exercise of powers.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 6546 of the Government Code is amended to read:

6546. In addition to other powers, any agency, commission, or board provided for by a joint powers agreement pursuant to Article 1 (commencing with Section 6500) may issue revenue bonds pursuant to this article to pay the cost and expenses of acquiring or constructing a project for any or all of such purposes, if such entity has the power to acquire, construct, maintain or operate any one or more of the following projects:

(a) An exhibition building or other place for holding fairs or exhibitions for the display of agricultural, livestock, industrial, or other products.

(b) A coliseum, a stadium, a sport arena or sports pavilion or other building for holding sport events, athletic contests, contests of skill, exhibitions, spectacles and other public meetings.

(c) Any other public buildings.

(d) In a county having a population in excess of 4,000,000, a regional public park or regional public recreation area and all facilities and improvements related thereto.

(e) A facility for the generation or transmission of electrical energy for public or private uses and all rights, properties and improvements necessary therefor, including fuel and water facilities and resources.

(f) A facility for the disposal, treatment, or conversion to energy and reusable materials of solid waste.

As used in this chapter, "transmission of electric energy" shall not include the final distribution of electric energy to the consumer.

SEC. 2. Section 6571 of the Government Code is amended to read:

6571. The bonds shall be issued and sold as the governing body may determine and for not less than par and accrued interest to date of delivery, except that, in the case of a project for the generation or transmission of electric energy, or a project for the disposal, treatment, or conversion to energy and reusable materials of solid waste, the bonds may be sold at less than par if the governing body shall determine that such a sale will result in more favorable terms for the bonds. The sale shall be conducted in compliance with Chapter 10 (commencing with Section 5800) of Division 6 of Title 1, unless, in the case of a project for the generation or transmission of

electric energy, or a project for the disposal, treatment, or conversion to energy and reusable materials of solid waste, the governing body shall determine that a negotiated sale of the bonds is necessary, in which case the bonds shall be sold on such terms as shall be approved by the governing body. The proceeds from the sale (except premium and accrued interest, which shall be paid into the bond service or other fund designated or established for the payment of the principal and interest of the bonds) shall be paid into the construction fund or other fund designated by the indenture authorizing the issuance of the bonds and shall be applied exclusively to the objects and purposes set forth in such indenture, including all expenses incidental thereto or in connection therewith, and also including the payment of interest on said bonds during the period of study and construction of the project and for a period not to exceed twelve (12) months after completion of such construction.

SEC. 3. Section 6579.5 of the Government Code is amended to read:

6579.5. In addition to the revenue bonds authorized by this article and in addition to other powers, any agency, commission, or board provided for by a joint powers agreement entered into pursuant to Article 1 (commencing with Section 6500) of this chapter, if such entity has the power to acquire, construct, maintain, or operate systems, plants, buildings, works, or other facilities or property for the purposes of disposal, treatment, or conversion to energy and reusable materials of solid waste, may issue revenue bonds pursuant to the Revenue Bond Law of 1941, Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5, to pay the cost and expenses of acquiring, constructing, improving, and financing a project for any and all such purposes.

Upon adopting the resolution referred to in Article 3 (commencing with Section 54380) of Chapter 6 of Part 1 of Division 2 of Title 5, the entity shall implement the resolution by conducting an election in its own territory as provided in Section 54307.3. The proposition authorizing the bonds shall be deemed adopted if it receives the affirmative vote of a majority of all the voters voting on the proposition within the entity.

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## CHAPTER 436

An act to repeal Section 65862 of the Government Code, relating to zoning.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 65862 of the Government Code is repealed.

SEC. 2. Section 1 of this act shall not become operative if AB 2320 of the 1979–80 Regular Session repeals or repeals and adds Section 65862 of the Government Code.

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## CHAPTER 437

An act to amend Section 1801.4 of the Civil Code, relating to retail installment sales.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 1801.4 of the Civil Code is amended to read:

1801.4. The provisions of this chapter shall not apply to any contract or series of contracts providing for: (a) the construction, sale, or construction and sale of an entire residence or all or part of a structure designed for commerical or industrial occupancy, with or without a parcel of real property or an interest therein, (b) for the sale of a lot or parcel of real property, including any site preparation incidental to such sale, (c) the sale of any aircraft required to be registered under the Federal Aviation Act of 1958, or (d) the sale of any vessel as defined in subdivision (a) of Section 9840 of the Vehicle Code if the cash price of such vessel, including accessories and equipment sold in conjunction therewith, exceeds twenty-five thousand dollars ($25,000).

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## CHAPTER 438

An act to amend Section 1801.6 of the Civil Code, relating to retail installment sales.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 1801.6 of the Civil Code is amended to read:

1801.6. (a) The Legislature finds that the decisional law of this state regarding the characterization of credit transactions as either loans or credit sales has been made unclear by the holding in King v. Central Bank, 18 Cal. 3d 840. It is the purpose of subdivision (b) to clarify such law by establishing standards for determining whether

a transaction is subject to the Unruh Act. However, subdivision (b) is not intended to abrogate the judicial principle that the substance of a transaction rather than its form is determinative of its characterization as a loan or credit sale as exemplified by such decisions as Verbeck v. Clymer, 202 Cal. 557, Milana v. Credit Discount Co., 27 Cal. 2d 335, and Boerner v. Colwell Co., 21 Cal. 3d 37. Subdivision (b) also is not intended to abrogate the decision in Morgan v. Reasor Corp., 69 Cal. 2d 881, to the extent such decision has not been modified by Chapter 554 of the Statutes of 1969 or other legislative amendments to the Unruh Act.

(b) The provisions of this chapter shall not apply to any transaction in the form of a loan made by a supervised financial organization to a buyer of goods or services where all or a portion of the loan proceeds are used to purchase such goods or services, whether or not the seller of such goods or services arranges the loan or participates in the preparation of the loan documents, unless the supervised financial organization and the seller:

(1) Are related by common ownership and control and the relationship was a material factor in the loan transaction; or

(2) Share in the profits and losses of either or both the sale and the loan.

(c) For purposes of this section:

(1) The term "supervised financial organization" means a person organized, chartered, or holding a license or authorization certificate to make loans pursuant to the laws of this state or the United States who is subject to supervision by an official or agency of this state or the United States.

(2) Receipt of a loan commission, brokerage or referral fee by a seller from a supervised financial organization shall not constitute a sharing of profits of the supervised financial organization, provided that such payment (i) is reasonable under the circumstances existing at the time the loan is consummated, and (ii) is not refundable or is wholly or partly refundable only if the loan is voluntarily paid in full prior to its scheduled maturity. For purposes of this paragraph, a loan commission, brokerage or referral fee not exceeding the greater of 1 percent of the amount financed (as that term is defined by Regulation Z with respect to loans), or twenty dollars ($20), is reasonable under the circumstances existing at the time the loan is consummated.

(3) Payment of money by a seller to a supervised financial organization pursuant to an actual or alleged contractual or statutory obligation to indemnify a supervised financial organization for losses incurred as a result of the assertion by a buyer of claims or defenses with respect to goods or services purchased with loan proceeds shall not constitute participation in or sharing of loan losses by the seller.

## CHAPTER 439

An act to amend Section 43.95 of the Civil Code, and to add Section 23734d to the Revenue and Taxation Code, relating to referral services.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 43.95 of the Civil Code is amended to read:

43.95. (a) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any professional society or any nonprofit corporation authorized by such society to operate a referral service, or their agents, employees, or members, for referring any member of the public to any professional member of such society or service, or for acts of negligence or conduct constituting unprofessional conduct committed by a professional to whom a member of the public was referred, so long as any of the foregoing persons or entities has acted without malice, and the referral was made at no cost added to the initial referral fee as part of a public service referral system organized under the auspices of the professional society. "Professional society" includes legal, psychological, architectural, dental, accounting, optometric, podiatric, pharmaceutic, chiropractic, and engineering organizations having as members at least a majority of the eligible licentiates in the area served by the particular society, or organizations with referral services which have been authorized by the State Bar of California and operated in accordance with its Minimum Standards for a Lawyer Referral Service in California, and organizations which have been established to provide free assistance or representation to needy patients or clients.

(b) This section shall not apply whenever the professional society, while making a referral to a professional member of such society, fails to disclose the nature of any disciplinary action of which it has actual knowledge taken by a state licensing agency against that professional member. However, there shall be no duty to disclose a disciplinary action in either of the following cases:

(1) Where a disciplinary proceeding results in no disciplinary action being taken against the professional to whom a member of the public was referred; or

(2) Where a period of three years has elapsed since the professional to whom a member of the public was referred has satisfied any terms, conditions, or sanctions imposed upon such professional as disciplinary action; except that if the professional is an attorney, there shall be no time limit on the duty to disclose.

SEC. 2. Section 23734d is added to the Revenue and Taxation Code, to read:

23734d. In determining the unrelated business taxable income of an organization for any taxable year, there shall be excluded all income of an organization described in Section 23701d or Section 23701e which is derived from the operation of a lawyer referral service in conformance with the Minimum Standards for a Lawyer Referral Service promulgated by the State Bar of California.

SEC. 3. The addition of Section 23734d to the Revenue and Taxation Code by Section 2 of this act does not constitute a change in, but is declaratory of, preexisting law.

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## CHAPTER 440

An act to add Section 201.7 to the Labor Code, relating to the payment of wages.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 201.7 is added to the Labor Code, to read:

201.7. An employer who lays off an employee or a group of employees engaged in the business of oil drilling shall be deemed to have made immediate payment within the meaning of Section 201 if the wages of such employees are paid within such reasonable time as may be necessary for computation or payment thereof; provided, however, that such reasonable time shall not exceed 24 hours after discharge excluding Saturdays, Sundays, and holidays; and provided further, such payment may be mailed and the date of mailing is the date of payment.

The Legislature finds and determines that special provision must be made for the payment of wages on discharge of employees engaged in oil drilling because their employment at various locations is often far removed from the employer's principal administrative offices, which makes the computation and payment of wages on an immediate basis unduly burdensome.

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## CHAPTER 441

An act to amend Section 1524 of the Penal Code, relating to search warrants.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 1524 of the Penal Code is amended to read:

1524. (a) A search warrant may be issued upon any of the following grounds:

(1) When the property was stolen or embezzled.

(2) When the property or things were used as the means of committing a felony.

(3) When the property or things are in the possession of any person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered.

(4) When the property or things to be seized consist of any item or constitutes any evidence which tends to show a felony has been committed, or tends to show that a particular person has committed a felony.

(b) The property or things described in subdivision (a) may be taken on the warrant from any place, or from any person in whose possession it may be.

(c) Notwithstanding subdivision (a) or (b), no search warrant shall issue for any documentary evidence in the possession or under the control of any person, who is a lawyer as defined in Section 950 of the Evidence Code, a physician as defined in Section 990 of the Evidence Code, a psychotherapist as defined in Section 1010 of the Evidence Code, or a clergyman as defined in Section 1030 of the Evidence Code, and who is not reasonably suspected of engaging or having engaged in criminal activity related to the documentary evidence for which a warrant is requested unless the following procedure has been complied with:

(1) At the time of the issuance of such warrant the court shall appoint a special master in accordance with subdivision (d) to accompany the person or persons who will serve the warrant. Upon service of the warrant, the special master shall inform the party served of the specific items being sought and that the party shall have the opportunity to provide the items requested. If the party, in the judgment of the special master, fails to provide the items requested, the special master shall conduct a search for such items in the areas indicated in the search warrant.

(2) If the party who has been served states that an item or items should not be disclosed, they shall be sealed by the special master and taken to court for a hearing.

At such hearing the party searched shall be entitled to raise any issues which may be raised pursuant to Section 1538.5 as well as a claim that the item or items are privileged, as provided by law. Any such hearing shall be held in the superior court. The court shall provide sufficient time for the parties to obtain counsel and make any motions or present any evidence. Such hearing shall be held within three days of the service of the warrant unless the court makes

a finding that such expedited hearing is impracticable. In that case the matter shall be heard at the earliest possible time.

(3) Any such warrant must, whenever practicable, be served during normal business hours. In addition, any such warrant must be served upon a party who appears to have possession or control of the items sought. If after reasonable efforts, the party serving the warrant is unable to locate any such person, the special master shall seal and return to the court for determination by the court any item or items which appear to be privileged as provided by law.

(d) As used in this section, a "special master" is an attorney who is a member in good standing of the California State Bar and who has been selected from a list of such attorneys which is maintained by the State Bar particularly for the purposes of conducting the searches described in this section. Such attorneys shall serve without compensation. A special master shall be considered a public employee, and the govermental entity which caused the search warrant to be issued shall be considered the employer of the special master and the applicable public entity, for purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, relating to claims and actions against public entities and public employees. In selecting the special master the court shall make every reasonable effort to insure that the person selected has no relationship with any of the parties involved in the pending matter. Any information obtained by the special master shall be confidential and shall not be divulged except in direct response to inquiry by the court.

In any case in which the magistrate determines that, after reasonable efforts have been made to obtain a special master, a special master is not available and would not be available within a reasonable period of time, the magistrate may direct the party seeking the order to conduct the search in the manner described in this section in lieu of the special master.

(e) Any search conducted pursuant to this section by a special master may be conducted in such a manner as to permit the party serving the warrant or his designee to accompany the special master as he conducts his search. However, such party or his designee shall not participate in the search nor shall he examine any of the items being searched by the special master except upon agreement of the party upon whom the warrant has been served.

(f) As used in this section "documentary evidence" includes, but is not limited to, writings, documents, blueprints, drawings, photographs, computer printouts, microfilms, X-rays, files, diagrams, ledgers, books, tapes, audio and video recordings, films or papers of any type or description.

(g) No warrant shall issue for any item or items described in Section 1070 of the Evidence Code.

## CHAPTER 442

An act to add Sections 31484.5, 31681.54, 31739.34, and 31800.1 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 31484.5 is added to the Government Code, to read:

31484.5. Notwithstanding any other provision of law, whenever the governing body of a county or district has made a particular provision or provisions of this chapter providing for increased benefits applicable to such county or district through the adoption of an ordinance or resolution, such governing body may, at any time thereafter, adopt another ordinance or resolution terminating the applicability of such provision or provisions as to current employees of the county or district who elect by written notice filed with the board to have the applicability of such provision or provisions terminated as to them. This section is intended only to authorize the termination of those benefits which the governing body of a county or district elected to increase over the basic benefits or to make applicable in addition to the basic benefits pursuant to the provisions of this chapter. Nothing herein shall be construed as authorizing the governing body of a county or district to terminate the basic benefits required under the provisions of this chapter.

The governing board of a county or district, prior to adopting an ordinance or resolution allowing the termination of the applicability of any increased benefit provisions, shall provide written explanation of the effect and impact of such termination for each member requesting termination of the applicability of any such provisions.

The governing board shall require members requesting termination of the applicability of any provisions to sign an affidavit stating that such member has been fully informed regarding the effect of such termination, and understands that such termination of a provision or provisions is irrevocable. Such affidavit shall also state that the employee has chosen termination of the provision or provisions of the employee's own free will and was not coerced into termination of any provision by the employer or any other person.

The governing body shall, in the ordinance or resolution granting current employees the option of electing to have the applicability of such provision or provisions terminated, specify the provision or provisions which shall be applicable to current employees making the election. Employees who elect to have such provision or provisions terminated, shall have their retirement allowance for service rendered after the effective date of election calculated on the

basis of the provision made applicable by the governing body.

Except as otherwise provided herein, the retirement allowance for service rendered prior to the effective date of the election shall be calculated on the basis of the provision or provisions applicable during that period of service. Any employee who has made such an election shall not be eligible for retirement unless the employee meets the minimum requirements of the provision or provisions applicable at the date of retirement. Any employee who has made an election whereby the definition of "final compensation" in Section 31462.1 no longer applies, shall have the definition of "final compensation" in Section 31462 applied at the date of retirement regardless of previous service under the provisions of Section 31462.1. Any employee who has made an election whereby a cost-of-living adjustment provision of Article 16.5 (commencing with Section 31870) no longer applies shall have the cost-of-living adjustment provision, if any, specified by the governing body applied to all previous service at the date of retirement regardless of previous service under such other provision of Article 16.5. Any employee making such election shall be refunded all moneys contributed by that employee for those benefits, and such employee shall be deemed to thereby have waived and relinquished any right to such automatic cost-of-living benefits.

A current employee who has elected to have the applicability of such provision or provisions terminated may not rescind such an election unless the governing body of the county or district again makes the particular provision or provisions applicable to the county or district through the adoption of a subsequent ordinance or resolution. Any such election made by a current employee shall be binding upon the employee's spouse and all others claiming benefits under such employee's entitlement.

This section shall only be applicable to a county of the 10th class as described by Section 28031.

SEC. 2. Section 31681.54 is added to the Government Code, to read:

31681.54. (a) Except as provided in subdivision (b) of this section, a retirement allowance or optional death allowance, including an allowance payable to a survivor of a member, payable to or on account of any member of this system, or of a superseded system, who retired for service on or before December 31, 1971, is hereby increased as follows:

| Number of Years of County or District Service | Percentage of Increase in Monthly Retirement Allowance |
|---|---|
| 25 or more years | 10% |
| 20–25 years | 8% |
| 15–20 years | 6% |
| 10–15 years | 4% |

(b) No allowance shall be increased to more than five hundred dollars ($500) per month pursuant to subdivision (a) of this section.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 3. Section 31739.34 is added to the Government Code, to read:

31739.34. (a) Except as provided in subdivision (b) of this section, a retirement allowance, optional death allowance or annual death allowance, including an allowance payable to a survivor of a member, payable to or on account of any member of this system, or of a superseded system, who retired for disability on or before December 31, 1971, is hereby increased as follows:

| Number of Years of County or District Service | Percentage of Increase in Monthly Retirement Allowance |
|---|---|
| 25 or more years | 10% |
| 20–25 years | 8% |
| 15–20 years | 6% |
| 10–15 years | 4% |

(b) No allowance shall be increased to more than five hundred dollars ($500) per month pursuant to subdivision (a) of this section.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 4. Section 31800.1 is added to the Government Code, to read:

31800.1. Notwithstanding any other provision of law, the board of supervisors in a county of the 10th class as described by Section 28031 may adopt, by majority vote, a resolution providing that:

(a) Any general member employed by the county or any district included within the membership of the county retirement association shall have the option, at any time prior to retirement, of having his retirement allowance for service rendered after the date of his exercising this option calculated to equal the following:

(1) The fraction of one-ninetieth of the first one thousand fifty dollars ($1,050) monthly of the member's final compensation set forth in the table appearing in Section 31676.1 in the column applicable to the member's age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service as provided therein.

(2) The fraction of one-sixtieth of any remaining portion of the member's final compensation set forth in the table appearing in Section 31676.1 in the column applicable to the member's age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service.

The retirement allowance payable for service rendered prior to

the date of the member's election shall be computed in accordance with the provisions of Section 31676.1. The retirement allowance payable for service performed after the effective date of the member's election shall equal the total of paragraphs (1) and (2) of this subdivision.

Any member who elects to have his retirement allowance so calculated shall have the definition of "final compensation" in Section 31462 or Section 31462.2, whichever is applicable, applied at the date of retirement regardless of previous service under the provisions of Section 31462.1.

(b) Any safety member employed by the county or any district included within the membership of the county retirement association shall have the option, at any time prior to retirement, of having his retirement allowance for service rendered after the date of his exercising this option calculated to equal the following:

(1) The fraction of one seventy-fifth of the first one thousand fifty dollars ($1,050) monthly of the member's final compensation set forth in the table appearing in Section 31664 in the column applicable to the member's age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service as provided therein.

(2) The fraction of one-fiftieth of any remaining portion of the member's final compensation set forth in the table appearing in Section 31664 in the column applicable to the member's age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service.

The retirement allowance payable for service rendered prior to the date of the safety member's election shall be computed in accordance with the provisions of Section 31664. The retirement allowance payable for service performed after the effective date of the safety member's election shall equal the total of paragraphs (1) and (2) of this subdivision.

Any safety member who elects to have his retirement allowance so calculated shall have the definition of "final compensation" in Section 31462 or Section 31462.2, whichever is applicable, applied at the date of retirement regardless of previous service under the provisions of Section 31462.1.

(c) Before permitting a member to exercise the option authorized by this section, the board of supervisors shall provide that member with a written explanation of the effect on the member's retirement benefits and contributions of exercising that option. No member may rescind his action after exercising the option authorized in this section.

(d) Any member who elects deferred retirement after becoming subject to the provisions of this section shall receive a retirement allowance determined in accordance with subdivision (a) or subdivision (b) of this section.

(e) Any member who exercises the option authorized in this section shall continue to contribute as provided for in Article 6

(commencing with Section 31620) or Article 6.8 (commencing with Section 31639), of this chapter, whichever is applicable, a lesser amount as determined by an actuary.

(f) Any member who exercises the option authorized in this section and who is also eligible and elects or has elected to receive credit in the retirement system for public service as provided in Section 31641.1 shall have the retirement allowance for such public service calculated as if he had not exercised the option authorized in this section.

(g) Any member who exercises the option authorized in this section and who is also eligible and elects to receive the benefits of Section 31641.5, 31652, or 31831.1 shall have the retirement allowance for that service calculated in accordance with subdivisions (a) or (b) of this section.

For the purposes of this section, all contributions, liabilities, actuarial interest rates, and other valuation factors shall be determined on the basis of actuarial assumptions and methods which, in the aggregate, are reasonable and which, in combination, offer the actuary's best estimate of anticipated experience under the system.

Any additional employer contributions required under this section shall be computed as a level percentage of member compensation. The additional contribution rate required at the time this section is adopted shall not be less than the sum of (1) the actuarial normal cost, plus (2) the additional contribution required to amortize the increase in accrued liability attributable to benefits elected under this section over a period of not more than 30 years from the date this section becomes effective in the public agency's contract.

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## CHAPTER 443

An act to amend Section 9902 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 9902 of the Business and Professions Code is amended to read:

9902. As used in this chapter, "employment agency" or "agency" means any of the following:

(a) The business of conducting, in any capacity, an intelligence office, employment agency, registry other than a nurses' registry as defined in Section 9890.6, or any agency, business or office which procures, offers, promises or attempts to procure employment or engagements for others or employees for employers, or for the registration of persons seeking to procure or retain employment or

engagement, or for giving information as to where and from whom such help, employment or engagement may be procured, or for providing employment or engagements where a fee or other valuable consideration is exacted, or attempted to be collected, directly or indirectly, for such services, regardless of where such business is conducted.

(b) Any person, service, bureau, organization, club, résumé service, or employment counseling service, which by advertisement or otherwise offers, as one of its main objects or purposes, to procure employment for any person who will pay for its services, or that collects dues, tuition, or membership or registration fees of any sort, where the main object of the person paying the same is to secure employment.

(c) Any person who acts as a labor contractor.

(1) A labor contractor is any person, who, for a fee or other compensation, employs an individual to render personal services to, for or under the direction of a third person.

(2) "Bona fide employees" or "employees," when used with reference to the employees of a labor contractor, refers to the employees rendering services to the labor contractor and not to the individuals employed by the labor contractor to render personal services to, for or under the direction of a third person.

(3) A central hiring establishment, intelligence office, registry other than a nurses' registry, agency or place maintained without cost to applicants for employment by groups of employers or groups of employers and employees, or a person licensed under Chapter 9 (commencing with Section 7000) of Division 3 of this code, does not constitute a labor contractor within the meaning of this chapter.

(4) A person employing individuals to render personal services to, for or under the direction of a third person is not a labor contractor within the meaning of this chapter if the person employing the individuals, in addition to wages or salaries, pays federal social security taxes, state and federal unemployment insurance, carries workers' compensation insurance as required by state law, and sustains responsibility for the acts of his employees while rendering services to, for or under the direction of a third person, and has no applicant-paid liquidated damage clause. The person employing individuals to render personal services shall not send the employees to any place where a strike, lockout or labor dispute exists.

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## CHAPTER 444

An act to add Section 71603.2 to the Government Code, relating to county officers.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 71603.2 is added to the Government Code, to read:

71603.2. Notwithstanding the provisions of Sections 71602 and 71603, the board of supervisors of a county of the 34th class or of the 43rd class may by ordinance abolish the office of constable and, instead, require that the duties of constable be performed by the sheriff.

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## CHAPTER 445

An act to amend Sections 23958 and 24013 of, and to add Section 23958.3 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 23958 of the Business and Professions Code is amended to read:

23958. For all licenses, except retail package off-sale beer and wine licenses, upon receipt of an application for a license or for transfer of a license and the applicable fee, the department shall make a thorough investigation to determine whether the applicant and the premises for which a license is applied qualify for a license. The department shall also determine whether the provisions of this division have been complied with, and shall investigate all matters directly related to the issuance or transfer of such license which may affect the public welfare and morals. The department shall deny an application for a license or transfer of a license if either the applicant or the premises for which a license is applied do not qualify for a license under this division.

The department further may deny an application for a license if issuance of such license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses and the applicant fails to show that public convenience or necessity would be served by such issuance.

SEC. 2. Section 23958.3 is added to the Business and Professions Code, to read:

23958.3. For retail package off-sale beer and wine licenses, upon receipt of an application for a license or for transfer of a license and the applicable fee, the department shall make a thorough investigation to determine whether the applicant and the premises

for which a license is applied qualify for a license. The department shall also determine whether the provisions of this division have been complied with, and shall investigate all matters directly related to the issuance or transfer of such license which may affect the public welfare and morals. The department shall not, however, investigate any matters connected with the operation of a premises, such as operating hours, parking availability or operating noise, other than those matters which, solely due to the sale of alcoholic beverages, might adversely affect the public welfare and morals. The department shall deny an application for a license or a transfer of a license if either the applicant or the premises for which a license is applied do not qualify for a license under this division.

The department further may deny an application for a license if issuance of such license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses and the applicant fails to show that public convenience or necessity would be served by such issuance.

SEC. 3. Section 24013 of the Business and Professions Code is amended to read:

24013. Protests may be filed at any office of the department at any time within 30 days from the first date of posting the notice of intention to engage in the sale of alcoholic beverages at such premises.

The department may reject protests, except protests made by a public agency or a public official or protests made by the governing body of a city or county, if it determines such protests are false, vexatious, or without reasonable or probable cause at any time before hearing thereon, notwithstanding the provisions of Section 24016 or 24300. The department shall also reject any protests against an off-sale retail alcoholic beverage license which are based on evidence, information or conditions resulting from operation of the premises, such as operating hours, parking availability or operating noise, not resulting solely from the sale of alcoholic beverages. If the department rejects a protest as provided in this section and issues a license, a protestant whose protest has been rejected may, within 10 days after the issuance of a license, file an accusation with the department alleging the grounds of protest as a cause for revocation of the license and the department shall hold a hearing as provided in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Nothing in this section shall be construed as prohibiting or restricting any right which the individual making the protest might have to a judicial proceeding.

## CHAPTER 446

An act to amend Sections 10241.1 and 10242 of the Business and Professions Code, relating to real property loans.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 10241.1 of the Business and Professions Code is amended to read:

10241.1. (a) The purchase of credit life insurance on the life of the borrower or credit disability insurance to provide indemnity for payments becoming due on the indebtedness shall not be required as a condition of making a loan under this article.

(b) The licensee may provide through duly licensed agents and collect the costs for credit life insurance on the life of a borrower and credit disability insurance to provide indemnity for payments becoming due on the indebtedness, with his or her consent, the form and rate to be approved by the Insurance Commissioner, as provided in Section 779.9 of the Insurance Code, and in an amount not in excess of that reasonably necessary to discharge the obligation of the borrower, and for a term not exceeding the term of the loan. Only one premium may be collected by the licensee in connection with any loan contract irrespective of the number of borrowers, and only one borrower may be insured; provided, however, that where more than one borrower is a party to a loan contract, and each borrower is a wage earner whose earnings are reasonably relied upon by the lender for the repayment of the loan, each borrower may be insured.

(c) The licensee may collect the costs for fire and hazard insurance on the property offered as security for a loan reasonably insured against loss for a reasonable term considering the circumstances of the loan when the policy or policies of insurance are made payable to the borrower or any member of his family, even though the customary mortgagee clause is attached, and if the insurance is sold at standard rates through duly licensed agents.

(d) If premiums for any insurance provided under the provisions of this section are to be paid for from the proceeds of the loan, any such amount and any commission under subdivision (b) of Section 10242 attributable to borrowing such amount, shall not be considered in determining whether said loan is exempt from the provisions of this article under Section 10245.

SEC. 2. Section 10242 of the Business and Professions Code is amended to read:

10242. The maximum amount of expenses, charges and interest to be paid by a borrower with respect to any loan subject to the provisions of this article shall be as follows:

(a) The maximum amount of all costs and expenses referred to in

subdivision (a) of Section 10241, exclusive of actual title charges and recording fees, shall not exceed five percent (5%) of the principal amount of the loan or one hundred ninety-five dollars ($195), whichever is greater but in no event to exceed three hundred fifty dollars ($350), provided that in no event shall said maximum amount exceed actual costs and expenses paid, incurred or reasonably earned.

(b) The maximum amount of the charges referred to in subdivision (b) of Section 10241 shall not exceed the following amounts:

(1) In the case of a loan secured directly or collaterally, in whole or in part by a first trust deed, five percent (5%) of the principal amount of the loan where the term of the loan is a period of less than three (3) years and ten percent (10%) where the term is a period of three (3) years or more.

(2) In the case of a loan secured directly or collaterally by a trust deed other than a first trust deed, five percent (5%) of the principal amount of the loan where the term of the loan is a period of less than two (2) years, ten percent (10%) where the term is a period of two (2) years but less than three (3) years, and fifteen percent (15%) where the term is a period of three (3) years or more.

(3) With respect to a further advance on a note, the charges shall not exceed the charges for an original loan in the same amount as the further advance and made for a term equal to the remaining term of the note on which the further advance is being made, including any extension thereof.

(c) No interest may be charged with respect to any period prior to the date that the proceeds of the loan are made available to the borrower or are deposited in escrow.

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## CHAPTER 447

An act to amend Sections 53821, 53822, 53823, 53825, 53829, 53830, and 53832 of the Government Code, relating to education.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 53821 of the Government Code is amended to read:

53821. Subsequent to approval of the final budget and levy of taxes, if funds are needed for the immediate requirements of a local agency in any fiscal year to pay obligations lawfully incurred in the fiscal year and before the receipt of income for the fiscal year sufficient to meet the payments, money may be borrowed by:

(a) The legislative body of a county on the recommendation of the

auditor and treasurer.

(b) The legislative body of the county having the largest area within the regional park district on the recommendation of the auditor and treasurer.

(c) A school district, county board of education, or community college district on the request of two-thirds of the members of its governing board, approved by the county auditor and treasurer.

(d) A regional park district on the request of four-fifths of the members of its legislative body, approved by the auditor and treasurer of the county having the largest area within the district.

(e) The legislative body of a city on the recommendation of the city treasurer and chief accounting officer.

(f) The legislative body of any other municipal or public corporation or district on the recommendation of the officers performing the functions of auditor and treasurer.

SEC. 2. Section 53822 of the Government Code is amended to read:

53822. Money may be borrowed on notes, tax anticipation warrants, or other evidences of indebtedness on behalf of the local agency in an amount not to exceed 50 percent of:

(a) The revenue from taxes for the current fiscal year or that portion of the taxes not collected at the time of borrowing, where the borrowing is by a county, city, or municipal or public corporation or district, other than a school district, county board of education, or community college district.

(b) The estimated income and revenue for the current fiscal year or that portion not collected at the time of borrowing, where the borrowing is by a school district, county board of education, or community college district.

SEC. 3. Section 53823 of the Government Code is amended to read:

53823. In addition, a school district, county board of education, or community college district may borrow money at any time between July 15th and August 30th of any fiscal year in an amount not to exceed 25 percent of the estimated income and revenue to be received during the current fiscal year by the district or county office of education from apportionments of the state, high school, or community college fund and of the State General Fund, based on the average daily attendance of pupils in the schools or colleges of the district or in schools operated by the county board of education for the preceding school year. The notes shall be repaid not later than December 31st in the fiscal year exclusively from the state apportionments.

SEC. 4. Section 53825 of the Government Code is amended to read:

53825. The resolution shall state the necessity for the borrowing and:

(a) The amount of revenue from taxes provided for the county, city, or municipal or public corporation or district, other than a

school district, county board of education, or community college district, for the current fiscal year.

(b) The amount of income and revenue provided for the current fiscal year for the school or community college district or the estimated amount of income and revenue to be received during the current fiscal year from apportionments from the State School Fund, high school fund, or community college fund and from the State General Fund, if the borrowing is by a school district, county board of education, or community college district and occurs before taxes are levied.

SEC. 5. Section 53829 of the Government Code is amended to read:

53829. The repayment of money borrowed by a county, city, or municipal or public corporation or district other than a school district, county board of education, or community college district constitutes a first lien and charge against the taxes levied for the fiscal year in which it was borrowed and shall be repaid from the first money received by the county, city, or municipal or public corporation or district other than a school district, county board of education, or community college district from the taxes.

SEC. 6. Section 53830 of the Government Code is amended to read:

53830. The repayment of money borrowed by any school district, county board of education, or community college district constitutes a first lien and charge against the taxes, revenue, and other income collected during the fiscal year in which the money was borrowed and shall be repaid from the first money received by such school district, county board of education, or community college district from the taxes, revenue, and income.

SEC. 7. Section 53832 of the Government Code is amended to read:

53832. Loans made pursuant to this article shall be made solely for the purpose of anticipating income. In the case of a county, a city, or a municipal or public corporation or district other than a school district, county board of education, or community college district, the loans shall be made solely upon the credit of revenue from taxes provided for the fiscal year in which loans are made. In the case of a school district, county board of education, or community college district, the loans shall be made solely upon the credit of income and revenue provided for the fiscal year in which loans are made.

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## CHAPTER 448

An act to amend Section 31520 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 31520 of the Government Code is amended to read:

31520. Except as otherwise delegated to the board of investment and except for the statutory duties of the county treasurer, the management of the retirement system is vested in the board of retirement, consisting of five members, one of whom shall be the county treasurer. The second and third members of the board shall be active members of the association elected by it within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth and fifth members shall be qualified electors of the county who are not connected with county government in any capacity, except one may be a supervisor and one may be a retired member, and shall be chosen by the board of supervisors. The first persons chosen as the second and fourth members shall service for two years from the date the system becomes operative and the third and fifth members shall serve for a term of three years from that date. Thereafter the terms of office of the four elected members are three years.

As used in this section "active member" means a member in the active service of a county, district, municipal court or superior court and a "retired member" means a member retired for service or disability.

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## CHAPTER 449

An act relating to the Sierra Valley and Long Valley Groundwater Basins, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

### Article 1. Creation

Sec. 101. Articles 1 to 12, inclusive, of this act shall be known and may be cited as the Sierra Valley Groundwater Basin Act.

Sec. 102. The Board of Supervisors of the County of Plumas and the Board of Supervisors of the County of Sierra may, by a joint powers agreement entered into pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, create a district known and designated as the "Sierra Valley

Groundwater Management District" which shall have the boundaries specified in Section 201 and which may exercise the express powers granted by this act for purposes of groundwater management within the Sierra Valley Groundwater Basin, together with such other powers as are reasonably implied and necessary and proper to carry out the objects and purposes of the district. The Legislature hereby finds and declares that the preservation of the groundwater within Sierra Valley for the protection of agricultural and other resources is in the public interest and that the creation of a district pursuant to this act is for the common benefit of the Sierra Valley water users.

## Article 2. Boundaries

Sec. 201. For the purposes of this act, the boundaries of the Sierra Valley Groundwater Management District are as follows:

Beginning at the southeast corner of Section 3, Township 21 North, Range 13 East, M.D.M., which is a point on the county line between the Counties of Plumas and Sierra and running thence north one mile along the east line of said Section 3 to the south boundary of Township 22 North, Range 13 East, M.D.M.; thence west one-half mile on the township line to the south quarter section corner of Section 34, Township 22 North, Range 13 East, M.D.M.; thence north 2 miles to the south boundary of Section 22 said township and range; thence east on the section line one-half mile to the section corner common to Sections 22, 23, 26, and 27 of said township and range; thence north on the section line one-half mile to the quarter section corner between Sections 22 and 23, said township and range; thence east one-half mile to the center quarter corner of Section 23, said township and range; thence north one-half mile to the north line of Section 23, said township and range; thence east on the section line one and one-half miles to the range line between Range 13 East and Range 14 East; thence north along said range line to the northwest corner of Section 18, Township 22 North, Range 14 East, M.D.M.; thence east along the north boundary of Section 18, said township and range, to the northeast corner of Section 18, said township and range; thence north one-half mile to the quarter section corner common to Sections 7 and 8, said township and range; thence east one-half mile to the center of Section 8, said township and range; thence north one-half mile to the quarter section corner between Sections 8 and 5, said township and range; thence east on the section line one-half mile to the southeast corner of said Section 5; thence north one mile along the east boundary of said Section 5 to the northeast corner of said Section 5 which is on the south boundary of Township 23 North, Range 14 East, M.D.M.; thence west one-half mile to the south quarter section corner of Section 32, Township 23 North, Range 14 East, M.D.M.; thence north one and one-half miles to the center of Section 29, said township and range; thence east one mile to the center of Section 28, said township and range; thence

north along the half section lines four and one-half miles to the north quarter section corner of Section 4, said township and range;

Thence east on the township line sixteen and one-half miles along the north boundary of Township 23 North to the northeast corner of Section 6, Township 23 North, Range 17 East, M.D.M., which is on the easterly boundary of the County of Plumas;

Thence along the easterly boundary of the County of Plumas south on the section line six miles to the north corner of Sections 5 and 6, Township 22 North, Range 17 East, M.D.M.; thence south on the section lines two miles to the corner common to Sections 7, 8, 17, and 18, said township and range; thence west on the section line one-half mile to the quarter section corner on the north line of Section 18, said township and range; thence south one mile to the north quarter section corner of Section 19, said township and range; thence west one-half mile to the northeast corner of Section 24, Township 22 North, Range 16 East, M.D.M.; thence south on the section line one mile to the southeast corner of said Section 24; thence west on the section line one mile to the southwest corner of said Section 24; thence south on the section lines two miles to the southerly boundary of the County of Plumas at the southeast corner of Section 35, Township 22 North, Range 16 East, M.D.M.;

Thence south on the section line between Sections 1 and 2, Township 21 North, Range 16 East, M.D.M., approximately one-quarter mile to the watershed crestline; thence southerly along the watershed crestline through Sections 1, 12, 13, 24, and 25, Township 21 North, Range 16 East, M.D.M.; thence southeasterly along the watershed crestline through Section 31, Township 21 North, Range 17 East, M.D.M.; thence southerly along the watershed crestline through Sections 5, 8, 9, 16, 17, 19, 20, 29, and 30, Township 20 North, Range 17 East, M.D.M.; thence southwesterly along the watershed crestline through Sections 25, 36, 35, 34, 33, 28, and 32, Township 20 North, Range 16 East, M.D.M.; thence southwesterly along the watershed crestline through Sections 5 and 6, Township 19 North, Range 16 East, M.D.M.; thence southwesterly along the watershed crestline through Sections 1, 12, 11, 14, 15, 16, and 17, Township 19 North, Range 15 East, M.D.M.; thence northwesterly along the watershed crestline through Sections 24, 23, 22, 15, 16, 17, 8, 7, and 6, Township 19 North, Range 14 East, M.D.M.; thence northerly along the watershed crestline through Sections 36, 25, 24, 23, 14, 11, 10, and 3, Township 20 North, Range 13 East, M.D.M.; thence northerly along the watershed crestline through Sections 35, 34, 27, 26, 23, 13, 14, and 11 to a point on the north line of said Section 11, which line is also the boundary line between the Counties of Sierra and Plumas; thence west approximately three-eighths mile along said section line to the southeast corner of Section 3, which is also the point of beginning.

Article 3. Definitions

Sec. 301. Unless otherwise indicated by their context, the terms defined in this article govern the interpretation of this act.

Sec. 302. "Available supply" means the quantity of groundwater which can be withdrawn annually from the groundwater basin without resulting in or aggravating conditions of overdraft, subsidence, or groundwater quality degradation. Available supply of the groundwater basin includes the average annual natural water supply, imported water or other water which has been spread to the basin or otherwise added to the basin, and return flows to the basin attributable to these sources reaching the groundwater basin in the course of use.

Sec. 303. "Board of directors" means the governing body of the district created and organized by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

Sec. 304. "Development project" means a project undertaken for the purpose of development of property involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use granted by one or more public agencies, including, but not limited to, any of the following:

(a) A tentative map or tentative parcel map required by local ordinance or the Subdivision Map Act (commencing with Section 66410 of the Government Code).

(b) A special or conditional use permit.

(c) A zone amendment.

Sec. 305. "District" means a groundwater management district within the area established by a joint powers agreement pursuant to this act or as designated by this act.

Sec. 306. "District off-basin user" means a person extracting groundwater for use on land within the district which does not overlie the groundwater basin.

Sec. 307. "Export" means groundwater extracted for use outside the boundaries of the district.

Sec. 308. "Extraction" means the act of obtaining groundwater by pumping or other controlled means.

Sec. 309. "Extraction facility" means any device or method for the extraction of groundwater within the groundwater basin.

Sec. 310. "Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water. "Groundwater" does not include any water which, on the effective date of this act, is subject to appropriation under Part 2 (commencing with Section 1200) of Division 2 of the Water Code.

Sec. 311. "Groundwater basin" means the groundwater basin within the boundaries of the district and any subbasins located therein.

Sec. 312. "Groundwater rights adjudication" means the

determination of substantially all rights in the groundwater basin or the area subject to the adjudication.

Sec. 313. "Operator" means the person who operates an extraction facility. "Operator" also means the person to whom the extraction facility is assessed by the county assessor or, if not separately assessed, the person who owns the land upon which an extraction facility is located.

Sec. 314. "Overdraft" means the condition of the groundwater basin where the average annual amount of water extracted exceeds the average annual supply of water to the basin, plus any temporary surplus.

Sec. 315. "Person" includes any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any federal agency.

Sec. 316. "Program" means a groundwater management program prepared by the district pursuant to this act.

Sec. 317. "Replenishment" means spreading water over a permeable area for the purpose of allowing it to percolate to the groundwater basin, or otherwise adding water to the groundwater basin which without such effort would not augment the groundwater supply.

Sec. 318. "Supplemental water" means surface water or groundwater imported from outside the watershed or watersheds of the groundwater basin and flood waters that are conserved and saved within the watershed or watersheds which would otherwise have been lost or would not have reached the groundwater basin.

Sec. 319. "Temporary surplus" means the amount of water than can be extracted from the groundwater basin, without adversely affecting the available supply of the groundwater basin, to provide storage space for natural recharge that would be lost during wet years if it could not be stored in the groundwater basin.

Sec. 320. "Water year" means the period from October 1 of one calendar year to September 30 of the following calendar year.

Sec. 321. "Well interference" means a substantial water level decline in a short time period in a localized area caused by pumping from extraction facilities.

Sec. 322. "Zone of benefit" means an area, including, but not limited to, subbasins, within the district which will benefit from planning, studies, or any management program undertaken by the district in a manner different from other areas or subbasins within the district.

## Article 4. General Provisions

Sec. 401. The joint powers agreement creating the district shall prescribe the form and organization of the board of directors of the district. The board of directors shall be the governing body of the district and shall exercise the powers of the district as set forth in this act.

Sec. 402. The rights and powers granted to the counties and the districts by this act are in addition to those powers which they already have or those which may be granted. No provision of this act shall be interpreted as denying to the counties or the districts any rights or powers they already have or those which they may be granted, except as specifically provided for in this act.

Sec. 403. The district may establish penalties for violations of district ordinances that are in addition to the remedies specified in this act.

Sec. 404. Any ordinance adopted pursuant to this act may become effective upon adoption. Within 10 days after its adoption, the ordinance shall be published pursuant to Section 6061 of the Government Code. From and after the publication, any person who does not comply with the provisions of an ordinance may be liable civilly for a sum not to exceed one thousand dollars ($1,000) for each day an ordinance is not complied with, in addition to any penalties established pursuant to Section 403.

Sec. 405. The district may exclude from any of the requirements of this act any operator who extracts a minimum amount of groundwater as specified in an ordinance adopted by the board of directors after notice and hearing.

Sec. 406. Within 60 days after publication of any ordinance or resolution establishing or in furtherance of a groundwater management program, any interested party may file with the superior court a petition for writ of mandate for the review thereof. Failure to file such an action shall not preclude a party from challenging the validity of such an ordinance or resolution in any judicial proceedings brought to enforce such ordinance or resolution or for such other civil remedies, including the imposition of civil penalties. The right to seek judicial review shall not be affected by the failure to seek reconsideration from the board of directors.

Sec. 407. The board of directors may reconsider all or part of a decision on petition of any person affected by the decision. Any such petition shall be filed with the district within 15 days after adoption of the decision by the board of directors. The board of directors shall decide whether to reconsider its decision within 60 days after the petition is filed.

## Article 5. Studies and Investigations

Sec. 501. The district may carry on technical and other necessary investigations of all kinds and collect data necessary to carry out the provisions of this act. The district shall have the right of access to all properties within the district to the extent permitted by the United States Constitution and the California Constitution.

Sec. 502. The district may cooperate and contract with federal, state, and local governmental agencies in the conduct and performance of all investigations, studies, and data collection.

Sec. 503. All investigations and studies carried out by or on behalf

of the district shall be conducted by licensed engineers or experts in groundwater geology or hydrology. The district shall not implement groundwater management programs until the board of directors has received the recommendations of its engineers, consultants, and staff.

Sec. 504. The district may prepare annually a report on groundwater supplies and conditions in the district, including groundwater management objectives and a plan of implementation of those objectives.

### Article 6. Registration of Groundwater Extraction

Sec. 601. The district may require extraction facilities to be registered with the district and, if required by the board of directors, measured with a water flow measuring device installed and calibrated by the district or, at its option, by the extraction facility operator. The district may also require any new extraction facility which is constructed, existing extraction facility which is deepened, or abandoned extraction facility which is reactivated to be registered with the district within 30 days of completion of construction, deepening, or reactivation, and, if required by the board of directors, measured with a water flow measuring device installed and calibrated by the district or, at its option, by the extraction facility operator.

Sec. 602. In addition to other information which the district may require, the district may require for each registered extraction facility information as to the operator of each extraction facility, the owner of the land upon which each extraction facility is located, and a general description of the equipment associated with each extraction facility and the location of each water extraction facility.

Sec. 603. It shall be unlawful to extract groundwater from any extraction facility required to be registered unless the extraction facility has been registered with the district and, if required, has a water flow measuring device affixed. Any person who does not comply with the provisions of this section shall be liable civilly for a sum not to exceed one thousand dollars ($1,000) for each day the provisions are not complied with, in addition to any penalties established pursuant to Section 403.

Sec. 604. The district may, after notice and hearing, and based upon the findings and determinations from the hearing, require the operator of each extraction facility, until the extraction facility has been permanently abandoned, to file with the district, by a date established by the board of directors, a statement relative to groundwater extraction, including, but not limited to, total extraction in acre-feet of water from each extraction facility for the preceding water year, the static groundwater level for each extraction facility, a general description or number locating each extraction facility, crop type and acreage served by the extraction facility, and the method of measuring or computing groundwater

extraction. The statement shall be verified by a written declaration that it is made under penalty of perjury. The operator of an extraction facility which has been permanently abandoned shall give written notice of the abandonment to the district.

Sec. 605. When a water flow measuring device is used at an extraction facility, the record of extraction, as disclosed by the water flow measuring device, shall be presumed to be accurate and shall be used as the basis for computing the water extraction of the extraction facility in completing the groundwater extraction statement. The district may require proof of the accuracy of the water flow measuring device from the operator and may, absent adequate proof of accuracy, order the operator to have the water flow measuring device calibrated in a manner acceptable to the district. If the district has probable cause to believe that the extraction of groundwater from any extraction facility is in excess of the amount reported in groundwater extraction statements, or if no statements are filed covering an extraction facility, the district may investigate the extraction of water from each such extraction facility.

Sec. 606. The board of directors may establish reasonable methods to be used in computing the amount of water extracted by extraction facilities.

Sec. 607. Any person who does not file a groundwater extraction statement, if required, or any person who injures, alters, removes, resets, adjusts, manipulates, obstructs, or in any manner interferes or tampers with, or procures, or causes, or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct, or in any manner interfere or tamper with, any water flow measuring device affixed to any facility as required by this act so as to cause the water flow measuring device improperly or inaccurately to measure and record water extraction, or any person who, with intent to evade any provision or requirement of this act, files with the district any false or fraudulent groundwater extraction statement shall be liable civilly in a sum of not to exceed one thousand dollars ($1,000).

## Article 7. Powers of the District

Sec. 701. If, upon receipt of the recommendations of its engineers, consultants, and staff, the board of directors determines that groundwater management activities may be necessary, the board of directors shall give notice of and hold a hearing to receive evidence on the need for such a program and on the form and scope of the management activities required.

Sec. 702. If, upon conclusion of the hearing, and consideration of any relevant investigations, studies, or results performed pursuant to Article 5 (commencing with Section 501) and Article 6 (commencing with Section 601), the board of directors determines that management in the form proposed is necessary for the sound management of the groundwater within the groundwater basin, the district may, by ordinance, exercise any of the following powers:

(a) The district may store water in and recapture water from surface reservoirs or groundwater basins within the district.

(b) The district may acquire water and water rights within or outside of the district.

(c) The district may purchase and import water into the district.

(d) The district may conserve and reclaim water within or outside of the district and require conservation practices and measures within the district.

(e) The district may buy and sell water and water rights at such rates as shall be determined by the board of directors.

(f) The district may exchange water and water rights.

(g) The district, in order to improve and protect the quality of groundwater supplies or to respond to, and rectify, conditions of subsidence, may treat, inject, extract, or otherwise control water, including, but not limited to, control of extractions, well construction and drainage problems. Such powers shall include the right to regulate, limit, or suspend extractions from extraction facilities, the construction of new extraction facilities, the enlarging of existing facilities, or the reactivation of abandoned extraction facilities.

(h) The district may regulate groundwater replenishment programs and recapture supplemental groundwater resulting from such programs within the district as provided by this act. The district shall have the power to determine the amount of groundwater basin storage space available and to allocate groundwater basin storage space within the groundwater basin.

(i) The district, or other persons pursuant to an agreement with the district, shall have the sole right to store and recapture water in the groundwater basin.

(j) The district may commence and prosecute actions to enjoin unreasonable uses or methods of use of water within the district or outside of the district to the extent such uses or methods of use affect the groundwater supply within the district.

Sec. 703. The district may impose spacing requirements on new extraction facility construction to minimize well interference.

Sec. 704. The district may, at the request of a district water user, impose reasonable operating regulations on extraction facilities to minimize well interference. Such regulations may, where feasible, require pumpers to operate on a rotation basis. Rotation shall not be deemed feasible if it would require an overlying owner to construct a new well to irrigate the acreage being irrigated by a single existing well.

Sec. 705. (a) The district may, at the request of a water user, and after notice to all affected persons, convene a hearing to ascertain if the legal rights of the complaining water user have been infringed through well interference by the extractions of any other operator within the district.

(b) If, on the basis of the hearing record, the board of directors determines that the legal rights of the complaining water user have been infringed, the board of directors may make such orders as are

necessary to provide the complaining water user with an adequate remedy to the well interference.

(c) The district may petition the appropriate superior court for enforcement of its order.

Sec. 706. (a) No groundwater shall be exported from the district unless the exporter has applied for and obtained a permit from the district which establishes the quantity of water which may be exported and the conditions on such export. Notwithstanding any conditions specified in the permit, exporters shall be subject to the provisions of Section 707.

(b) The district shall not issue any permit to export water from the district unless the applicant has established that there is an available supply as defined in this act, in excess of the amount currently required for reasonable and beneficial uses within the district, and the board of directors determines that such export, if permitted, would not adversely affect the rights of groundwater users within the district. The district shall issue permits for export for such time periods and under such terms and conditions as it deems appropriate. All permits shall state that they are subject to the right of the district to reduce or suspend exports as provided for in this act.

Sec. 707. The district shall, after published notice and a hearing which discloses evidence of overdraft, or threat of overdraft, reduce or suspend extractions by exporters regardless of whether a permit to export has been granted pursuant to this act.

Sec. 708. If the evidence produced at the hearing specified in Section 707, or in any subsequent hearing, tends to show that reduction or suspension of extraction by exporters will be insufficient to eliminate existing or threatened conditions of overdraft, the district may limit or suspend extraction by district off-basin users.

Sec. 709. If the evidence produced at the hearing specified in Section 707, or in any subsequent hearing, tends to show that reduction or suspension of extraction by both exporters and district off-basin users will be insufficient to eliminate existing or threatened conditions of overdraft, the district may limit or suspend extractions by overlying users. Any such limitation or suspension of extraction shall be done in the manner described in Section 709.5.

Sec. 709.5. In the event that the district limits or suspends extractions by overlying users, rights to the use of the available supply of groundwater shall be allocated primarily on the basis of the number of acres that an overlying user owns or leases in proportion to the total number of acres overlying the basin or subbasin. The district may adjust any figure so arrived at up or down for any of the following factors:

(1) The number of acres actually irrigated compared to the number of acres owned or leased.

(2) Crop type.

(3) Wasteful or inefficient use.

(4) Reasonable need.

(5) Any other factors that the district reasonably feels it should

consider in order to reach an equitable distribution.

Sec. 710. If the district has imposed reductions on overlying owners pursuant to Section 709, no operator may extract groundwater from a new, enlarged, or reactivated extraction facility for use on overlying land within the district until the operator has applied for and received a permit from the district.

Sec. 711. (a) The district shall grant the permit referred to in Section 710 upon determining the operator's share of the available supply from the groundwater basin or subbasin in the manner described in Section 709.5 and may limit the operator's right to extract groundwater to such share. To the extent necessary, the district shall adjust the authorized extractions by other overlying water users.

(b) The district may postpone the effective date of any increase authorized in subdivision (a) to the start of the next water year. The district may also establish a date by which any application shall be submitted in order to be effective at the start of the next water year.

Sec. 712. If any court is petitioned to adjudicate the groundwater basin or any part thereof, whether the petition is filed by the district or by any person, the court shall base any judgment, ruling, or findings of fact primarily on the number of overlying acres that the parties own in proportion to the total number of overlying acres in the basin or subbasin. In order to reach an equitable distribution, the court may adjust any amounts so arrived at for any of the following factors:

(a) Wasteful or inefficient use.

(b) Reasonable need.

(c) Reduction or suspension of extractions required by the district.

(d) Any other factors that the court feels it should consider in order to reach an equitable distribution.

Sec. 713. In order to preserve and manage the groundwater resources of the district, the district may commence, maintain, intervene in, defend and compromise, and assume the costs and expenses incurred by the district in actions and proceedings now or hereafter begun involving groundwater, including, but not limited to, groundwater rights adjudication.

## Article 8. Groundwater Extraction Charges

Sec. 801. (a) Groundwater extraction charges levied pursuant to this act are declared to be in furtherance of district activities to manage groundwater resources in the groundwater basin which are necessary for the public health, welfare, and safety of the people of the state. Groundwater extraction charges are charges for the groundwater management services rendered by the district and shall only be used to finance or otherwise support such services.

(b) Groundwater extraction charges are authorized to be levied for the benefit of all who rely directly or indirectly upon the

groundwater resources of the district. Groundwater extraction charges are authorized to be levied upon the extraction of groundwater from all groundwater extraction facilities, except the extraction of water stored pursuant to a groundwater storage agreement or other storage commenced before the creation of the district, and except upon the use of supplemental water as an alternate source in lieu of groundwater.

Sec. 802. (a) Groundwater extraction charges may be levied for the purpose of purchasing water to replenish the groundwater supply in the district. Groundwater extraction charges may also be levied for the purpose of paying the costs of initiating, carrying on, and completing any of the powers, projects, and purposes set forth in Articles 6 (commencing with Section 601) and 7 (commencing with Section 701) of this act. These activities shall be consistent with the rendering of groundwater management services by the district.

(b) Groundwater extraction charges shall be levied only within a zone or zones of benefit of the district which will benefit from the management activities set forth in Articles 6 (commencing with Section 601) and 7 (commencing with Section 701) of this act.

Sec. 803. (a) Before the levy of groundwater extraction charges, the board of directors shall, after notice and hearing, find and determine on the basis of the hearing record and any investigations or reports prepared pursuant to this act, the amount of water which is required and can be purchased for the replenishment of groundwater supplies in the district for the ensuing water year and the sum of money necessary for that purpose, and the activities required to prepare or implement any groundwater management program for the district and to initiate, carry on, or complete any of the other powers, projects, and purposes set forth in Articles 6 (commencing with Section 601) and 7 (commencing with Section 701) of this act and the sum of money necessary for those activities.

(b) The board of directors shall determine the need and desirability of levying a groundwater extraction charge for the purpose of purchasing water to replenish the groundwater supply in any zone or zones of benefit, or for the purpose of paying the costs of initiating, carrying on, and completing any of the powers, projects, and purposes set forth in Articles 6 (commencing with Section 601) and 7 (commencing with Section 701) of this act. The board of directors shall find that the charge is necessary to finance or otherwise support the groundwater management services provided by the district.

Sec. 804. The groundwater extraction charge rate shall be uniform for groundwater extraction within each zone of benefit in the district.

Sec. 805. Groundwater extraction charges shall be calculated on the basis of groundwater extraction statements required to be filed pursuant to this act.

Sec. 806. Where rights have been finally determined in an action brought to adjudicate substantially all of the rights in the

groundwater basin or any area and such rights have been limited to the available supply thereof, or where pursuant to any such judgment an agency other than the district has the responsibility for providing replenishment for such groundwater extractions, whether the rights have been determined individually or in the aggregate, extraction of groundwater pursuant to such rights shall be exempt from any extraction charges or portion thereof levied or used for the purpose of purchasing or otherwise providing replenishment water, or for the acquisition, construction, operation, or maintenance of property or facilities to provide groundwater replenishment.

Sec. 807. The total of the groundwater extraction charges levied in any year shall not exceed an amount of money found to be necessary to purchase water to replenish the groundwater supply in the district, plus an amount of money found to be necessary to pay the costs of initiating, carrying on, and completing any of the powers, projects, and purposes set forth in Articles 6 (commencing with Section 601) and 7 (commencing with Section 701) of this act.

Sec. 808. If any operator of an extraction facility does not pay the groundwater extraction charge when due, the district shall charge interest at the rate of 1½ percent each month on the delinquent amount of the groundwater extraction charge.

## Article 9. Management Charges

Sec. 901. Management charges are hereby declared to be charges imposed on landowners within the district for benefits received by landowners from improved groundwater management and planning.

Sec. 902. Each year the district may fix a management charge for the purpose of paying the costs of initiating, carrying on, and completing any of the powers, projects, and purposes for which the district is organized.

Sec. 903. Before the levy of management charges, the board of directors shall, after notice and hearing, find and determine the portions of the district to be benefitted by management and planning activities, the need for management charges for the purpose of paying the costs of these activities, and the amount of the charges to be levied.

Sec. 904. Management charges shall not exceed fifty cents ($0.50) per acre per year for each acre of land, or ten dollars ($10) per year for each parcel of land of less than 20 acres within the district. The board of directors may exclude parts of the district or may establish schedules varying the management charge according to the likelihood that the land will benefit from improved groundwater management and planning.

Sec. 905. A penalty of 7 percent of any management charge shall accrue where any such charge remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the district or any part thereof is located is required

by law to levy the amount of taxes required for county purposes.

Sec. 906. The amount of the unpaid management charge plus the penalty shall be added to the tax levied annually upon the land subject to the management charge. The amount of the unpaid management charge plus the penalty shall constitute a lien on that land as of the same time and in the same manner as does the tax lien securing such annual taxes.

Sec. 907. At least 15 days before the first day of the month in which the board of supervisors of each affected county is required by law to levy the amount of taxes required for county purposes, the board of directors shall furnish in writing to the board of supervisors and the county auditor of each affected county a description of each parcel of land within the district upon which a management charge remains unpaid, together with the amount of the unpaid management charge plus penalty on each parcel of land.

## Article 10. Zones of Benefit and Assessment Districts

Sec. 1001. The district may use the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Improvement Act of 1915, or the Revenue Bond Law of 1941 for the construction of any facilities authorized to be constructed by the district under the provisions of this act.

Sec. 1002. (a) The board of directors may establish zones of benefit within the district. Resolutions of the board of directors shall describe the boundaries of the zones of benefit.

(b) The board of directors may amend zone of benefit boundaries by annexing property to or by withdrawing property from a zone, or may divide a zone into two or more zones. Resolutions of the board of directors shall describe the boundaries of the amended or divided zones.

## Article 11. Development Projects

Sec. 1101. After creation of the district, any person seeking approval from a local agency having land use jurisdiction of a development project proposed to be located wholly or in part within the boundaries of the district and which proposes to extract groundwater for service of water shall, at the time of filing an application with such local agency, file with the district documents describing the proposed sources of water, the amount of water required, the amounts of groundwater previously used on the property proposed to be developed, and such other information as the district may reasonably require.

Sec. 1102. The district shall be considered a "responsible agency," as defined in Section 65933 of the Government Code, and shall submit the resolution described in Section 1103 within the time period established by Section 65952 of the Government Code. The application for the development project shall be deemed complete

for purposes of Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code when the information required by Section 1101 has been provided to the district and when the information required by Section 65943 of the Government Code has been provided to the local agency with land use jurisdiction.

Sec. 1103. Within the time period established by Section 1102, the district shall adopt a resolution making findings with respect to the development project. In making its findings, the district shall be governed by the following criteria:

(a) If the proposed development project will not use more groundwater than is presently being used on the property to be developed, the district shall inform the local agency that groundwater is available to meet the reasonable needs of the development project.

(b) If the proposed development project would result in a new or increased groundwater use and the district finds that there is groundwater available to serve the reasonable water needs of the development project, the district shall so inform the local agency.

(c) If the development project is proposed to be located on nonoverlying land within the district, and the district finds that if exports of groundwater from the district were reduced or suspended there would be groundwater available to serve the reasonable water needs of the development project, the district shall inform the local agency that the development project can be served by groundwater extracted within the district.

(d) If the development project is proposed to be located on nonoverlying land, and if reduction or suspension of exports would not result in sufficient groundwater to serve the reasonable needs of the development project, the district shall inform the local agency of the amount of groundwater, if any, which is available to serve the development project.

(e) If the development project is proposed to be located on land which overlies the groundwater basin and the district determines that it is necessary to allocate the water supply available from the groundwater basin or any subbasin among the overlying lands on a proportionate basis, the district shall determine and inform the local agency of the development project's proportionate share of the available groundwater supply.

(f) The district shall inform the local agency of any subsidence or groundwater quality degradation problems which it determines would result from the extraction of water for the development project.

Sec. 1104. No local agency having land use jurisdiction shall approve a development project which, to meet its reasonable needs, will require more groundwater than has been found to be available by the district pursuant to Section 1103, or if the district has determined that groundwater extraction will cause significant subsidence or groundwater quality degradation.

Sec. 1105. Nothing in this article shall be interpreted as limiting

the district's general powers to regulate groundwater extraction and use in development projects in the same manner as other extractions and use within the district.

## Article 12. Enforcement Powers

Sec. 1201. Upon the failure of any person to comply with any of the provisions of this act, including, but not limited to, registration of extraction facilities and installation of measuring devices, filing of statements, payment of extraction charges, or payment of management charges, or upon failure of any person to comply with any ordinance duly adopted by the board of directors pursuant to this act, the district may petition the superior court of a county in which the district lies for a temporary restraining order or preliminary or permanent injunction prohibiting the person from operating an extraction facility or for such other injunctive relief as may be appropriate. The temporary restraining order shall be returnable to the court on or before 10 days after its issuance.

Sec. 1202. The right to proceed for injunctive relief is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law. The district shall not be required to provide an undertaking or bond as a condition of a grant of injunctive relief.

Sec. 1203. In any action brought pursuant to this act in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued, or that the remedy at law is inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction shall issue without such allegations and without such proof.

Sec. 1204. The district may petition the superior court of a county in which the district lies to recover any sums due to the district pursuant to any provision of this act. The district shall make such request only after a hearing with due notice of the hearing given to all affected persons.

Sec. 1205. Remedies under this article are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal.

Sec. 1206. All moneys collected by the district pursuant to this act shall be placed in an account and shall be available without regard to fiscal year for expenditure by the district in carrying out its groundwater management functions pursuant to this act.

## Article 13. Long Valley Groundwater Basin

Sec. 1301. The Board of Supervisors of the County of Lassen and the Board of Supervisors of the County of Sierra may jointly enter into an agreement with the State of Nevada or the County of Washoe,

or both, for the purposes of groundwater management within the Long Valley Groundwater Basin. The Board of Supervisors of the County of Lassen and the Board of Supervisors of the County of Sierra may, by a joint powers agreement entered into pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, exercise any of the powers set forth in Sections 402 to 407, inclusive, and Articles 5 (commencing with Section 501) to 12 (commencing with Section 1201), inclusive, of this act within the Long Valley Groundwater Basin.

Sec. 1302. For the purposes of this act, the boundaries of the Long Valley Groundwater Basin are as follows:

(a) All that land in Lassen County lying southerly of a line described as follows: In T24N, R18E, M.D.B. & M.: Starting at the SE corner of Section 18; thence west along said section line to its intersection with the eastern line of Section 13 in T24N, R17E; thence north on said line to the SE corner of Section 12 in T24N, R17E; thence west to the Plumas County line.

(b) All that land in Sierra County within the following boundaries:

Beginning at the intersection of the watershed crestline and the north line of Section 1, T21N, R16E, M.D.B. & M., which is a point on the county lines of the Counties of Plumas, Lassen, and Sierra; thence southerly along watershed crestline through Sections 1, 12, 13, 24, 25, and 36, T21N, R16E, M.D.B. & M.

Thence southeasterly along the watershed crestline through Section 31, T21N, R17E, M.D.B. & M.

Thence southeasterly along the watershed crestline through Sections 5, 8, 9, 16, 15, 10, 11, 12, and 13, T20N, R17E, M.D.B. & M.

Thence easterly along watershed crestline through Section 19, T20N, R18E, M.D.B. & M. to the point of intersection with the common line of the State of California and the State of Nevada.

Thence north along the common line of the State of California and the State of Nevada to the NE corner of Section 6, T21N, R18E, M.D.B. & M.

Thence westerly along county line between the Counties of Lassen and Sierra, California, to the point of beginning.

Sec. 1401. 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:

In order to provide for the sound management of the groundwater resources of Sierra and Long Valleys which are suffering from special problems which immediately threaten the continued availability of groundwater in those basins, and to protect the agriculture and the economic well-being of those valleys which are dependent on the groundwater resources, it is necessary that this act take effect immediately.

## CHAPTER 450

An act to amend Section 35448 of the Government Code, relating to local agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 35448 of the Government Code is amended to read:

35448. (a) Whenever a city has been incorporated from territory formerly unincorporated, the board of supervisors shall continue to furnish, without additional charge, to the area incorporated all services furnished to the area prior to the incorporation. Such services shall be furnished for the remainder of the fiscal year during which the incorporation became effective or until the legislative body of the city requests discontinuance of the services, whichever first occurs.

(b) At the request of the legislative body of the city, the board of supervisors, by resolution, may determine to furnish, without charge, to the area incorporated all or a portion of services furnished to the area prior to the incorporation for an additional period of time after the end of the fiscal year during which the incorporation became effective. The additional period of time after the end of the fiscal year during which the incorporation became effective for which the board of supervisors determines to provide services, without charge, and the specific services to be provided shall be specifically stated in the resolution adopted by the board of supervisors.

SEC. 2. Notwithstanding Sections 54902, 54902.1, and 54903 of the Government Code, any improvement district which is formed within a California water district to provide water, sewer, or reclaimed water service, the formation of which is completed by March 1, 1980, shall be effective for assessment and taxation purposes for the 1980–81 fiscal year if the statement and map or plat required by Sections 54900 and 54901 of the Government Code were filed with the State Board of Equalization and each assessor whose roll is used for the levy on or before March 1, 1980.

SEC. 3. Notwithstanding Sections 54902, 54902.1, and 54903 of the Government Code, any annexation to a city which became effective on March 18, 1980, with the approval by the city legislative body of the agreement required by Section 99 of the Revenue and Taxation Code, shall be effective for assessment and taxation purposes for the 1980–81 fiscal year, if the statement and map or plat required by Sections 54900 and 54901 of the Government Code were filed with the State Board of Equalization on or before March 30, 1980.

SEC. 4. Notwithstanding Section 2231 or 2234 of the Revenue and

Taxation Code and Section 6 of Article XIII B of the California Constitution, no appropriation is made by this act pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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:

New facilities to provide water, sewer, and reclaimed water services are necessary in many parts of California to meet the needs of the people of the State of California. Such facilities, to the extent they are to be financed through voter-approved bonds, cannot be financed and constructed unless the ability to assess the land within the improvement districts on behalf of which the facilities are to be built can be assessed pursuant to voter authorization. Also, during the 1980 calendar year a number of communities will be processing petitions for incorporation or holding incorporation elections. In order that this act may permit a county board of supervisors to continue to provide services to formerly unincorporated areas after incorporation and thus affect pending incorporation proceedings or elections during 1980, as well as permit the construction of facilities within certain improvement districts at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 451

An act to amend Section 4800 of the Labor Code, relating to workers' compensation.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 4800 of the Labor Code is amended to read:

4800. Whenever any member of the California Highway Patrol or any member of the Department of Justice falling within the "state safety" class is disabled by injury arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the patrol, or Department of Justice to leave of absence while so disabled without loss of salary, in lieu of disability payments under this chapter, for a period of not exceeding one year. This section shall apply only to members of the California Highway Patrol and the Department of Justice whose principal duties consist of active law enforcement and shall not apply to persons employed in the Department of the California Highway Patrol or the Department of

Justice whose principal duties are those of telephone operator, clerk, stenographer, machinist, mechanic or otherwise clearly not falling within the scope of active law enforcement service, even though such person is subject to occasional call or is occasionally called upon to perform duties within the scope of active law enforcement service.

This section shall apply to harbor policemen employed by the San Francisco Port Commission who are described in Section 20017.76 of the Government Code.

This section shall not apply to periods of disability which occur subsequent to termination of employment by resignation, retirement or dismissal. When this section does not apply, the employee shall be eligible for those benefits which would apply if this section had not been enacted.

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## CHAPTER 452

An act to amend Section 15000 of the Financial Code, relating to credit unions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 15000 of the Financial Code is amended to read:

15000. No credit union shall charge more than the higher of 15 percent per annum simple interest, or 6 percent per annum simple interest plus the rate established by the Federal Reserve Bank of San Francisco on advances to member banks under Sections 13 and 13a of the Federal Reserve Act as now in effect or hereafter from time to time amended (or if there is no such single determinable rate of advances, the closest counterpart of such rate as shall be designated by the Superintendent of Banks of the State of California unless some other person or agency is delegated such authority by the Legislature), prevailing on the 15th day of the second month of the calendar quarter immediately preceding the calendar quarter during which the loan is made, on the unpaid balance for any loan, including all charges incident to the making of the loan. Any interest rate established pursuant to this section and applied to any loan shall remain in effect until such loan is repaid or until a further advance is made pursuant to an open end loan agreement. Charges incident to the making of a loan, as used in this section, do not include the cost of any insurance or any cost of acknowledgment, certification, registration, recordation or filing, independent appraisals, separate escrows, and other fees actually paid by a credit union to third parties

in connection with a loan. A charge for special services applied to a share account is not a charge incident to the making of a loan when an overdraft results in a loan advance, provided that the same charge is applied to the share account whether or not an extension of credit occurs.

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:

Interest rates paid on savings have risen so rapidly that credit unions cannot pay dividends high enough to retain their members' savings under their present interest rate restrictions. Many have lost so much of their savings capital that they have severely curtailed loans to members, and may be in danger of insolvency unless they increase their earnings without delay. Therefore, it is necessary that this act take effect immediately.

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## CHAPTER 453

An act to amend Section 98.2 of the Labor Code, relating to the payment of wages.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 98.2 of the Labor Code is amended to read:

98.2. (a) Within 10 days after service of notice of an order, decision or award the parties may seek review by filing an appeal to the justice, municipal, or superior court, in accordance with the appropriate rules of jurisdiction, where the same shall be heard de novo. A copy of the appeal request shall be served upon the Labor Commissioner by the appellant.

(b) If the party seeking review by filing an appeal to the justice, municipal, or superior court is unsuccessful in such appeal, the court shall determine the costs and reasonable attorneys' fees incurred by the other parties to the appeal, and assess such amount as a cost upon the party filing the appeal.

(c) If no notice of appeal is filed within 10 days of receipt of the notice of decision or award, the decision or award shall, in the absence of fraud, be deemed the final order.

(d) The Labor Commissioner shall file within 10 days of the order becoming final pursuant to subdivision (c) of this section, a certified copy of the final order with the clerk of the justice, municipal, or superior court, in accordance with the appropriate rules of jurisdiction, of the appropriate county unless a settlement has been reached by the parties and approved by the Labor Commissioner.

Judgment shall be entered immediately by the court clerk in conformity therewith. The judgment so entered shall have the same force and effect as, and shall be subject to all of the provisions of law relating to, a judgment in a civil action; and it may be enforced in the same manner as any other judgment of the court in which it is entered. Enforcement of such judgment shall receive court priority.

(e) Notwithstanding subdivision (d) of this section, the Labor Commissioner may stay execution of any judgment entered upon an order, decision, or award which has become final upon good cause appearing therefore and may impose the terms and conditions of the stay of execution. A certified copy of such stay of execution shall be filed with the clerk entering the judgment.

(f) When a judgment is satisfied in fact, otherwise than by execution, the Labor Commissioner may, upon the motion of either party or on its own motion, order entry of satisfaction of judgment. The clerk of the court shall enter a satisfaction of judgment upon the filing of a certified copy of such order.

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## CHAPTER 454

An act to amend Section 43.7 of the Civil Code, and to amend Section 1206 of, and to add Section 1370.1 to, the Health and Safety Code, relating to health.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 43.7 of the Civil Code is amended to read:

43.7. There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any member of a duly appointed committee of a state or local professional society, or duly appointed member of a committee of a professional staff of a licensed hospital (provided the professional staff operates pursuant to written bylaws that have been approved by the governing board of the hospital), for any act or proceeding undertaken or performed within the scope of the functions of any such committee which is formed to maintain the professional standards of the society established by its bylaws, or any member of any peer review committee whose purpose is to review the quality of medical or dental services rendered by physicians and surgeons, dentists, or dental hygienists, which committee is composed chiefly of physicians and surgeons, dentists, or dental hygienists, for any act or proceeding undertaken or performed in reviewing the quality of medical or dental services rendered by physicians and surgeons, dentists, or dental hygienists, or any member of the governing board of a hospital in reviewing the quality of medical services rendered by members of the staff if such

committee or board member acts without malice, has made a reasonable effort to obtain the facts of the matter as to which he or she acts, and acts in reasonable belief that the action taken by him or her is warranted by the facts known to him or her after such reasonable effort to obtain facts. "Professional society" includes legal, medical, psychological, dental, dental hygiene, accounting, optometric, podiatric, pharmaceutic, chiropractic, physical therapist, and engineering organizations having as members at least a majority of the eligible licentiates in the geographic area served by the particular society. The provisions of this section do not affect the official immunity of an officer or employee of a public corporation.

There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any physician and surgeon who is a member of an underwriting committee of an interindemnity or reciprocal or interinsurance exchange or mutual company for any act or proceeding undertaken or performed in evaluating physicians and surgeons for the writing of professional liability insurance, if such evaluating physician or surgeon acts without malice, has made a reasonable effort to obtain the facts of the matter as to which he or she acts, and acts in reasonable belief that the action taken by him or her is warranted by the facts known to him or her after such reasonable effort to obtain such facts.

This section shall not be construed to confer immunity from liability on any professional society or hospital. In any case in which, but for the enactment of the preceding provisions of this section, a cause of action would arise against a hospital or professional society, such cause of action shall exist as if the preceding provisions of this section had not been enacted.

SEC. 1.5. Section 1206 of the Health and Safety Code is amended to read:

1206. The provisions of this chapter do not apply to the following:

(a) Except with respect to specialty clinics specified in paragraph (2) of subdivision (b) of Section 1204, any place or establishment owned or leased and operated as a clinic or office by one or more licensed health care practitioners and used as an office for the practice of their profession, within the scope of their license, regardless of the name used publicly to identify such place or establishment.

(b) Any clinic directly conducted, maintained or operated by the United States or by any of its departments, officers, or agencies, and any primary care clinic specified in subdivision (a) of Section 1204 which is directly conducted, maintained, or operated by this state or by any of its political subdivisions or districts, or by any city. Nothing in this subdivision shall preclude the state department from adopting regulations which utilize clinic licensing standards as eligibility criteria for participation in programs funded wholly or partially under Title XVIII or XIX of the federal Social Security Act.

(c) Any clinic conducted, maintained or operated by a federally recognized Indian tribe or tribal organization, as defined in Section

450 or 1601 of Title 25 of the United States Code, and which is located on land recognized as tribal land by the federal government.

(d) Clinics conducted, operated, or maintained as outpatient departments of hospitals.

(e) Any facility licensed as a health facility under the provisions of Chapter 2 (commencing with Section 1250) of this division.

(f) Any freestanding clinical or pathological laboratory licensed under the provisions of Chapter 3 (commencing with Section 1200) of Division 2 of the Business and Professions Code.

(g) A clinic operated by, or affiliated with, any institution of learning which teaches a recognized healing art and is approved by the state board or commission vested with responsibility for regulation of the practice of that healing art.

(h) A clinic that is operated on an intermittent basis by a local health department or by a community or free clinic. Such an intermittent or satellite clinic shall, however meet all requirements of law, including administrative regulations, pertaining to fire and life safety.

(i) The offices of physicians in group practice who provide a preponderance of their services to members of a comprehensive group practice prepayment health care service plan subject to Chapter 2.2 (commencing with Section 1340) of Division 2.

(j) Student health centers operated by public institutions of higher education.

(k) Nonprofit speech and hearing centers, as defined in Section 1201.5. Any nonprofit speech and hearing clinic desiring an exemption under this subdivision shall make application therefor to the State Director of Health Services, who shall grant the exception to any facility meeting the criteria of Section 1201.5. Notwithstanding the licensure exemption contained in this subdivision, a nonprofit speech and hearing center shall be deemed to be an organized outpatient clinic for purposes of qualifying for reimbursement as a rehabilitation center under the Medi-Cal Act, Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(*l*) A clinic operated by a nonprofit corporation exempt from federal income taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code of 1954, as amended, or a statutory successor thereof, which conducts medical research and health education and provides health care to its patients through a group of 40 or more physicians and surgeons, who are independent contractors representing not less than 10 board-certified specialties, and not less than two-thirds of whom practice on a full-time basis at the clinic.

SEC. 1.7. Section 1206 of the Health and Safety Code is amended to read:

1206. The provisions of this chapter do not apply to the following types of entities which shall not be subject to or eligible for clinic licensure:

(a) Except with respect to specialty clinics specified in paragraph (2) of subdivision (b) of Section 1204, any place or establishment owned or leased and operated as a clinic or office by one or more licensed health care practitioners and used as an office for their profession, within the scope of their license, regardless of the name used publicly to identify such place or establishment.

(b) Any clinic directly conducted, maintained or operated by the United States or by any of its departments, officers, or agencies, and any clinic which is directly conducted, maintained, or operated by this state or by any of its political subdivisions or districts, or by any city. Nothing in this subdivision shall preclude the state department from adopting regulations which utilize clinic licensing standards as eligibility criteria for participation in programs funded wholly or partially under Title XVIII or XIX of the federal Social Security Act.

(c) Any clinic conducted, maintained or operated by a federally recognized Indian tribe or tribal organization, as defined in Section 450 or 1601 of Title 25 of the United States Code, and which is located on land recognized as tribal land by the federal government.

(d) Clinics conducted, operated, or maintained as outpatient departments of hospitals.

(e) Any facility licensed as a health facility under the provisions of Chapter 2 (commencing with Section 1250) of this division.

(f) Any freestanding clinical or pathological laboratory licensed under the provisions of Chapter 3 (commencing with Section 1200) of Division 2 of the Business and Professions Code.

(g) A clinic operated by, or affiliated with, any institution of learning which teaches a recognized healing art and is approved by the state board or commission vested with responsibility for regulation of the practice of that healing art.

(h) A clinic that is operated on an intermittent basis less than 20 hours per week by a community or free clinic. Such an intermittent or satellite clinic shall, however meet all requirements of law, including administrative regulations, pertaining to fire and life safety.

Nothing in this chapter shall prohibit a licensed clinic from making an application to the department to operate an intermittent clinic and apply for waivers authorized pursuant to Section 1217.

(i) The offices of physicians in group practice who provide a preponderance of their services to members of a comprehensive group practice prepayment health care service plan subject to Chapter 2.2 (commencing with Section 1340) of Division 2.

(j) Student health centers operated by public institutions of higher education.

(k) Nonprofit speech and hearing centers, as defined in Section 1201.5. Any nonprofit speech and hearing clinic desiring an exemption under this subdivision shall make application therefor to the State Director of Health Services, who shall grant the exception to any facility meeting the criteria of Section 1201.5. Notwithstanding the licensure exemption contained in this subdivision, a nonprofit

speech and hearing center shall be deemed to be an organized outpatient clinic for purposes of qualifying for reimbursement as a rehabilitation center under the Medi-Cal Act, Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(*l*) A clinic operated by a nonprofit corporation exempt from federal income taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code of 1954, as amended, or a statutory successor thereof, which conducts medical research and health education and provides health care to its patients through a group of 40 or more physicians and surgeons, who are independent contractors representing not less than 10 board-certified specialties, and not less than two-thirds of whom practice on a full-time basis at the clinic.

SEC. 2. Section 1370.1 is added to the Health and Safety Code, to read:

1370.1. Nothing in this article shall be construed to prevent a plan from utilizing subcommittees to participate in peer review activities, nor to prevent a plan from delegating such responsibilities required by Section 1370, as it determines to be appropriate, to subcommittees including subcommittees composed of a majority of nonphysician health care providers licensed pursuant to the Business and Professions Code, so long as the plan controls the scope of authority delegated and may revoke all or part of such authority at any time. Persons who participate in such subcommittees shall be entitled to the same immunity from monetary liability and actions for civil damages as persons who participate in peer review committees pursuant to provisions of Section 1370.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill 2252 are both chaptered and become effective January 1, 1981, both bills amend Section 1206 of the Health and Safety Code, and this bill is chaptered after Assembly Bill 2252, that the amendments to Section 1206 proposed by both bills be given effect and incorporated in Section 1206 in the form set forth in Section 1.7 of this act. Therefore, Section 1.7 of this act shall become operative only if this bill and Assembly Bill 2252 are both chaptered and become effective January 1, 1981, both amend Section 1206, and this bill is chaptered after Assembly Bill 2252, in which case Section 1.5 of this act shall not become operative.

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## CHAPTER 455

An act to amend Section 24102 of the Government Code, relating to counties.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 24102 of the Government Code is amended to read:

24102. An appointee shall not act as deputy until:

(a) A written appointment by the deputy's principal is filed with the county clerk.

(b) Acopy of the appointment is filed with the county auditor, if the auditor has so requested.

(c) The deputy has taken the oath of office.

A revocation of the appointment of any deputy shall be made and filed in the same manner as the appointment.

Five years after the date of revocation of appointment of a deputy, the written oath of office subscribed to by such deputy may be destroyed and no reproduction thereof need be made or preserved.

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## CHAPTER 456

An act to add Chapter 6 (commencing with Section 35200) to Part 4 of Division 13 of the Water Code, relating to water districts.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Chapter 6 (commencing with Section 35200) is added to Part 4 of Division 13 of the Water Code, to read:

### CHAPTER 6. METHOD OF ELECTIONS FOR THE BORREGO WATER DISTRICT

35200. This chapter shall apply only to the manner in which elections are conducted in the Borrego Water District.

For the purposes of this chapter, "district" means the Borrego Water District. In all other respects, the district shall continue to be operated, managed, and governed as a California water district in accordance with this division and other applicable provisions of law.

35201. Notwithstanding any other provision of law, or the bylaws of the district, all elections held after January 1, 1981, within the district shall be conducted as resident voter elections in accordance with this chapter. Nothing in this chapter shall be construed to require resident voter approval of bonds where voter approval is not required under the statutory or constitutional provisions in effect prior to January 1, 1981.

35202. Qualified voters of the district shall be residents of, and

registered voters in, the district.

35203. All directors elected after January 1, 1981, shall be qualified voters of the district at the time of their election and during their term of office.

35204. Directors of the district shall be elected on a districtwide basis. Newly elected directors shall take office on the last Friday in November immediately following the general district election.

The term of office shall be for four years and each director shall hold office until his successor qualifies and takes office. The terms of office of directors shall continue to be staggered to keep as nearly equal as practicable the number of directors to be elected at each subsequent general district election.

35205. In order to facilitate an orderly transition to resident voter elections and to preserve staggered terms, the terms of office of directors serving on January 1, 1981, shall remain unchanged and no provision of this chapter shall be construed to disqualify any director serving on that date from continuing in office; provided, that any person appointed to fill a vacancy on the board of directors shall be a qualified voter of the district as provided in Section 35202.

35206. This chapter shall in no way invalidate any act of the district or of its directors, officers, and employees made or performed while the district was operating as a landowner voter district.

SEC. 2. The Legislature hereby finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution and that a local special statute is necessary to meet the special problems in the Borrego Water District. The Legislature has determined that the voter qualification provisions of the California Water District Law should not apply to this district.

SEC. 3. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections because this act is in accordance with the request of a local governmental entity or entities which desired legislative authority to carry out the program specified in this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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## CHAPTER 457

An act to amend Section 24203 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 24203 of the Business and Professions Code is amended to read:

24203. Accusations against any on-sale or off-sale licensee may be filed with the department by the legislative body, or chief of police, of any city in which the premises in question are located, or if the premises are in unincorporated territory, then by the board of supervisors, or the sheriff, of the county, requesting the suspension or revocation of any retail license. Upon the filing of the accusation, the department shall provide for a public hearing thereon within the county in which the premises are located and determine whether or not the license should be revoked or suspended. Whenever the local legislative body, the chief of police, or the sheriff, certifies that the public safety, health, or welfare requires an immediate hearing of the accusation, the public hearing shall be held within 60 days after the filing of the accusation with the department.

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## CHAPTER 458

An act to amend Section 27296 of the Government Code, relating to county recorders.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 27296 of the Government Code is amended to read:

27296. The county recorder in each county shall complete a yearly statistical report of documents recorded and filed on the form herein described. Such a report shall be submitted to the office of the Insurance Commissioner. The county recorder may either charge for copies of this report or may disburse the report without fee for public information. Certified and noncertified copies of any records issued by the county recorder shall not be included in this report.

The standard statistical report form shall be substantially as follows:

**Documents Recorded and Filed**

| | Year |
|---|---|
| Deeds | |
| Deeds of Trust and Mortgages | |
| Reconveyances | |
| Trustee's Deeds | |
| Total number of documents recorded and filed | |

## CHAPTER 459

An act to amend Section 22454.1 of the Financial Code, relating to loans.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 22454.1 of the Financial Code is amended to read:

22454.1. Notwithstanding Section 22454, a licensee may contract for and receive charges on the unpaid principal balance at a single annual percentage rate applied on the basis of the number of days actually elapsed, which annual rate would produce a finance charge at the maturity of the contract not in excess of the finance charge resulting from the application of the graduated rates specified in Section 22451 when the loan is paid according to its terms and charges are computed on the basis that a month is any period of 30 consecutive days as provided in Section 22454; provided, however, that if prepayment in full occurs on or before the third installment date, all charges shall be recomputed as a percentage per month of the unpaid principal balance or portions thereof based on the number of days actually elapsed.

SEC. 2. The amendment made to Section 22454.1 by this act does not constitute a change in, but is declaratory of, existing law.

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## CHAPTER 460

An act to amend Section 8738 of the Health and Safety Code, relating to cemeteries.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 8738 of the Health and Safety Code is amended to read:

8738. An endowment care cemetery is one which has deposited in its endowment care fund the minimum amounts heretofore required by law and shall hereafter have deposited in its endowment care fund at the time of or not later than completion of the initial sale not less than the following amounts for plots sold or disposed of:

(a) One dollar and fifty cents ($1.50) a square foot for each grave;

(b) Twenty dollars ($20) for each niche;

(c) Sixty dollars ($60) for each crypt; provided, however, that for

companion crypts, there shall be deposited sixty dollars ($60) for the first crypt and forty dollars ($40) for each additional crypt.

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## CHAPTER 461

An act to amend Section 5536 of the Public Resources Code, relating to regional park districts.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 5536 of the Public Resources Code is amended to read:

5536. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each of its members may receive an amount not to exceed one hundred dollars ($100) per day for each attendance at public meetings of the board. Board members shall not receive any other compensation, and no board member shall receive more than two hundred dollars ($200) compensation under the provisions of this section in any one calendar month.

The board of directors shall fill all vacancies on the board, including those caused by the death or resignation of a member, or the establishment of new wards; but whenever a vacancy exists for 30 days the Governor shall fill the vacancy. The person appointed to fill any vacancy shall hold office for the remainder of the unexpired term of his predecessor; except that in the case of newly created wards, the directors shall, prior to making appointments, determine by lot for the purpose of fixing the terms of the first directors to be elected in such wards which ward shall have a four-year term and which ward shall have a two-year term, and the persons appointed to fill vacancies caused by the establishment of new wards shall hold office until the next general election following their appointment and until their successors are elected and qualified for the terms previously determined by lot.

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## CHAPTER 462

An act to amend Section 1210 of the Insurance Code, relating to insurance.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 1210 of the Insurance Code is amended to read:

1210. Any domestic incorporated insurer, after investing an amount equal to its required minimum paid-in capital in securities specified in Article 3 (commencing with Section 1170) of this chapter, may make such investments as it may see fit in the purchase of, or loans upon, properties and securities other than or in addition to or in excess of those set forth in Articles 2 (commencing with Section 1150), 2.5 (commencing with Section 1160.1), 3 (commencing with Section 1170) and 4 (commencing with Section 1190) of this chapter. Investments under this section shall not exceed in the aggregate the lesser of (a) or (b) as follows:

(a) Five percent of the insurer's admitted assets or

(b) Fifty percent of the excess of admitted assets over the sum of capital paid-up, liabilities and the surplus required by subdivision (a) of Section 700.02. Percentage or dollar value of admitted assets and capital paid-up and liabilities shall be determined by the insurer's last preceding annual statement of conditions and affairs made as of December 31st last preceding and which has been filed with the commissioner pursuant to law. Such investments shall be subject to the provisions of Sections 1153.5, 1154, 1200, 1201, and 1202 as if they were excess funds investments. This section shall apply to an insurer other than life only if such insurer has aggregate capital and surplus of at least ten million dollars ($10,000,000).

An investment originally made by an insurer pursuant to this section which subsequently meets the requirements of an investment contained in Article 2 (commencing with Section 1150), Article 2.5 (commencing with Section 1160.1), Article 3 (commencing with Section 1170) or Article 4 (commencing with Section 1190) may, at the election of such insurer, be considered to be held pursuant to any provision contained in such articles.

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## CHAPTER 463

An act to amend Section 1176 of the Insurance Code, relating to insurers.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 1176 of the Insurance Code is amended to read:

1176. Such insurers may invest in notes or bonds secured by mortgage or other first lien upon unincumbered real property, if:

(a) There exists no condition or right of reentry or of forfeiture under which such lien can be cut off, subordinated, or otherwise disturbed, and

(b) (1) The principal so loaned or the entire note or bond issue so secured, plus the amount of the liens of any public bond, assessment, or tax assessed upon the property loaned upon, does not exceed 80 percent of the market value of such real property, or of such real property together with improvements which are taken as security at the date of investment, or

(2) Where the loan is insured by an admitted mortgage guaranty insurer conforming to the provisions of Chapter 2A (commencing with Section 12640.01) of Part 6 of Division 2, the unguaranteed portion of the loan, plus the amount of the liens of any public bond, assessment, or tax assessed upon the property loaned upon, does not exceed 80 percent of the market value of such real property, or of such real property together with improvements which are taken as security at the date of investment, or

(3) Where the loan is made or the notes or bonds are issued for a building loan on real property, the principal so loaned, or the entire outstanding notes or bonds so issued, plus the amount of the lien of any public bond, assessment, or tax assessed upon the property loaned upon, at no time exceeds 80 percent of the market value of the real property together with the actual cost of the improvements thereon taken as security, or

(4) Where the loan is secured by a first mortgage or other first lien upon real property primarily improved with a residential building, or buildings, which for the purposes of this paragraph includes a condominium unit, designed for occupancy by not more than four families, the terms of such loan provides for monthly payments of principal and interest sufficient to effect full repayment of the loan within the remaining useful life of the building as estimated in the appraisal for the loan, or 40 years, whichever is less, and the principal so loaned or the entire note or bond issue so secured, plus the amount of the liens of any public bond, assessment, or tax assessed upon the property loaned, does not exceed 90 percent of the market value of such real property, or of such real property together with improvements which are taken as security on the date of investment.

Real property is not incumbered within the meaning of this section if subject only to one or more of the following: (a) the lien of taxes and assessments not delinquent at the time of investment, (b) the lien for delinquent taxes or assessments delinquent at the time of investment, which are being contested by any legal proceedings; provided, that indemnity has been given pursuant to the indenture under which the bonds and notes are issued, or otherwise, for the payment of any amount which may be found to be due upon the final adjudication of such contest, (c) the lien of taxes and assessments becoming delinquent subsequent to the time of investment, (d) outstanding mineral, oil or timber rights, (e) easements or rights-of-way, (f) sewer rights, (g) rights in walls, (h) building

restrictions or other restrictive covenants, or conditions or regulations of use, or leases under which rents or profits are reserved to the owner.

For the purposes of this section, delinquent taxes funded on any deferred payment plan shall be deemed delinquent.

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## CHAPTER 464

An act to amend Sections 30208 and 30212 of the Streets and Highways Code, relating to state bridges and highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 30208 of the Streets and Highways Code is amended to read:

30208. The authority shall determine the form, conditions, and denominations of all bonds, the dates which the bonds to be sold shall bear, and the interest rate thereon which shall not exceed 10 percent per annum. The rate of interest need not be uniform for all bonds of the same authorized issue. Principal and interest of the bonds shall be payable at such places as are fixed and determined by the authority. The bonds may contain provisions for registration as to principal only and as to both principal and interest. The bonds shall be issued in coupon form with interest payable at such times as are determined by the authority, and shall mature at such times and in such amounts as the authority prescribes.

SEC. 2. Section 30212 of the Streets and Highways Code is amended to read:

30212. Bonds authorized pursuant to this chapter may be sold at a discount, except that the discount on any bonds shall not exceed 6 percent of the par value. The sales price shall include the interest which has accrued thereon up to the date of delivery of the bonds.

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 new Dumbarton Bridge which is under construction will need supplementary construction funds in November of 1980. Under the unsettled condition of the present bond market, it may not be possible to market bonds within the existing 8 percent per annum statutory limitation on the rate of interest and therefore it is necessary that this act take effect immediately.

## CHAPTER 465

An act to add Section 4826.1 to the Business and Professions Code, relating to veterinarians.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 4826.1 is added to the Business and Professions Code, to read:

4826.1. A veterinarian who on his own initiative, at the request of an owner, or at the request of someone other than the owner, renders emergency treatment to a sick or injured animal at the scene of an accident shall not be liable in damages to the owner of such animal in the absence of gross negligence.

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## CHAPTER 466

An act to amend Sections 52020, 52022, and 52053 of the Health and Safety Code, relating to housing.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 52020 of the Health and Safety Code is amended to read:

52020. For purposes of a home financing program authorized by this part, a city or county shall have the following powers and duties:

(a) To acquire, contract, and enter into advance commitments to acquire, home mortgages made or owned by lending institutions at such purchase prices and upon such other terms and conditions as shall be determined by the city or county or such other person as it may designate as its agent, to make and execute contracts with lending institutions for the origination and servicing of home mortgages and to pay the reasonable value of services rendered under those contracts. Prior to executing any such contract with a lending institution, a city or county shall adopt regulations establishing criteria for qualification of lending institutions eligible to originate and service home mortgages under home financing programs authorized by this part and shall with respect to each home financing progam, permit each qualified lending institution which transacts business in the city or county the opportunity to participate in such program on an equitable basis with other participating lending institutions. Two or more cities in the same county, or a

county and one or more cities within such county, or two or more counties may enter into an agreement to join or cooperate with one another in the exercise jointly, or otherwise, of any or all of their powers for the purpose of financing home mortgages pursuant to this part with respect to property within the boundaries of any one or more of such entities. No home mortgages financed by a county with the proceeds of a series of bonds issued pursuant to this part shall be on property within the boundaries of any city unless such city agrees with the county prior to the issuance of such series of bonds not to engage in a competing home mortgage finance program pursuant to this part until at least 90 percent of the home mortgages to be financed by the county with the proceeds of such series of bonds have been made or acquired. No home mortgage financed by a city with proceeds of a series of bonds issued pursuant to this part shall be on property outside of the boundaries of such city, unless the city within which the property is located or, if located within unincorporated territory, the county within which such property is located, agrees with the city issuing such series of bonds, prior to issuance thereof, not to engage in any competing home mortgage finance program pursuant to this part until at least 90 percent of the home mortgages to be financed by the city with the proceeds of such series of bonds have been made or acquired.

(b) To make loans to lending institutions under terms and conditions which, in addition to other provisions as determined by the city or county, shall require the lending institutions to use all of the net proceeds thereof, directly or indirectly, for the making of home mortgages in an aggregate principal amount equal to the amount of such net proceeds.

(c) To establish, by rules or regulations, in resolutions relating to any issuance of bonds or in any documents relating to such issuance, such standards and requirements applicable to the purchase of home mortgages or the making of loans to lending institutions as the city or county deems necessary or desirable to effectuate the purposes of this part, which may include without limitation the following:

(1) The time within which lending institutions are required to make commitments and disbursements for home mortgages.

(2) The location and other characteristics of homes to be financed by home mortgages.

(3) The terms and conditions of home mortgages to be acquired.

(4) The amounts and types of any insurance coverage required on homes, home mortgages and bonds.

(5) The representations and warranties of lending institutions confirming compliance with such standards and requirements.

(6) Restrictions as to interest rate and other terms of home mortgages or the return realized therefrom by lending institutions.

(7) The type and amount of collateral security to be provided to assure repayment of any loans from the city or county and to assure repayment of bonds.

(8) Any other matters related to the purchase of home mortgages

or the making of loans to lending institutions as shall be deemed relevant by the city or county.

(d) To require from each lending institution from which home mortgages are purchased or to which loans are made the submission of evidence satisfactory to the city or county of the ability and intention of the lending institution to make home mortgages, and the submission, within the time specified by the city or county for making disbursements for home mortgages, of evidence satisfactory to the city or county of the making of home mortgages and of compliance with any standards and requirements established by it.

(e) Each city or county which finances housing pursuant to this part shall designate a person or entity to administer the program.

(f) Each city or county which finances housing pursuant to this part shall adopt regulations establishing criteria for qualification of such persons and families, which may differ among different cities or counties to reflect varying economic and housing conditions. In developing such criteria, factors such as the following shall be taken into consideration:

(1) The amount of the income of such person or family that is available for housing needs.

(2) The size of the household.

(3) The costs and condition of available housing.

(4) The eligibility of such persons or families for federal housing assistance of any type.

Criteria for qualification of persons and families pursuant to this section shall include a maximum household income, which maximum shall not exceed the following:

(A) 120 percent of the median household income is to be for mortgages made for improving a home or for homes where the purchaser will be the first occupant.

(B) The median household income where the purchaser will not be the first occupant. However, the city or county shall assure that no less than half the funds allocated for home mortgages where the purchaser will not be the first occupant shall be for households whose income does not exceed 80 percent of such median household income; provided, that the legislative body of the city or county may, by resolution, increase this income limitation to 90 percent of median household income if the legislative body finds that there are insufficient numbers of creditworthy persons whose income does not exceed 80 percent of median household income. Such a resolution shall be final and conclusive as to the findings required by this subparagraph.

(C) 150 percent of the median household income is to be for mortgages made for improving a home or for homes where the purchaser will be the first occupant in any city, the entire area of which, or in any county in which a portion thereof, is designated by the United States Department of Commerce, Economic Development Administration as a special impact area within a Title IV redevelopment area, pursuant to Section 401 of the federal Public

Works and Economic Development Act of 1965, as amended, and which is eligible for Urban Development Action Grant funds under the current distress standards established for cities and counties by the Secretary of the United States Department of Housing and Urban Development pursuant to Section 119, of the Housing and Community Development Act of 1974, provided that the homes purchased or improved are situated within the boundaries of a special impact area as defined by the Economic Development Administration, and that the designation is in effect on the date of sale of revenue bonds issued under this part.

As used in this subdivision, "median household income" means the highest of (i) statewide median household income, (ii) countywide median household income, or (iii) median family income for area as determined by the United States Department of Housing and Urban Development (with respect to either a standard metropolitan statistical area or an area outside of a standard metropolitan statistical area).

(g) Each city or county which finances housing pursuant to this part shall allocate no less than 60 percent of the dollar amount of its financing from bond proceeds to fund loans for the purchase of homes where the purchaser will be the first occupant, or for substantial rehabilitation. As used in this chapter, "substantial rehabilitation" means rehabilitation in which the costs of rehabilitation equal or exceed 20 percent of the value of the structure after rehabilitation.

(h) Each city or county which finances housing pursuant to this part shall require each mortgagor under the program to certify his or her intention to occupy the home for a minimum of two years after receiving a home mortgage, with appropriate exceptions in hardship cases determined by such city or county.

(i) Prior to the issuance of any bonds pursuant to this part, the city or county shall submit to the Housing Bond Credit Committee, established pursuant to Section 51360, a statement of the purpose for which bonds are proposed to be issued and the amount of the proposed issuance.

(j) To do any and all things necessary to carry out the purposes and exercise the powers expressly granted by this part.

SEC. 2. Section 52022 of the Health and Safety Code is amended to read:

52022. Notwithstanding Section 711 of the Civil Code, any indebtedness incurred pursuant to a mortgage financed under the terms of this part shall be subject to acceleration and the balance owing declared immediately due and payable upon the sale of the home to a purchaser who does not meet the required qualifications for borrowers of subdivision (f) of Section 52020 or any more stringent qualifications as the city or county may require.

SEC. 3. Section 52053 of the Health and Safety Code is amended to read:

52053. (a) Except as provided in subdivision (b), the powers

conferred by this part are in addition and supplemental to, and the limitations imposed by this part shall not affect the powers conferred by, any other law.

(b) The Legislature finds and declares that the market for municipal home mortgage revenue bonds is limited and that, as a matter of overriding state policy, issuances of such bonds should be limited to financing housing for persons whose housing needs are least satisfied by conventional mortgage financing and other governmental home ownership assistance programs. This part contains appropriate limitations with respect to mortgagor income and also contains provisions which will assist in assuring that no bond issuance under this part will result in any impairment of the public credit in this state.

Therefore, this part shall be the exclusive authority for issuance of revenue bonds by any city, including any charter city, county, or city and county for the purpose of providing long-term mortgage financing for the construction or acquisition of housing, excluding multifamily rental housing and multifamily cooperative housing; provided, that nothing in this subdivision shall supersede any other provision of state law authorizing the provision of long-term mortgage financing by any state agency or local public entity; and provided further, that nothing in this subdivision shall affect, or be in any way applicable to, revenue bonds issued (and loans made with the proceeds thereof) by the Cities of San Bernardino, Burbank, or Pasadena on or before July 1, 1980, the interest on which would be excludable from the gross income of the recipients by reason of the applicable laws of the United States and the regulations promulgated thereunder in effect at the time such revenue bonds are issued, or by any other charter city on or before February 1, 1980, the interest on which would be excludable from the gross income of the recipients by reason of Section 4(b) of the proposed Mortgage Subsidy Bond Tax Act of 1979, as reported by the Committee on Ways and Means of the United States House of Representatives on August 31, 1979. Furthermore, nothing in this subdivision shall affect the authority conferred upon a charter city by its charter to issue revenue bonds to undertake a program of long-term mortgage financing of multifamily rental housing.

(c) Home mortgages may be acquired, purchased, and financed, and bonds may be issued under this part for purposes of this part, notwithstanding that any other law or resolution may provide for the acquisition, purchase, and financing of like home mortgages, or the issuance of bonds for like purposes, and without regard to the requirements, restrictions, limitations, or other provisions contained in any other law or resolution.

## CHAPTER 467

An act to amend Section 523 of the Public Utilities Code, relating to common carriers.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 523 of the Public Utilities Code is amended to read:

523. When approved by the commission, a common carrier may give free or reduced rate transportation between points within this state to:

(a) Its officers, agents, employees, and members of their families.

(b) Indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation.

(c) Persons injured in accidents or wrecks, and physicians and nurses attending such persons.

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## CHAPTER 468

An act to add Section 23102.4 to the Vehicle Code, relating to prior convictions.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 23102.4 is added to the Vehicle Code, to read:

23102.4. Only one challenge shall be permitted to the constitutionality of a prior conviction of violation of Section 14601, subdivision (a) or (b) of Section 23102, or of subdivision (a), (b), or (c) of Section 23105. When a proceeding to declare a prior judgment of conviction constitutionally invalid has been held, a determination by the court that the prior conviction is constitutional precludes any subsequent attack on constitutional grounds in a subsequent prosecution in which the same prior conviction is charged. In addition, any determination that a prior conviction is unconstitutional precludes any allegation or use of such prior conviction in any judicial or administrative proceeding, and the department shall strike such prior conviction from its records.

This section shall not preclude a subsequent challenge to a prior conviction if at a later time a subsequent statute or appellate court

decision having retroactive application affords any new basis to challenge the constitutionality of such prior conviction.

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## CHAPTER 469

An act to amend Section 10178 of the Insurance Code, relating to insurance.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 10178 of the Insurance Code is amended to read:

10178. No insurer, union trust fund which administers health, medical, or surgical insurance, or employer which has an insurance company administering its health services program, shall deny, for the reason that the insured incurred no expense, a claim for hospital, medical or surgical services rendered by a nongovernmental charitable research hospital which makes no charge for its services in the absence of insurance. No expense-incurred, group hospital, medical or surgical policy issued, delivered, amended or renewed after the effective date of this section or union trust fund which administers health, medical, or surgical insurance, or employer which has an insurance company administering its health services program, shall except, limit or reduce benefits for services rendered by a nongovernmental charitable research hospital because it does not charge for its services in the absence of insurance. No expense-incurred individual hospital, medical or surgical policy issued, delivered, or amended after the effective date of this section or union trust fund which administers health, medical, or surgical insurance, or employer which has an insurance company administering its health services program, shall except, limit, or reduce benefits for services rendered by a nongovernmental charitable research hospital because it does not charge for its services in the absence of insurance.

As used in this section, charitable research hospital means a hospital that meets all the following criteria:

(1) Is internationally recognized as devoting itself primarily to medical research.

(2) Expends not less than 10 percent of its operating budget in each fiscal year exclusively on medical research activities which are not directly related to the provision of services to patients.

(3) Derives not less than one-third of its gross revenues in each fiscal year from contributions, donations, grants, gifts, or other gratuitous forms from individuals, groups, persons, or entities unrelated to the hospital. Contributions, donations, grants, gifts or

other gratuitous sources of revenue received as compensation for medicial services provided patients shall not be considered for purposes of this subdivision.

(4) Accepts patients without regard to the patient's ability to pay for medical services.

(5) Not less than two-thirds of the patients admitted have a primary diagnosis or suspected disease or condition directly related to the specific area or areas in which the hospital conducts research. Patients admitted because of an emergent life-threatening condition who could not be safely transported to another hospital shall not be considered as patients for purposes of this section.

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## CHAPTER 470

An act to amend Sections 57031 and 57042 of the Food and Agricultural Code, relating to produce.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 57031 of the Food and Agricultural Code is amended to read:

57031. (a) Any union representing registered unloaders is authorized and entitled to bargain with the employer of the registered unloaders to establish a scale of charges for unloading produce.

(b) If the union or unions representing registered unloaders and the employer of registered unloaders are unable to agree on a scale of charges, the director shall mediate the dispute pursuant to Section 65 of the Labor Code.

(c) The scale of charges in effect on December 31, 1978, shall remain in effect until new charges are established pursuant to this section.

SEC. 2. Section 57042 of the Food and Agricultural Code is amended to read:

57042. The director may assess a fee not to exceed four hundred dollars ($400) per year payable by produce dealers for use exclusively in administering the provisions of this chapter.

## CHAPTER 471

An act to amend Sections 4826, 4836.5, 4840, 4840.2, 4840.7, 4840.9, 4853.5, and 4885 of, and to repeal Section 4829.5 of, the Business and Professions Code, relating to the practice of veterinary medicine.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 4826 of the Business and Professions Code is amended to read:

4826. Any person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he does any one of the following:

(a) Represents himself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.

(b) Diagnoses or prescribes a drug, medicine, appliance or application or treatment of whatever nature for the prevention, cure or relief of a wound, fracture, or bodily injury or disease of animals.

(c) Administers a drug, medicine, appliance or application or treatment of whatever nature for the prevention, cure or relief of a wound, fracture, or bodily injury or disease of animals, except where such drug, medicine, appliance or application or treatment is administered by an animal health technician or an unregistered assistant at the direction of and under the direct supervision of a licensed veterinarian subject to the provisions of Article 2.5 (commencing with Section 4832) of this chapter. However, no person, other than a licensed veterinarian, may induce anesthesia unless authorized by regulation of the board.

(d) Performs a surgical or dental operation upon an animal.

(e) Performs any manual procedure for the diagnosis of pregnancy, sterility, or infertility upon livestock.

(f) Uses any words, letters or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry. Such use shall be prima facie evidence of the intention to represent himself as engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry.

SEC 2. Section 4829.5 of the Business and Professions Code is repealed.

SEC. 3. Section 4836.5 of the Business and Professions Code is amended to read:

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 or unregistered

assistant to perform any animal health care services other than those allowed by this article.

SEC. 4. Section 4840 of the Business and Professions Code is amended to read:

4840. Animal health technicians and unregistered assistants are approved to perform those animal health care services prescribed by law under the 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.

SEC. 5. Section 4840.2 of the Business and Professions Code is amended to read:

4840.2. Animal health technicians and unregistered assistants shall not perform the following health care services:

(a) Surgery.

(b) Diagnosis and prognosis of animal diseases.

(c) Prescribing of drugs, medicine and appliances.

SEC. 6. Section 4840.7 of the Business and Professions Code is amended to read:

4840.7. A person who is not a licensed veterinarian shall not be allowed to operate radiographic equipment unless such person has passed an examination in radiation safety and technique conducted by the board or the equivalent thereof as determined by the board, and is working under the direct order of a licensed veterinarian, pursuant to regulations set forth in Section 4836. Where the individual involved is an animal health technician, such examination may be included in the original examination for registration.

SEC. 7. Section 4840.9 of the Business and Professions Code is amended to read:

4840.9. Registered animal health technicians and unregistered assistants 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.

SEC. 8. Section 4853.5 of the Business and Professions Code is amended to read:

4853.5. When it has been adjudicated in an administrative hearing that the licensee manager has failed to keep the premises and all equipment therein in a clean and sanitary condition as provided for in subdivision (h) of Section 4883, or is in violation of any of the provisions of Section 4854, the board may withhold, suspend, or revoke the registration of veterinary premises, or assess a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) per day until such violation has been rectified, or by both such suspension and fine. The total amount of any fine assessed

pursuant to this section shall not exceed five thousand dollars ($5,000).

SEC. 9. Section 4885 of the Business and Professions Code is amended to read:

4885. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense related to the practice of veterinary medicine is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or assess a fine as provided in Section 4883 or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

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## CHAPTER 472

An act to amend Sections 68097.2 and 68097.55 of the Government Code, relating to witnesses.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980]

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

SECTION 1. Section 68097.2 of the Government Code is amended to read:

68097.2. Any peace officer as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, any employee of the Department of Forestry who is a forester or fire control member, or any employee of the Department of Justice who is an analyst in a technical field, 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 paying the officer his salary or other compensation and traveling expenses 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 one hundred twenty-five dollars ($125) 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. 2. Section 68097.55 of the Government Code is amended to read:

68097.55. Notwithstanding the provisions of Section 68097.5, the court, upon good cause shown, including the fact that the party is proceeding in forma pauperis pursuant to Section 68511.3, may relieve a party of the duty to make any deposit or payment, or portion thereof, required by Sections 68097.1, 68097.2, 68097.3, 68097.4, and 68097.5.

SEC. 3. The amendments to Section 68097.55 made by Section 2 of this act are declaratory of existing law, and the enumeration in that section of fees to be waived shall not be construed to limit the power of the court to waive fees in other instances, as permitted or required under rules adopted by the Judicial Council pursuant to Section 68511.3 of the Government Code.

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## CHAPTER 473

An act to add Section 638a to the Penal Code, relating to hair implantation.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 638a is added to the Penal Code, to read:

638a. It shall be unlawful for any person to implant foreign materials within the scalp of any other person for the purpose of preventing or alleviating baldness. "Foreign materials" shall include, but not be limited to, synthetic fibers and strands of human hair from another person. A violation of this section shall be a misdemeanor.

The provisions of this section shall not be applicable to procedures for the transplantation of a person's own hair or to procedures for the fixation of hairpieces, toupees, or wigs.

SEC. 2. No appropriation is made by this act, nor is any obligation

created thereby, pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or pursuant to Section 6 of Article XIII B of the California Constitution because this act creates a new crime or infraction, changes the definition of a crime or infraction, or eliminates a crime or infraction. Moreover, no claim shall be considered with respect to this act by the State Board of Control pursuant to Section 905.2 of the Government Code or Section 2250 of the Revenue and Taxation Code, nor shall the Department of Finance review or report on this act pursuant to Section 2246 of the Revenue and Taxation Code because this act creates a new crime.

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## CHAPTER 474

An act to add Section 27200.1 to the Corporations Code, relating to securities.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 27200.1 is added to the Corporations Code, to read:

27200.1. (a) No action shall be maintained to enforce any liability created under Section 27200 unless brought before the expiration of two years after the violation upon which it is based or the expiration of one year after the discovery by the plaintiff of the facts constituting such violation, whichever shall first expire.

(b) No security owner or holder may commence an action under Section 27200 if, before suit is commenced, such security owner or holder shall have received a written offer approved as to form by the commissioner (1) stating the respect in which liability under Section 27200 may have arisen, (2) offering to return any contributions, fees, funds, or compensation of any kind which have been received or collected from such security owner or holder and to rescind any agreement with such security owner or holder which relates to the liability which may have arisen under Section 27200, (3) providing that such offer may be accepted by the security owner or holder at any time within a specified period of not less than 30 days after the date of receipt thereof unless rejected earlier during such period by the security owner or holder, (4) setting forth the provisions of this subdivision, and (5) containing such other information as the commissioner may require by rule or order.

(c) The commissioner may by rule or order impose as a condition to approval of an offer under subdivision (b), if the commissioner finds such action is necessary and appropriate for the protection of security owners or holders, conditions requiring:

(1) That equivalent and concurrent offers be made to all security

owners or holders as to whom liability may have arisen and still exists under Section 27200;

(2) That the offer be made within a specified period after approval thereof by the commissioner;

(3) That the offeror file a report or reports with the commissioner containing such information as the commissioner may require concerning the making of the offer, its acceptance or rejection, and compliance with its terms and conditions or with conditions imposed under this subdivision.

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## CHAPTER 475

An act to amend Sections 1583 and 3700 of the Financial Code, relating to financial institutions.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 1583 of the Financial Code is amended to read:

1583. The superintendent shall examine the court trust business of a trust company at least once every two calendar years and shall examine the private trust business at such times and to such extent as he may deem necessary or advisable.

SEC. 2. Section 3700 of the Financial Code is amended to read:

3700. "Bank holding company" means:

(a) Any person or company which:

(1) Directly or indirectly owns, controls, or holds with power to vote, 10 percent or more of the outstanding stock of any domestic bank, or 10 percent or more of the outstanding stock of any domestic bank together with 10 percent or more of the shares or proxy of shares of any national bank located in California;

(2) Controls in any manner whether by the holding of proxy, or otherwise, the election of a majority of the directors of any domestic bank, or of both any domestic bank and any national bank located in California; or

(3) The superintendent determines, after reasonable notice and opportunity for hearing, directly or indirectly exercises, or has power to exercise, a controlling influence over the management and policies of any domestic bank, or of both any domestic bank and any national bank located in California.

(b) Any company which controls in any manner any company which is or becomes a bank holding company by virtue of this chapter.

(c) Bank holding company does not include a title insurance company authorized to transact a trust business under the provisions

of Article 4 (commencing with Section 12390) of Chapter 1, Part 6, of Division 2 of the Insurance Code, or a trust company controlled by or under common control with a title insurance company.

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## CHAPTER 476

An act to amend Section 17207 of, and to repeal Sections 17211, 17212, and 17608.1 of, the Financial Code, relating to escrow agents.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 17207 of the Financial Code is amended to read:

17207. The commissioner shall charge and collect the following fees and assessments:

(a) For filing an application for an escrow agent's license, two hundred dollars ($200) for the first office or location and one hundred dollars ($100) for each additional office or location.

(b) For filing an application for a duplicate of an escrow agent's license lost, stolen, destroyed, or for replacement, upon a satisfactory showing of such loss, theft, destruction, or surrender of certificate for replacement, two dollars ($2).

(c) For investigation services in connection with each application, one hundred dollars ($100), and for investigation services in connection with each additional office application, one hundred dollars ($100).

(d) For holding a hearing in connection with the application, as set forth under Section 17209.2, the actual costs experienced in each particular instance.

(e) (1) Each escrow agent shall pay to the commissioner its pro rata share of all costs and expenses reasonably incurred in the administration of this division, as estimated by the commissioner for the ensuing year, and of any deficit actually incurred or anticipated in the administration of this division in the year in which such assessment is made. The pro rata share for each year shall not exceed the pro rata share for the first assessment following the effective date of this subdivision adjusted for changes in the cost of living. As used in this subdivision "cost of living" means the Consumer Price Index for the United States as reported by the United States Department of Labor or a successor agency of the United States Government. The pro rata share shall be the proportion which a licensee's gross income bears to the aggregate gross income of all licensees as compiled by the commissioner. The pro rata share shall not include the costs of any examinations provided for in Section 17405.1, unless they cannot be collected from the company examined.

(2) On or before the 30th day of May in each year, the commissioner shall notify each escrow agent by mail of the amount assessed and levied against it and that amount shall be paid within 20 days thereafter. If payment is not made within 20 days, the commissioner shall assess and collect a penalty in addition to the assessment, of 1 percent of the assessment for each month or part of a month that the payment is delayed or withheld.

(3) In the levying and collection of the assessment, an escrow agent shall not be assessed for nor be permitted to pay less than two hundred fifty dollars ($250) per year, per location.

(4) If an escrow agent fails to pay the assessment on or before the 30th day of June following the day upon which payment is due, the commissioner may by order summarily suspend or revoke the certificate issued to such company. If, after such an order is made, a request for a hearing is filed in writing and a hearing is not held within 60 days therefter, the order is deemed rescinded as of its effective date. During any period when its certificate is revoked or suspended, a company shall not conduct business pursuant to this division except as may be permitted by order of the commissioner; provided, however, that neither the revocation, suspension, or surrender of a certificate shall affect the powers of the commissioner as provided in this division.

SEC. 2. Section 17211 of the Financial Code is repealed.

SEC. 3. Section 17212 of the Financial Code is repealed.

SEC. 4. Section 17608.1 of the Financial Code is repealed.

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## CHAPTER 477

An act to amend Section 65008 of the Government Code, relating to local government.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 65008 of the Government Code is amended to read:

65008. (a) Any action pursuant to the provisions of this title by any city, county, or city and county in this state which denies to any individual or group of individuals the enjoyment of residence, land ownership, tenancy or any other land use in this state because of religious or ethnic reasons is null and void.

(b) No city, county, or city and county shall, in the enactment or administration of ordinances pursuant to this title, prohibit or discriminate against any residential development because of the method of financing or the race, sex, color, religion, national origin, ancestry, or age of the intended occupants of such development or

project.

(c) No city, county, or city and county shall, in the enactment or administration of ordinances pursuant to this title, prohibit or discriminate against a residential development because such development is intended for occupancy by persons and families of low and moderate income, as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income.

For the purposes of this section, "persons and families of middle income" shall mean persons and families whose income does not exceed 150 percent of the median income for the county in which such persons or families reside.

(d) No city, county, or city and county may impose different requirements on a residential development which is subsidized, financed, insured, or otherwise assisted by the federal or state governments or by a local public entity, as defined in Section 50079 of the Health and Safety Code, than those imposed on nonassisted developments, except as provided in subdivision (e).

(e) Nothing in this title shall be construed to prohibit a city, county, or city and county from extending preferential treatment to residential developments assisted by the federal or state governments or by a local public entity, as defined in Section 50079 of the Health and Safety Code, or other residential developments intended for occupancy by persons and families of low and moderate income, as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income. Such preferential treatment may include, but need not be limited to, reduction or waiver of fees or changes in architectural requirements, site development and property line requirements, building setback requirements, or vehicle parking requirements which reduce development costs of such developments.

(f) This section shall apply to chartered cities.

The Legislature finds and declares that discriminatory practices which inhibit the development of housing for persons and families of low, moderate, and middle income are a matter of statewide concern.

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## CHAPTER 478

An act to amend Sections 18023, 18062, 18102, 18266, 18317, 18319, and 18320 of, and to add Section 18062.1 to, the Financial Code, relating to industrial loan companies.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 18023 of the Financial Code is amended to read:

18023. If an industrial loan company has investment or thrift certificates outstanding, then such company shall not borrow, except by the sale of investment or thrift certificates, in an amount in excess of 150 percent of the amount represented by its outstanding capital stock, surplus and undivided profits, without the written consent of the commissioner.

SEC. 2. Section 18062 of the Financial Code is amended to read:

18062. An industrial loan company shall not use any advertisement after its use has been disapproved by the commissioner and the industrial loan company has been notified in writing of such disapproval.

SEC. 3. Section 18062.1 is added to the Financial Code, to read:

18062.1. Notwithstanding Section 18062, investment or thrift certificate advertising may be used five business days, or such earlier time as is specified by rule or order of the commissioner, after receipt by the commissioner, unless the industrial loan company is notified orally or in writing that such advertising is disapproved.

SEC. 4. Section 18102 of the Financial Code is amended to read:

18102. The articles of incorporation of an industrial loan company, in addition to the statement required by subdivision (b) of Section 202 of the Corporations Code, shall expressly state that its purpose is to engage in an industrial loan business pursuant to this division. The Secretary of State shall not file articles for the incorporation of an industrial loan company or an amendment to the articles of an existing corporation to engage in an industrial loan business unless there is filed with the Secretary of State a duplicate of the certificate issued by the commissioner pursuant to Section 18101.

SEC. 5. Section 18266 of the Financial Code is amended to read:

18266. Any loan or other obligation made or acquired by an industrial loan company that has investment certificates outstanding which is secured primarily by real property and has an outstanding principal balance of five thousand dollars ($5,000) or more shall be secured by real property or personal property having combined a fair market value at the time the loan or other obligation is made or acquired of at least 115 percent of the principal amount owing on the loan or obligation and on prior encumbrances, except nondelinquent tax liens, secured by the same real property. Fair market value of the real property for the purposes of this section shall be determined by a real property appraiser who meets the qualifications established by regulation of the commissioner. The personal property held as security shall be of a kind or class that has been declared eligible by regulation of the commissioner.

SEC. 6. Section 18317 of the Financial Code is amended to read:

18317. No company may have investment certificates

outstanding with a person or related persons in an aggregate amount in excess of 10 percent of the unimpaired capital and surplus of the company not available for dividends as provided in Section 18319.

SEC. 7. Section 18319 of the Financial Code is amended to read:

18319. In no event shall an industrial loan company have outstanding at any time its investment certificates (exclusive of those hypothecated with the company issuing them) in an aggregate sum in excess of 10 times the aggregate amount of its paid-up and unimpaired capital and unimpaired surplus not available for dividends. The commissioner may, by rule or by order issued pursuant to Section 18315, limit the amount of outstanding investment certificates of an industrial loan company.

SEC. 8. Section 18320 of the Financial Code is amended to read:

18320. Notwithstanding the provisions of Section 18319, an industrial loan company shall in no event:

(a) Have outstanding at any time during its first 12 months of operation as an industrial loan company under this division, its investment certificates in an aggregate sum in excess of three (3) times the aggregate amount of its paid-up and unimpaired capital and such of its unimpaired surplus as is declared by a bylaw of the company to be not available for cash dividends (pursuant to Section 18319).

(b) After 12 months of operation as an industrial loan company under this division and during the next 24 months of said operation, said industrial loan company may file an application with the commissioner seeking authority to increase the aggregate sum of its investment sum which in no event shall exceed six times the aggregate amount of its paid-up and unimpaired capital and such of its unimpaired surplus as is declared by a bylaw of the company to be not available for cash dividends (pursuant to Section 18319).

(c) After 36 months of operation as an industrial loan company under this division, said company may file an application with the commissioner seeking authority to increase the aggregate sum of its investment certificates which it may have outstanding up to the maximum sum permitted by Section 18319.

(d) Whenever the commissioner deems it reasonable and necessary or advisable for the protection of the public he may at any time by order authorize said industrial loan company to have its investment certificates outstanding in either a lesser aggregate sum than the maximum aggregate amounts permitted by subdivision (a), (b), or (c), or none at all.

(e) The request for authority filed with the commissioner pursuant to subdivisions (b) and (c) shall be set forth in an application in such form and containing such information as the commissioner may require.

(f) The commissioner shall by rule or regulation set forth the criteria that must be met before an industrial loan company can be granted authority to increase the aggregate sum of its outstanding investment certificates.

(g) If the commissioner does not within 60 days of filing an application grant a request by an industrial loan company operating under this division, for authority to increase the aggregate sum of its outstanding investment certificates to the requested amount, or issues an order pursuant to subdivision (d) such company may file with the commissioner its written request for hearing in accordance with the provisions of subdivisions (c) and (d) of Section 18315.

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## CHAPTER 479

An act to add Section 66412.7 to the Government Code, and to amend Section 510.7 of the Health and Safety Code, relating to real property.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 66412.7 is added to the Government Code, to read:

66412.7. A subdivision shall be deemed established for purposes of subdivision (d) of Section 66499.30 and any other provision of this division on the date of recordation of the final map or parcel map, except that in the case of (1) maps filed for approval prior to March 4, 1972, and subsequently approved by the local agency or (2) subdivisions exempted from map requirements by a certificate of exception (or the equivalent) applied for prior to such date and subsequently issued by the local agency pursuant to local ordinance, the subdivision shall be deemed established on the date the map or application for a certificate of exception (or the equivalent) was filed with the local agency.

SEC. 2. Section 510.7 of the Health and Safety Code is amended to read:

510.7. In those instances where direct assessment is not authorized by Section 510, if the officer charged with the billing and collection of such fees is a county officer, such officer may, with the approval of the governing body, record without fee, in the office of the county recorder of the county, a certificate specifying the amount, interest, penalty due, and the name and last known address of the person liable therefor. If the officer charged with the billing and collection of such fees is a city officer, such officer, with the approval of the governing body may, in those instances where direct assessment is not authorized by Section 510, record with reasonable fee charge, in the office of the county recorder of the county, a certificate specifying the amount, interest, penalty due, name, and last known address of the person liable therefor. From the time of recordation of the certificate, the amount required to be paid

together with interest and penalty constitutes a lien upon all real property in the county owned or thereafter acquired by the liable person. The lien created by recording this certificate shall have the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the recording unless released or otherwise discharged prior to such time. Prior to recording the lien with the county recorder, the lienor shall notify the person liable for the fees by certified mail of the intent to record such certificate.

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## CHAPTER 480

An act to add Section 20733 to the Business and Professions Code, and to add Section 19955.6 to the Health and Safety Code, relating to handicapped persons.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 20733 is added to the Business and Professions Code, to read:

20733. (a) Every person, firm, partnership, association, trustee, or corporation which 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 shall provide, upon request, refueling services to a severely disabled driver of a vehicle with a special license plate or placard issued pursuant to the provisions of Section 9105 or 22511.5 of the Vehicle Code.

(b) No greater or increased price shall be charged for the services required pursuant to this section over or above the price charged to the public generally.

(c) The provisions of this section do not apply to any of the following facilities:

(1) Exclusive self-service gas stations which have remotely controlled gas pumps, which are operated by a single cashier, and which never provide pump island service.

(2) Convenience stores, which sell gasoline, which have remotely controlled gas pumps, which are operated by a single cashier, and which never provide pump island service.

SEC. 2. Section 19955.6 is added to the Health and Safety Code, to read:

19955.6. (a) All passenger vehicle service stations in this state shall provide, upon request, refueling services to a severely disabled driver of a vehicle with a special license plate or placard issued pursuant to the provisions of Section 9105 or 22511.5 of the Vehicle Code.

(b) No greater or increased price shall be charged for the services

required pursuant to this section over or above the price charged to the public generally.

(c) The provisions of this section do not apply to any of the following facilities:

(1) Exclusive self-service gas stations which have remotely controlled gas pumps, which are operated by a single cashier, and which never provide pump island service.

(2) Convenience stores, which sell gasoline, which have remotely controlled gas pumps, which are operated by a single cashier, and which never provide pump island service.

SEC. 3. The Legislature finds and declares that the provisions of this act are intended to promote the following acts:

(a) That whenever practical, exclusive self-service gas stations and convenience stores be of assistance to the physically handicapped, and disabled veterans.

(b) That as expeditiously as possible after this act is chaptered, and prior to its effective date of January 1, 1981, that the Bureau of Automotive Repair is requested to notify gasoline stations, convenience stores, and exclusive self-service gasoline stations of the provisions of this act.

(c) That oil companies, convenience store franchisors, and exclusive self-service gas station franchisors are requested to notify their respective franchisees of the provisions of this act.

SEC. 4. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be because this act creates a new crime or infraction, changes the definition of a crime or infraction, or eliminates a crime or infraction. Furthermore, this act does not create any present or future obligation to reimburse any local agency or school district for any costs incurred because of this act.

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## CHAPTER 481

An act to amend Sections 24811 and 24813 of the Education Code, to amend Sections 7507, 20014, 20016, 20017.77, 20017.79, 20134, 20360, 20364, 20390, 20465, 20497.5, 20561, 20580, 20582, 20602, 20651, 20656, 20835, 20930, 21024, 21028, 21251.13, 21330 and 22754 of, and to repeal Sections 20017.791, 20393.1, 20495, 20651.5, 20804.8, 20836, 20930.5, 21222.1, and 21222.2 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 24811 of the Education Code is amended to read:

24811. If two or more districts have been included in one contract between the Board of Administration of the Public Employees' Retirement System, and the governing board of said districts, as provided in paragraph (7) of subdivision (b) of Section 24810, and if, since such inclusion, two or more of such districts have been combined into a unified district, the unified district, by amendment to said contract, may, notwithstanding the provisions of Section 20580 of the Government Code, be substituted therein for the districts so combined, and for all purposes of said contract.

SEC. 2. Section 24813 of the Education Code is amended to read:

24813. (a) The contract executed under the provisions of Section 24810, and making persons other than teachers and other persons employed in a status requisite for membership in the State Teachers' Retirement System, who are active or retired members of a district retirement salary plan established under Sections 24800 to 24812, inclusive, members and beneficiaries of the Public Employees' Retirement System, shall be amended to include as members or beneficiaries, teachers and other persons who were employed in a status requisite for membership in the State Teachers' Retirement System, who ceased to be members of such plan if it was discontinued, or if such plan was not discontinued, who resign instead of retiring and are refunded their accumulated contributions under that plan, or who retire or have retired under such district plan and relinquish or have relinquished their right to allowances from such plan with credit for service rendered in a status in which they would have been eligible for membership in the Public Employees' Retirement System, if such district or districts by which they were employed had been participating in that system under Part 3 (commencing with Section 20000) of Division 5 of Title 2 of the Government Code, but only if such service qualified for credit under such plan and is not credited under any other retirement system.

(b) Such service of a person who so ceased to be a member, or resigns or has resigned instead of retiring, or who relinquishes or has relinquished, as the case may be, shall be administered under such contract in exactly the same manner as that applied to service of persons who were retired under the local retirement system at the effective date of such contract, and were made beneficiaries, or who were not retired and were made members of such system on that date. The retirement allowances being received by such relinquishing persons, on account of service which would have been credited under the Public Employees' Retirement System as stated, shall be adjusted in the same manner that allowances were adjusted under paragraph (6) of subdivision (b) of Section 24810. Any member who is credited with service in accordance with this section,

shall pay to the Public Employees' Retirement System, at times and in the manner fixed by the board of administration of that system, an amount equal to contributions with interest, which such member received as a refund from such plan, and which were based on service so credited, plus interest from the date of refund to the date of such payment, at the interest rate in effect under such system at such date of payment. Contributions required of such district or districts shall be determined by proper valuation, and the contributions set forth in said contract shall be adjusted accordingly.

(c) A retirement allowance based on such credited service shall be payable and retirement shall become effective, under the Public Employees' Retirement System beginning on the first day of the month next following the effective date of this section, in the case of a person who then is retired under the State Teachers' Retirement System, or otherwise on the later effective date of the member's retirement under such teachers' system. The allowance shall be based on the person's age when the allowance begins, and on the same average salary as that upon which his allowance under the State Teachers' Retirement System, is based.

SEC. 3. Section 7507 of the Government Code is amended to read:

7507. The Legislature and local legislative bodies shall secure the services of an enrolled actuary to provide a statement of the actuarial impact upon future annual costs before authorizing increases in public retirement plan benefits. An "enrolled actuary" means an actuary enrolled under subtitle C of Title III of the federal Employee Retirement Income Security Act of 1974 and "future annual costs" shall include, but not be limited to, annual dollar increases or the total dollar increases involved when available.

The future annual costs as determined by the actuary shall be made public at a public meeting at least two weeks prior to the adoption of any increases in public retirement plan benefits.

SEC. 4. Section 20014 of the Government Code is amended to read:

20014. "State miscellaneous member" includes all members employed by the state and university, except industrial, patrol, and state safety members.

SEC. 5. Section 20016 of the Government Code is amended to read:

20016. "State industrial member" includes all state employees appointed by the Governor or by the Director of Corrections or the Board of Prison Terms or the Department of the Youth Authority or the Youthful Offender Board and employed in the state prisons or facilities of the Department of Corrections or the Department of the 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 Board of Prison Terms 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

Board of Prison Terms, 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 the Youth Authority or a parolee therefrom subject to the same conditions prescribed by Section 20038.6.

SEC. 6. Section 20017.77 of the Government Code is amended to read:

20017.77. "State safety member" shall also include officers and employees in (a) the Department of Corrections employed to perform the duties now performed in positions with the following class titles: Director of Corrections; Deputy Director, Department of Corrections; Deputy Director, Institutions, Camps and Program Services Division; Deputy Director, Parole and Community Services; warden; Warden—San Quentin; superintendent II and III, Department of Corrections; deputy superintendent; correctional administrator; program administrator, correctional institution; all classes of correctional program supervisor; correctional captain; correctional lieutenant; correctional sergeant; correctional officer; all classes of women's correctional supervisor; Assistant Deputy Director, Parole and Community Services; all classes of parole administrator, adult parole; all classes of parole agent, adult parole; Assistant Director, Investigations and Law Enforcement Liaison; senior special agent; special agent; all classes of women's parole agent; medical facility superintendent; Superintendent, California Institution for Women; all classes of correctional counselor; Chief and Assistant Chief Transportation Officer, (b) the Department of the Youth Authority employed to perform the duties now performed in positions with the following class titles: Director, Department of the Youth Authority; Chief, Division of Parole and Community Services; Deputy Chief, Division of Parole and Community Services; program administrator, correctional school; assistant superintendent, correctional school; all classes of superintendent, correctional school; Youth Authority camp superintendent; assistant superintendent, Youth Authority camp; Chief, Division of Institutions; treatment team supervisor; all classes of transportation officers, Youth Authority; security officer; all classes of group supervisors; all classes of parole agent, Youth Authority; all classes of youth counselor; supervisor community treatment programs; correctional casework training supervisor; correctional casework trainee; all classes of correctional counselor, (c) the Board of Prison Terms employed to

perform duties now performed in positions with the following class titles: all classes of parole officer; all classes of correctional counselor and the Chief of Investigation, and (d) the Youthful Offender Board employed to perform duties now performed in positions with the following class titles: all classes of parole agent.

SEC. 7. Section 20017.791 of the Government Code is amended to read:

20017.79. "State safety member" shall also include officers and employees of the Board of Prison Terms, Department of Corrections or the Department of the Youth Authority in the following classifications:

| *Classification Code* | *Classification* |
|---|---|
| 0617 | Farm manager |
| 0648 | Crops farmer |
| 0679 | Dairy manager |
| 0682 | Dairy supervisor |
| 0683 | Assistant Dairy Operator |
| 2303 | Supervisor of Correctional Education Programs |
| 2370 | Supervisor of Vocational Instruction |
| 2384 | Supervisor of Commercial Diver Training |
| 2311 | Youth Authority Teacher |
| 2429 | Vocational Instructor (Fire Science) (Correctional Facility) |
| 2433 | Vocational Instructor (Heavy Equipment Repair) (Correctional Facility) |
| 1575 | Prison Canteen Manager I |
| 1576 | Prison Canteen Manager II |
| 7158 | Production Manager III, Correctional Industries |
| 7157 | Production Manager II, Correctional Industries |
| 7156 | Production Manager I, Correctional Industries |
| 7154 | Industrial Maintenance Superintendent |
| 7170 | Detergent Plant Superintendent |
| 7172 | Wood Products Factory Superintendent |
| 7175 | Assistant Wood Products Factory Superintendent |
| 7178 | Wood Products Factory Supervisor |
| 7179 | Upholstery Supervisor |
| 7190 | Metal Products Factory Superintendent |
| 7189 | Assistant Metal Products Factory |

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| | Superintendent |
| 7191 | Metal Products Factory Supervisor |
| 7192 | Tool and Die Making Supervisor |
| 7195 | Textile Products Factory Superintendent |
| 7196 | Bedding Factory Superintendent |
| 7198 | Textile Products Factory Supervisor |
| 7201 | Tobacco Factory Superintendent |
| 7205 | Shoe Factory Superintendent |
| 7206 | Shoe Factory Supervisor (Lasting through Packing) |
| 7207 | Shoe Factory Supervisor (Cutting and Fitting) |
| 7209 | Knitting Mill Superintendent |
| 7210 | Knitting Mill Supervisor |
| 7211 | Knit Goods Finishing Supervisor |
| 7214 | Printing Superintendent, Correctional Industries |
| 7215 | Industrial Maintenance Supervisor |
| 7216 | Printing Supervisor, Correctional Industries |
| 7218 | Book repair and Bindery Supervisor, Correctional Industries |
| 2108 | Laundry Superintendent, Correctional Industries |
| 2109 | Laundry Supervisor, Correctional Industries |
| 8215 | Senior Medical Technical Assistant |
| 9908 | Supervising Social Worker II, Youth Authority |
| 9910 | Supervising Social Worker I, Youth Authority |
| 9911 | Social Worker, Youth Authority |
| 0716 | Supervising Groundskeeper II (correctional facility) |
| 0718 | Supervising Groundskeeper I (correctional facility) |
| 0720 | Lead Groundskeeper (correctional facility) |
| 0743 | Groundskeeper (correctional facility) |
| 2004 | Janitor Supervisor II (correctional facility) |
| 2005 | Janitor Supervisor I (correctional facility) |
| 2006 | Janitor (correctional facility) |
| 2044 | Supervising Housekeeper I (correctional facility) |
| 2046 | Housekeeper (correctional facility) |

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| 2068 | Shoemaker (correctional facility) |
| 2077 | Seamer (correctional facility) |
| 2080 | Assistant Seamer (correctional facility) |
| 2084 | Barbershop Manager (correctional facility) |
| 2086 | Barber (correctional facility) |
| 2111 | Laundry Supervisor II (correctional facility) |
| 2114 | Laundry Supervisor I (correctional facility) |
| 2117 | Laundry Worker (correctional facility) |
| 2120 | Laundry Finisher (correctional facility) |
| 2150 | Food Manager (correctional facility) |
| 2147 | Food Administrator II (correctional facility) |
| 2153 | Food Administrator I (correctional facility) |
| 2182 | Supervising Cook II (correctional facility) |
| 2183 | Supervising Cook I (correctional facility) |
| 2186 | Cook II (correctional facility) |
| 2187 | Cook I (correctional facility) |
| 2221 | Baker II (correctional facility) |
| 2224 | Baker I (correctional facility) |
| 2245 | Butcher–Meat Cutter II (correctional facility) |
| 2195 | Food Service Assistant II (correctional facility) |
| 2196 | Food Service Assistant I (correctional facility) |
| 2305 | Supervisor of Academic Instruction (correctional facility) |
| 2284 | Teacher (arts and crafts) (correctional facility) |
| 2285 | Teacher (business education) (correctional facility) |
| 2287 | Teacher (elementary education) (correctional facility) |
| 2290 | Teacher (high school education) (correctional facility) |
| 2297 | Teacher (ethnic studies) (correctional facility) |
| 2291 | Teacher (home economics) (correctional facility) |
| 2298 | Teacher (librarian) (correctional fa- |

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| | cility) |
| 2286 | Teacher (cerebral palsied children) (correctional facility) |
| 2295 | Teacher (recreation and physical education) (correctional facility) |
| 2294 | Teacher (music) (correctional facility) |
| 2296 | Teacher (speech development and correction) (correctional facility) |
| 2293 | Teacher (mentally retarded deaf children) (correctional facility) |
| 2292 | Teacher (mentally retarded children) (correctional facility) |
| 2288 | Teacher (emotionally handicapped) (correctional facility) |
| 2289 | Teacher (family life education) (correctional facility) |
| 2423 | Vocational instructor (dog grooming and handling) (correctional facility) |
| 2665 | Vocational Instructor (powerplant mechanics) (correctional facility) |
| 2387 | Vocational Instructor (airframe mechanics) (correctional facility) |
| 2396 | Vocational Instructor (auto body and fender repair) (correctional facility) |
| 2398 | Vocational Instructor (auto mechanics) (correctional facility) |
| 2399 | Vocational Instructor (baking) (correctional facility) |
| 2400 | Vocational Instructor (bookbinding) (correctional facility) |
| 2417 | Vocational Instructor (carpentry) (correctional facility) |
| 2420 | Vocational Instructor (cosmetology) (correctional facility) |
| 2422 | Vocational Instructor (culinary arts) (correctional facility) |
| 2628 | Vocational Instructor (merchandising) (correctional facility) |
| 2425 | Vocational Instructor (drycleaning works) (correctional facility) |
| 2426 | Vocational Instructor (electrical work) (correctional facility) |
| 2428 | Vocational Instructor (electronics) (correctional facility) |
| 2431 | Vocational Instructor (furniture refinishing and repair) (correctional facility) |

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| 2432 | Vocational Instructor (garment making) (correctional facility) |
| 2597 | Vocational Instructor (household appliance repair) (correctional facility) |
| 2598 | Vocational Instructor (industrial arts) (correctional facility) |
| 2599 | Vocational Instructor (instrument repair) (correctional facility) |
| 2600 | Vocational Instructor (janitorial service) (correctional facility) |
| 2601 | Vocational Instructor (landscape gardening) (correctional facility) |
| 2611 | Vocational Instructor (laundry work) (correctional facility) |
| 2614 | Vocational Instructor (machine shop practice) (correctional facility) |
| 2615 | Vocational Instructor (masonry) (correctional facility) |
| 2619 | Vocational Instructor (meat cutting) (correctional facility) |
| 2627 | Vocational Instructor (mechanical drawing) (correctional facility) |
| 2630 | Vocational Instructor (mill and cabinet work) (correctional facility) |
| 2640 | Vocational Instructor (offset printing) (correctional facility) |
| 2644 | Vocational Instructor (painting) (correctional facility) |
| 2661 | Vocational Instructor (plumbing) (correctional facility) |
| 2666 | Vocational Instructor (printing) (correctional facility) |
| 2667 | Vocational Instructor (radiologic technology) (correctional facility) |
| 2668 | Vocational Instructor (refrigeration and air-conditioning repair) (correctional facility) |
| 2669 | Vocational Instructor (sewing machine repair) (correctional facility) |
| 2670 | Vocational Instructor (sheet metal work) (correctional facility) |
| 2671 | Vocational Instructor (shoemaking) (correctional facility) |
| 2672 | Vocational Instructor (silk screening process) (correctional facility) |
| 2673 | Vocational Instructor (storekeeping and warehousing) (correctional facility) |
| 2674 | Vocational Instructor (typewriter re- |

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| | pair) (correctional facility) |
| 2675 | Vocational Instructor (upholstering) (correctional facility) |
| 2419 | Vocational Instructor (commercial diver training) (correctional facility) |
| 2677 | Vocational Instructor (welding) (correctional facility) |
| 2676 | Vocational Instructor (vocational nursing) (correctional facility) |
| 2945 | Senior Librarian (correctional facility) |
| 6216 | Building Maintenance Worker (correctional facility) |
| 6221 | Warehouse Worker (correctional facility) |
| 1502 | Warehouse Manager II (correctional facility) |
| 1504 | Warehouse Manager I (correctional facility) |
| 1505 | Materials and Stores Supervisor II (correctional facility) |
| 1508 | Materials and Stores Supervisor I (correctional facility) |
| 6379 | Heavy Truck Driver (correctional facility) |
| 6382 | Truck Driver (correctional facility) |
| 6392 | Automotive Equipment Operator II (correctional facility) |
| 6394 | Automotive Equipment Operator I (correctional facility) |
| 6471 | Carpenter Supervisor (correctional facility) |
| 6483 | Carpenter I (correctional facility) |
| 6521 | Painter Supervisor (correctional facility) |
| 6524 | Painter II (correctional facility) |
| 6474 | Carpenter II (correctional facility) |
| 6528 | Painter I (correctional facility) |
| 6534 | Electrician Supervisor (correctional facility) |
| 6538 | Electrician II (correctional facility) |
| 6544 | Electrician I (correctional facility) |
| 6545 | Plumber Supervisor (correctional facility) |
| 6550 | Plumber I (correctional facility) |
| 6557 | Steamfitter Supervisor (correctional facility) |
| 6559 | Steamfitter (correctional facility) |

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| 6617 | Mason (correctional facility) |
| 6941 | Maintenance Mechanic (correctional facility) |
| 6643 | Locksmith (correctional facility) |
| 6699 | Chief Engineer I (correctional facility) |
| 6705 | Stationary Engineer Supervisor (correctional facility) |
| 6708 | Stationary Engineer II (correctional facility) |
| 6697 | Stationary Engineer I (correctional facility) |
| 6709 | Boiler Room Tender (correctional facility) |
| 6715 | Refrigeration Engineer (correctional facility) |
| 6724 | Water and Sewage Plant supervisor (correctional facility) |
| 6748 | Chief of Plant Operation III (correctional facility) |
| 6751 | Chief of Plant Operation II (correctional facility) |
| 6754 | Chief of Plant Operation I (correctional facility) |
| 6763 | Supervisor of Building Trades (correctional facility) |
| 6865 | Equipment Maintenance Supervisor (correctional facility) |
| 6867 | Lead Automobile Mechanic (correctional facility) |
| 6868 | Automobile Mechanic (correctional facility) |
| 6893 | Automotive Pool Manager I (correctional facility) |
| 6916 | Electronics Technician (correctional facility) |
| 8217 | Medical Technical Assistant (correctional facilities) |
| 2645 | Vocational Instructor (Plastering) (correctional facility) |
| 7200 | Dry Cleaning Plant Supervisor |
| 6772 | Utility Shops Supervisor (correctional facility) |
| 6801 | Machinist (correctional facility) |
| 6826 | Heavy Equipment Mechanic (correctional facility) |
| 2688 | Vocational Instructor (Eyewear Manufacturing) (correctional facility) |

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| 2940 | Supervising Librarian (correctional facility) |
| 6504 | Plumber II (correctional facility) |
| 7194 | Assistant Textile Products Factory Superintendent |
| 7197 | Bedding Factory Supervisor |
| 7217 | Book Repair and Bindery Superintendent, Correctional Industries |
| 6696 | Chief Engineer II (correctional facility) |
| 2000 | Janitor Supervisor III (correctional facility) |
| 6222 | Laborer (correctional facility) |
| 6955 | Fusion Welder (correctional facility) |
| 6213 | Skilled Laborer (correctional facility) |

Any such officer or employee in employment on the operative date of this section, may elect by a writing filed with the board prior to 90 days after such operative date, to be restored to his previous status as a state industrial member. Upon the filing of such election the member shall cease to be a state safety member, and his rights and obligations shall be adjusted prospectively and retroactively to the operative date of this section, to what they would have been had this section not been enacted.

This section shall not become applicable to any member included in a classification until such time as a ruling or regulation authorizing the inclusion of persons employed in that classification within the definition of "policeman" is issued by the federal agency for purposes of Section 218(d) (5) (A) of the Social Security Act.

Any officer or employee employed in the last classification listed in this section who is in employment on the operative date of the amendments to this section enacted during 1979 may elect, by a writing filed with the board prior to 90 days after such operative date, to be restored to his previous status as a state industrial member. Upon the filing of such election, the member shall cease to be a state safety member, and his rights and obligations shall be adjusted prospectively and retroactively to the operative date of this section, to what they would have been had this section not been enacted.

This section shall not become applicable to any member employed in the last classification listed in this section until such time as a ruling or regulation authorizing the inclusion of persons employed in such classifications within the definition of "policeman" is issued by the federal agency for purposes of Section 218(d) (5) (A) of the Social Security Act.

SEC. 7. Section 20017.791 of the Government Code is repealed.

SEC. 8. Section 20134 of the Government Code is amended to read:

20134. Data filed by any member or beneficiary with the board

is confidential, and no individual record shall be divulged by any official or employee having access to it to any person other than the member to whom the information relates or his authorized representative, the contracting agency or school district by which he is employed, any state department or agency, or the university. Such information shall be used by the board for the sole purpose of carrying into effect the provisions of this part. Any information which is requested for retirement purposes by any public agency shall be treated as confidential by such agency.

SEC. 9. Section 20360 of the Government Code is amended to read:

20360. A person directly appointed by the Governor, without the nomination of any officer or board, or an officer or an employee directly appointed by the Attorney General, Lieutenant Governor, Controller, Secretary of State, Treasurer, or Superintendent of Public Instruction exempt from civil service under the provisions of Article VII of the Constitution, except those appointed pursuant to subdivision (i) of Section 4 thereof, is excluded from membership in this system unless he files with the board an election in writing to become a member. He may so elect at any time, and has the option of making contributions to this system in the amount which he would have contributed had he not been so excluded, plus an amount equal to the interest, to the date or dates of his payment, which would have been credited to those contributions had he not been so excluded. Such contributions and interest shall be paid to this system at times, in amounts, and in a manner fixed by the board. If he affirmatively exercises the option:

(a) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(b) The contributions of the state, or contracting agency because of his membership, shall be the same as they would have been had he not been excluded, and

(c) His rate of contribution shall be based on the contribution rate in effect at the time he first was excluded.

SEC. 10. Section 20364 of the Government Code is amended to read:

20364. An employee of the Senate or the Assembly, or the respective committees thereof, whose salaries or wages are paid from the Contingent Funds of the Senate or the Assembly, or the Contingent Funds of the Assembly and Senate, shall be deemed a "legislative employee." Such employee is excluded from membership in this system unless he files with the board an election in writing to become a member. Such election shall not be required of a legislative employee who is a member of this system on October 1, 1963. He may so elect at any time prior to retirement and he shall have the option as to how much of his previous legislative service is to be credited. The legislative employee shall make contributions to this system in respect to the previous service as a legislative employee for which he desires credit, in the amount which he would

have contributed had he been a member at any time that he previously rendered such service, plus an amount equal to the interest, to the date or dates of his payment, which would have been credited to those contributions had he been a member when the previous service as a legislative employee was rendered. Such contributions and interest shall be paid to this system at times, in amounts, and in a manner fixed by the board. If he affirmatively exercises the option:

(a) He shall receive credit for previous service as a legislative employee in the same manner as if he had been a member when the service was rendered, and

(b) His rate of contribution shall be based on the contribution rate in effect at the time he first rendered service for which he is seeking credit by his election, with the total period of any breaks in such service added to his age for the purpose of this computation.

SEC. 11. Section 20390 of the Government Code is amended to read:

20390. A person ceases to be a member:

(a) Upon retirement.

(b) If he is paid his normal contributions or such contributions are held pursuant to Section 20208. For the purposes of this subdivision, deposit in the United States mail of a warrant drawn in favor of a member, addressed to the latest address of the member on file in the office of this system, constitutes payment to the member of the amount for which the warrant is drawn.

(c) If the member has less than five years of service credit and no accumulated contributions in the retirement fund at the time of termination of service.

SEC. 12. Section 20393.1 of the Government Code is repealed.

SEC. 13. Section 20465 of the Government Code is amended to read.

20465All acts and proceedings taken under this part on or before January 1, 1981, by or on behalf of any public agency for the approval and execution of a contract for participation in the system or an amendment to such contract are hereby confirmed, validated, and declared legally effective and all such contracts and amendments in the form and manner executed shall be legal and valid. This provision shall operate to supply such legislative authorization as may be necessary to validate such acts and proceedings as the Legislature could have provided for participation in the system.

SEC. 14. Section 20495 of the Government Code is repealed.

SEC. 15. Section 20497.5 of the Government Code is amended to read:

20497.5. Notwithstanding the election given in Section 20498 to contracting agencies, whether to subject themselves and their employees thereto, the contract of school districts in which the average daily attendance of all districts combined is in excess of 400,000 and which are governed by the same governing board, without action by the governing board, shall be subject to said

sections and shall include all provisions authorized by Section 20498 to be included therein by contract amendment.

SEC. 16. Section 20561 of the Government Code is amended to read:

20561. If the contract has been in effect for at least five years and was approved by an ordinance adopted by a majority vote of the electorate, termination by the contracting agency may be effected not less than one year after authority has been granted by ordinance adopted by a majority vote of the electorate of the contracting agency voting thereon. Termination shall be effective on the last day of the fiscal year during which the ordinance or resolution terminating the contract is received by the board in its Sacramento office.

SEC. 17. Section 20580 of the Government Code is amended to read:

20580. Every county superintendent of schools shall enter into a contract with the board for the inclusion in this system of (a) all of the employees of the office of county superintendent whose compensation is paid from the county school service fund other than employees electing pursuant to Section 873.1 of the Education Code to continue in membership in a county system; and (b) all of the employees of school districts and community college districts existing on July 1, 1949, or thereafter formed, within his jurisdiction, other than school districts which are contracting agencies or which maintain a district, joint district, or other local retirement system, in respect to service rendered in a status in which they are not eligible for membership in the State Teachers' Retirement System. The effective date of each such contract shall be not later than July 1, 1949. For the purposes of this part such school district employees shall be considered to be employees of the county superintendent of schools having jurisdiction over the school district by which they are employed and service to the district shall be considered as service to the county superintendent of schools.

SEC. 18. Section 20582 of the Government Code is amended to read:

20582. Sections 20457, 20458, 20492, 20496, 20560, 20561 and 20562 do not apply to contracts made pursuant to this chapter. The county superintendent of schools shall have no authority to exercise any election under any provision of this part (commencing at Section 20000) which applies to a contracting agency only on its election to be subject to it.

SEC. 19. Section 20602 of the Government Code is amended to read:

20602. The normal rate of contribution for any member whose retirement allowance is determined under Section 21252.1, and who after the operative date of this section enters such membership or enters employment more than one year after termination of employment in which he was subject to Section 21252.1, shall be the rate, specified in the schedule established by the board in accordance

with this chapter as it read on the day preceding the operative date of this section, and in effect on that date for that formula and benefit percentage, for the age at his birthday nearest to the date of his earliest service subject to any of such sections, whether or not contributions for such service were withdrawn or redeposited, increased by the number of completed years of his absence from any employment subject to any of such sections, except that on and after January 1, 1977, female rates shall be adjusted to conform with male rates.

The amendments to this section at the 1977–78 Regular Session of the Legislature shall be operative from January 1, 1977.

SEC. 20. Section 20651 of the Government Code is amended to read:

20651. Any member who enters university employment on or after October 1, 1963, shall be considered permanently separated from state service, with respect to his right to withdraw contributions.

If any such member whose accumulated contributions were repaid to him while he was absent on military service reenters state service in a status subject to the retiring annuities system of the university, he shall have the option, to be exercised upon such reentry, to redeposit the accumulated contributions which were repaid to him, with interest to the date of redeposit, in the same manner as if he had reentered state service in a status not subject to the retiring annuities system. If any such member makes such redeposit, his status in this system is the same as if his accumulated contributions had not been repaid to him.

SEC. 21. Section 20651.5 of the Government Code is repealed.

SEC. 22. Section 20656 of the Government Code is amended to read:

20656. Upon reentering this system after a termination of his membership, if a member does not elect to redeposit withdrawn contributions as provided in Section 20654 or, having so elected, subsequently does not make such redeposit, he reenters as a new member without credit for any service except the prior service credited to him before termination and any service that is credited prior to termination of membership pursuant to subdivision (c) of Section 20390.

SEC. 23. Section 20804.8 of the Government Code is repealed.

SEC. 24. Section 20835 of the Government Code is amended to read:

20835. The credit for prior service to be granted local members and the benefits pertaining thereto, shall be established by contract between the board and the governing body of such agency. Benefits on account of each year of credited prior service shall be in the form of a percentage of:

(a) The final compensation of local safety members; or

(b) The final compensation of a local miscellaneous member who retires after the effective date of the amendment to this section at

the 1969 Regular Session, whether or not the contracting agency has elected to be subject to the provisions of this subsection.

Such percentages shall not exceed the analogous percentages applicable to the members' current service, and shall be uniform for all local safety members, according to age at entry into the service of the contracting agency, if the member is entitled to credit for prior service, or age at entry into this system, if the member is not so entitled, and uniform for all local miscellaneous members regardless of age at entry.

SEC. 25. Section 20836 of the Government Code is repealed.

SEC. 26. 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.

"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 90 days before or after 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.

This subdivision shall also be applicable to school members who were absent from service with a school district or a county superintendent of schools on war relocation leave.

When a school member receives service credit under this section, his school employer shall transmit to the retirement fund a lump-sum amount determined by the board which is the actuarial equivalent of the cost for such service credit as of the date of election by the member to receive service credit under this section less the contributions paid by the school member on account of such service credit.

(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.

(*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.

SEC. 27. Section 20930.5 of the Government Code is repealed.

SEC. 28. Section 21024 of the Government Code is amended to read:

21024. The application shall be made only (a) while the member is in state service, or (b) while the member, who makes contributions under Section 20891.1 or for whom contributions will be made under Section 20894.5, is absent on military service, or (c) within four months after the discontinuance of the state service of the member, or while on an approved leave of absence, or (d) while the member is physically or mentally incapacitated to perform duties from the date of discontinuance of state service to the time of application or motion. On receipt of an application for disability retirement of a member, other than a local safety member, the board shall, or of its own motion it may, order a medical examination of a member who is otherwise eligible to retire for disability to determine whether the member is incapacitated for the performance of duty. On receipt of such application with respect to a local safety member, the board shall request the governing body of the contracting agency employing such member to make such determination.

SEC. 29. Section 21028 of the Government Code is amended to read:

21028. The board, or in case of a local safety member the governing body of the employer from whose employment the person was retired, may require any recipient of a disability retirement allowance under the minimum age for voluntary retirement for service applicable to members of his class to undergo medical

examination, and upon his application for reinstatement, shall cause a medical examination to be made of any such recipient who 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. The board, or in case of a local safety member the governing body of the employer from whose employment the person was retired, shall also cause such examination to be made upon application for reinstatement to the position held at retirement or any position in the same class, of a person who was incapacitated for performance of duty in such position at the time of a prior reinstatement to another position. Such examination shall be made by a physician or surgeon, appointed by the board or such governing body of the employer, at the place of residence of the recipient or other place mutually agreed upon. Upon the basis of such examination the board or such governing body shall determine whether he is still incapacitated, physically or mentally, for duty in the state agency, the university, or contracting agency, where he was employed and in the position held by him when retired for disability, or in a position in the same classification, and for the duties of the position with regard to which he has applied for reinstatement from retirement.

SEC. 30. Section 21222.1 of the Government Code is repealed.

SEC. 31. Section 21222.2 of the Government Code is repealed.

SEC. 32. Section 21251.13 of the Government Code is amended to read:

21251.13. The combined current and prior service pensions for a local miscellaneous member, a school member, and for a state miscellaneous member, is a pension derived from the contributions of the employer sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of retirement, to equal the fraction of one-fiftieth of the member's final compensation set forth opposite the member's age at retirement, taken to the preceding completed quarter year, in the following table, multiplied by the number of years of current and prior service except service in a category of membership other than that of state miscellaneous member or local miscellaneous member or school member, with which the member is entitled to be credited at retirement:

| Age of Retirement | Fraction |
|---|---|
| 50 | .546 |
| 50¼ | .554 |
| 50½ | .562 |
| 50¾ | .570 |
| 51 | .578 |
| 51¼ | .586 |
| 51½ | .595 |
| 51¾ | .603 |

| | |
|---|---|
| 52 | .612 |
| 52¼ | .621 |
| 52½ | .630 |
| 52¾ | .639 |
| 53 | .648 |
| 53¼ | .658 |
| 53½ | .668 |
| 53¾ | .678 |
| 54 | .688 |
| 54¼ | .698 |
| 54½ | .709 |
| 54¾ | .719 |
| 55 | .730 |
| 55¼ | .741 |
| 55½ | .753 |
| 55¾ | .764 |
| 56 | .776 |
| 56¼ | .788 |
| 56½ | .800 |
| 56¾ | .813 |
| 57 | .825 |
| 57¼ | .839 |
| 57½ | .852 |
| 57¾ | .865 |
| 58 | .879 |
| 58¼ | .893 |
| 58½ | .908 |
| 58¾ | .923 |
| 59 | .937 |
| 59¼ | .953 |
| 59½ | .969 |
| 59¾ | .985 |
| 60 | 1.000 |
| 60¼ | 1.017 |
| 60½ | 1.034 |
| 60¾ | 1.050 |
| 61 | 1.067 |
| 61¼ | 1.084 |
| 61½ | 1.101 |
| 61¾ | 1.119 |
| 62 | 1.136 |
| 62¼ | 1.154 |
| 62½ | 1.173 |
| 62¾ | 1.191 |
| 63 and over | 1.209 |

The fractions specified in the above table shall be reduced by one-third as applied to that part of final compensation which does not exceed four hundred dollars ($400) per month for all service of a

member any of whose service has been included in the federal system. This reduction shall not apply to a member employed by a contracting agency which enters into a contract after July 1, 1971, and elects not to be subject to this paragraph or with respect to service rendered after the termination of coverage under the federal system with respect to the coverage group to which the member belongs.

This section shall apply only to members whose retirement is effective on or after July 1, 1971.

The improved retirement allowance provided by this section is granted subject to future reduction prior to a member's retirement, by offset of federal system benefits or otherwise, as the Legislature may from time to time deem appropriate because of changes in such federal system benefits.

SEC. 33. Section 21330 of the Government Code is amended to read:

21330. In lieu of the retirement allowance for his life alone, member or retired member may elect, or revoke or change a previous election prior to the approval of the previous election, to have the actuarial equivalent of his retirement allowance as of the date of retirement applied to a lesser retirement allowance, in accordance with one of the optional settlements specified in this article. Such election or revocation or change thereof, with respect to a member subject to Section 21263 at retirement, shall apply to all of the retirement allowance, if, at the effective date of retirement, such member has no spouse, children or dependent parents who would qualify for an allowance under Section 21263 after the death of the member; or, if at retirement there are persons who would so qualify, then such election, or revocation, or change thereof, with respect to any optional settlement other than optional settlement one, shall apply only to the portion of the allowance which exceeds the amount of the allowance payable to the survivor.

An actuarial equivalent under this article shall be computed on the basis of the mortality tables and actuarial interest rate in effect under the system on December 1, 1970, for retirements effective through December 31, 1979. Commencing with retirements effective January 1, 1980, and at corresponding 10-year intervals thereafter or more frequently at its discretion, the board shall change the basis for calculating actuarial equivalents under this article to agree with the interest rate and mortality tables in effect at the commencement of each such 10-year interval.

SEC. 34. Section 22754 of the Government Code is amended to read:

22754. As used in this part the following definitions, unless the context otherwise requires, shall govern the interpretation of terms.

(a) "Board" means the Board of Administration of the Public Employees' Retirement System.

(b) "Employee" means any officer or employee of the State of California or of any agency, department, authority, or

instrumentality of the state including the University of California, or any officer or employee who is a local or school member of the Public Employees' Retirement System employed by a contracting agency which has elected to be or otherwise has become subject to this part, or who is a member or retirant of the State Teachers' Retirement System employed by an employer who has elected to become subject to this part, except persons employed on an intermittent, irregular or less than half-time basis, or employees similarly situated, or employees in respect to whom contributions by the state for any type of plan or program offering prepaid hospital and medical care are otherwise authorized by law.

(c) "Carrier" means a private insurance company holding a valid outstanding certificate of authority from the Insurance Commissioner of the state, a medical society or other medical group, a nonprofit hospital service plan qualifying under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code, or nonprofit membership corporation lawfully operating under Section 9200 or Section 9201 of the Corporations Code, or a health care service plan as defined under subdivision (f) of Section 1345 of the Health and Safety Code, or a health maintenance organization approved under Title XIII of the federal Public Health Services Act, which is lawfully engaged in providing, arranging, paying for, or reimbursing the cost of personal health services under insurance policies or contracts, medical and hospital service agreements, membership contracts, or the like, in consideration of premiums or other periodic charges payable to it.

(d) "Health benefits plan" means a group insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangement provided by a carrier for the purpose of providing, arranging, paying for, or reimbursing the cost of basic hospital and medical care and for major medical or other comprehensive benefit plans.

(e) "Annuitant" means:

(1) Any person who has retired within 120 days of separation from employment and who receives any retirement allowance under any state or University of California retirement system to which the state was a contributing party.

(2) A family member receiving an allowance as the survivor of an annuitant who has retired as provided in subdivision (1), or as the survivor of a deceased employee under Section 21364, 21365.5 or 21382 of this code or similar provisions of any other state retirement system.

(f) "Family member" means an employee's or annuitant's spouse and any unmarried child (including an adopted child, a stepchild, or recognized natural child who lives with the employee or annuitant in a regular parent-child relationship). The board shall, by regulation, prescribe age limits and other conditions and limitations pertaining to unmarried children.

(g) "Employee organization" means an association or other

organization of employees in which membership is open to employees or annuitants of the state, and which is not organized solely or principally for the purpose of obtaining prepaid hospital and medical care.

(h) "Contracting agency" means any contracting agency as defined in Section 20010, and any school district, county board of education, personnel commission of a school district or a county superintendent of schools.

(i) "Employer" means the state, any contracting agency employing an employee, and any agency which has elected to become subject to this part pursuant to Section 22856.

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## CHAPTER 482

An act to amend Section 41704 of the Health and Safety Code, relating to air pollution.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 41704 of the Health and Safety Code is amended to read:

41704. Section 41701 shall not apply to:

(a) Fires set pursuant to Section 41801.

(b) Agricultural burning for which a permit has been granted pursuant to Article 3 (commencing with Section 41850).

(c) Fires set or permitted by any public officer in the performance of his official duty for the improvement of watershed, range, or pasture.

(d) Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals.

(e) Open outdoor fires used only for cooking of food for human beings or for recreational purposes.

(f) The use of orchard and citrus grove heaters which are in compliance with the requirements set forth in Section 41860.

(g) Agricultural operations necessary for the growing of crops or raising of fowl or animals.

(h) The use of other equipment in agricultural operations necessary for the growing of crops or raising of fowl or animals.

(i) Fugitive dust emissions from rock crushing facilities within the Southeast Desert Air Basin, where such facilities were in existence prior to January 1, 1970, at a location where the population density is less than 10 persons per square mile in each square mile within a seven-mile radius of the facilities; provided, however, that under no circumstances shall such emissions cause a measurable degradation

of the ambient air quality or create a nuisance. This subdivision shall not apply to any such rock crushing facilities which (1) process in excess of 100 tons of rock in any 24-hour period, averaged over any period of 30 consecutive days, (2) have 25 or more employees, (3) fail to operate and maintain in good working order any emission control equipment installed prior to the effective date of this act, or (4) undergo a change of ownership after January 1, 1977.

(j) Emissions from vessels using steam boilers during emergency boiler shutdowns for safety reasons, safety and operational tests required by governmental agencies, and where maneuvering is required to avoid hazards.

(k) Emissions from vessels using steam boilers during cold boiler light-off operations and while drying wet or green refractory to the extent that such emissions, excluding uncombined water vapor, are not as dark or darker in shade than that designated as Number 2 on the Ringelmann chart or of an opacity equal to, or greater than, 40 percent for periods aggregating more than 15 minutes in any one hour. This subdivision shall remain in effect only until January 1, 1984, and shall be of no force and effect on and after such date.

(*l*) The use of visible emission generating equipment in training sessions conducted by governmental agencies necessary for certifying persons to evaluate visible emissions for compliance with Section 41701 or applicable district rules and regulations. Any local or regional authority rule or regulation relating to visible emissions shall not be applicable to such equipment.

(m) Smoke emissions from teepee burners operating in compliance with Section 4438 of the Public Resources Code during the disposal of forestry and agricultural residues or forestry and agricultural residues with supplementary fossil fuels when such emissions result from the startup or shutdown of the combustion process or from the malfunction of emission control equipment. This subdivision shall not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period. This subdivision shall not apply to emissions which result from the failure to operate and maintain in good working order any emission control equipment.

(n) Emissions from methanol fuel manufacturing plants which manufacture not more than 2,000,000 gallons of methanol fuel per day from wood, agricultural waste, natural gas, or coke (exclusive of petroleum coke). As used in this subdivision, "manufacturing plant" shall include all necessary support systems, including field operations equipment that provide feed stock. However, this subdivision shall apply to not more than one such methanol fuel manufacturing plant in each air basin and each such plant shall be located in an area designated as an "attainment area" pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and shall meet all applicable standards required by the district board. This subdivision shall remain in effect with respect to such a plant until five years after construction of the plant and shall have no force and effect with respect to such a plant on and

after such date.

## CHAPTER 483

An act to add and repeal Section 31680.4 of the Government Code, relating to retirement.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 31680.4 is added to the Government Code, to read:

31680.4. Any person who has retired may be employed in a court employee position requiring special skills or knowledge, as determined by the county or district employing him, for not to exceed 180 working days in any one fiscal year and may be paid for such employment. Such employment shall not operate to reinstate the person as a member of this system or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system.

This section shall apply only in a county of the 18th class as defined in Section 28039.

This section shall remain in effect only until December 31, 1983, and as of such date is repealed, unless a later enacted statute, which is chaptered before December 31, 1983, deletes or extends such date.

## CHAPTER 484

An act to add Section 3.5 to Chapter 231 of the Statutes of 1935, relating to resources.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 3.5 is added to Chapter 231 of the Statutes of 1935, to read:

Sec. 3.5. The Legislature finds and declares that under existing law and this statute, that portion of the tidelands and submerged lands granted to the City of Pacific Grove hereinafter described may be leased for purposes of a nonprofit aquarium for the benefit, education and enjoyment of the public and for the conduct of scientific research in the field of marine biology.

The portion of the tidelands and submerged lands is described as

follows:

Beginning at the point of intersection of the southeasterly corporate limit line of the City of Pacific Grove produced and the mean high tide of the bay of Monterey; thence N 58°58'E to the point in the bay of Monterey where the depth of water in said bay is 60 feet measured from the level of mean low tide; thence northwesterly 500 feet along the line of said bay which line is a constant depth of 60 feet measured from the level of mean low tide; thence S 58°58'W to the mean high tide of the bay of Monterey; thence southeasterly along said mean high tide to point of beginning.

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## CHAPTER 485

An act to amend Sections 120105 and 120220 of, and to add Article 8 (commencing with Section 120450) to Chapter 4 of Division 11 of, the Public Utilities Code, relating to the San Diego Metropolitan Transit Development Board.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 120105 of the Public Utilities Code is amended to read:

120105. The board shall:

(a) Determine exclusive public mass transit guideways to be acquired and constructed, the means to finance such systems, and whether to operate such systems or to let contracts for such operation.

(b) Adopt an annual budget and fix the compensation of its officers and employees.

(c) Adopt an administrative code, by ordinance, which shall prescribe the powers and duties of board officers, the method of appointment of board employees, and methods, procedures, and systems of operation and management of the board. The administrative code shall also provide for, among other things, the appointment of a general manager and the organization of the employees of the board into units for administration, design and construction, planning and operation, property acquisition, and community relations and such other units as the board deems necessary.

(d) Cause a postaudit of the financial transactions and records of the board to be made at least annually by a certified public accountant.

(e) Adopt all ordinances and make all rules and regulations proper or necessary to regulate the use, operation, and maintenance of its property and facilities, including its public transit systems and

related transportation facilities and services operating within its area of jurisdiction, and to carry into effect the powers granted to the board.

(f) Appoint such advisory commissions as it deems necessary.

(g) Do any and all things necessary to carry out the purposes of this division.

SEC. 2. Section 120220 of the Public Utilities Code is amended to read:

120220. The board may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, to contract with a private patrol operator licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code and with the county sheriff and existing municipal police departments within the areas described in Sections 120052 and 120054 for security, police, and related services, and to do all acts necessary and convenient for the full exercise of the powers granted in this division.

SEC. 3. Article 8 (commencing with Section 120450) is added to Chapter 4 of Division 11 of the Public Utilities Code, to read:

## Article 8. Penalties

120450. Violation of any ordinance, rule, or regulation enacted by the board relating to the evasion of the payment of a fare in any transit facility owned or controlled by the board shall be an infraction punishable by a fine not exceeding fifty dollars ($50), except that such a violation by a person, after the second conviction under this section, shall be a misdemeanor punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment not exceeding six months, or by both such fine and imprisonment.

SEC. 4. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Furthermore, this act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of this act.

## CHAPTER 486

An act relating to transportation.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. With not more than thirty thousand dollars ($30,000) of the funds appropriated from the Transportation Planning and Development Account in the State Transportation Fund to the Department of Transportation for transportation planning purposes, the Department of Transportation, after approval has been given by the boards of supervisors of the County of Santa Clara and the County of Santa Cruz, shall conduct a feasibility study and an alternative analysis for the environmental impact report with respect to establishing passenger rail service between the Cities of San Jose and Santa Cruz. Funds from the account may not be used for purposes of this act unless federal funds are obtained for such purposes.

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## CHAPTER 487

An act to amend Section 21400 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 21400 of the Vehicle Code is amended to read:

21400. The Department of Transportation shall, after consultation with local agencies and public hearings, adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices placed pursuant to the provisions of this code, including, but not limited to, stop signs, yield right-of-way signs, speed restriction signs, railroad warning approach signs, street name signs, lines and markings on the roadway, and stock crossing signs placed pursuant to Section 21364.

The Department of Transportation shall determine and publicize the specifications for uniform types of warning signs, lights, and devices to be placed upon a highway by any person engaged in performing work which interferes with or endangers the safe movement of traffic upon such highway.

Only those signs, lights, and devices as are provided for in this

section shall be placed upon a highway to warn traffic of work which is being performed on such highway.

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## CHAPTER 488

An act to add Section 44355 to the Education Code, relating to school employees.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 44355 is added to the Education Code, to read:

44355. (a) Except as provided in subdivision (b), all credentials regularly issued are valid until revoked, suspended, or expired as provided by law.

(b) A credential issued under either of the following circumstances is void and shall be deemed to be void from the date it was issued:

(1) A credential which would not have been issued but for a material deception or fraud committed by an applicant or by another in the applicant's behalf; or

(2) A credential which the commission had no lawful authority to issue and which would not have been issued but for some material mistake of law or fact by either or both the applicant and the commission.

(c) A notice that a credential is void pursuant to paragraph (1) or (2) of subdivision (b) shall be served upon the credential holder at his or her last known address as provided in Section 1013 of the Code of Civil Procedure. Within 30 days thereafter, such notice may be appealed to the commission only on the grounds that there was no fraud, material deception, or error and that the commission had the lawful authority to issue the credential on the facts stated in the application.

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## CHAPTER 489

An act to add Chapter 15 (commencing with Section 43040) to Part 24 of the Education Code, relating to special taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Chapter 15 (commencing with Section 43040) is added to Part 24 of the Education Code, to read:

## CHAPTER 15. VOTER-APPROVED SPECIAL TAXES FOR NEW SCHOOL FACILITIES

43040. The provisions of this chapter shall apply only to the Chino Unified School District.

43041. The provisions of this chapter shall govern the collection of special taxes which satisfy all the following requirements:

(1) The special tax has been approved, pursuant to Section 4 of Article XIII A of the California Constitution, by two-thirds of the voters of the school district voting upon the proposition to authorize the governing board of the school district to levy the special tax.

(2) The special tax is levied against applicants for final building permits which authorize new construction within the school district.

(3) The proceeds of the special taxes are used for new school facilities.

43042. The governing body of a city or county which includes a school district in which special taxes for new school facilities have been approved shall not issue final building permits until such time as the governing board of such district certifies to the governing body that the special taxes have been paid or that arrangements for payment have been made.

43043. If a final building permit is issued and the special tax for new school facilities construction has not been paid, the governing board of the district may, after appropriate notice that such tax is due and owing and after a hearing, with notice, on the issue, determine that the amount of the unpaid special tax constitutes a lien on each lot or parcel of land for which a final building permit has been issued and that such amount is now due and owing by the owner of such lot or parcel, as specified on the last equalized assessment roll.

43044. (a) The notice that the special tax for new school facilities is due and owing shall be published in accordance with Section 6063 of the Government Code, and shall be published prior to the date set for hearing.

(b) The notice shall set forth the following information:

(1) The special tax for new school facilities is due and owing.

(2) The amount of special tax due and owing.

(3) A description of the lot or parcel subject to such tax. Such description may be made by reference to a plat or diagram on file in the office of the county recorder, or by reference to maps prepared in accordance with Section 327 of the Revenue and Taxation Code, and on file in the office of the county assessor.

(4) The penalty, not to exceed an interest rate of 7 percent per annum, to be charged on the unpaid balance of such tax.

(5) Notification that, pending the hearing, the special tax and

interest thereon may be determined to constitute a lien against each lot or parcel for which a building permit was issued.

43045. (a) At least 10 days prior to the date of hearing, the governing board of the school district shall send written notice of the hearing, by mail, to the owner of each parcel or lot, as specified on the last equalized assessment roll, for which the special tax for new school facilities is due and owing.

(b) The notice shall set forth the same information as required by subdivision (b) of Section 43044 and in addition shall set forth the time, date, and place of the hearing.

43046. (a) At the time, date, and place stated in the notice prescribed by Section 43045, the governing board of the school district shall hear and consider all objections or protests, if any, to the levy of the special tax, as set forth in such notice, and may continue the hearing from time to time.

(b) Upon conclusion of the hearing, the governing board shall determine whether the amount of the unpaid tax and the interest thereon constitutes a lien on the parcel or lot for which the final building permit was issued.

43047. (a) Within 30 days after the determination prescribed by paragraph (b) of Section 43046, the governing board of the school district shall record a certified copy of its determination with the county recorder of the county in which the lot or parcel is located.

(b) Upon recordation, the determination shall constitute a lien with the force, effect, and priority of a judgment lien.

43048. (a) If a lien has been created pursuant to this chapter, the governing board of the school district may, not later than four years after the due date of the last payment of the special taxes which are due and owing, order that the same be collected pursuant to Chapter 1 (commencing with Section 681) of Title 9 of Part 2 of the Code of Civil Procedure.

(b) Costs incurred pursuant to this section shall be awarded to the prevailing party. Costs shall be fixed and allowed by the court. Costs shall include reasonable attorneys' fees, interest, and other charges or advances authorized by law and shall be included in the judgment. The amount of costs, including penalties, shall be calculated up to the date of the judgment.

43049. The following is exempt from the special taxes imposed by this chapter:

(a) Final permits to construct buildings on property that belongs to a federal agency.

(b) Final permits to construct buildings when such buildings are exempt from taxation under subdivisions (a) to (g), inclusive, of Section 3 of, and subdivisions (b) and (c) of Section 4 of, Article XIII of the California Constitution.

(c) Final permits to construct buildings when the governing board of the school district certifies that satisfactory arrangements have been made between the governing board and the final building permit applicant to provide sufficient new school facilities for the

district.

43050. When the proceeds of special taxes are used for construction of new school facilities, the State Allocation Board shall approve such construction, in accordance with building area and cost standards adopted by the board.

43051. As to elections held after the effective date of this section, the governing board of the school district shall, prior to ordering an election, adopt a schedule that specifies the use of the proceeds of the special taxes. Such schedule shall include, but not be limited to, school sites proposed to be acquired and facilities proposed to be constructed. Such schedule shall be reviewed and updated at least annually.

43052. Each governing board of a school district that receives the proceeds of special taxes pursuant to this chapter shall maintain a separate account for any such taxes paid and shall adopt a report, at the end of each fiscal year, showing the balance of such account, the school sites purchased during the previous fiscal year, and the facilities purchased or constructed during the previous fiscal year. Such report shall be adopted by September 1 of each year.

SEC. 2. The unprecedented population growth in the Chino Unified School District has caused overcrowding in existing school facilities. In order to alleviate the overcrowding and help raise the necessary moneys for additional facilities, the governing board of the district held a special tax election on April 8, 1980. At the election a proposition to authorize the governing board to levy a special tax against applicants for final building permits in the district was submitted to the district voters and was approved by two-thirds of such voters voting upon the proposition.

The governing board wants to collect the special tax. However, existing law does not provide a procedure for its collection.

SEC. 3. Due to the unique circumstances concerning the Chino Unified School District, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 4. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Furthermore, this act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of this act.

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:

At an election held on April 8, 1980, a proposition to authorize the governing board of the Chino Unified School District to levy and collect special taxes on new building construction within the district

was approved by two-thirds of the voters of the district voting upon the proposition. In order to assure that a procedure is provided at the earliest possible date for the collection of such taxes, it is necessary that this act take effect immediately.

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## CHAPTER 490

An act to amend Section 44256 of the Education Code, relating to certificated employees.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 44256 of the Education Code is amended to read:

44256. Authorization for teaching credentials shall be of four basic kinds, as defined below:

(a) "Single subject instruction" means the practice of assignment of teachers and students to specified subject matter courses, as is commonly practiced in California high schools and most California junior high schools. A holder of a single subject instruction credential who has completed 20 semester hours of coursework or 10 semester hours of upper division coursework in any subject commonly taught in grades 7 to 12, other than the subject for which he or she is already credentialed, shall be eligible to have this subject appear on such credential as authorization to teach a second subject.

(b) "Multiple subject instruction" means the practice of assignment of teachers and students for multiple subject matter instruction, as is commonly practiced in California elementary schools and as is commonly practiced in early childhood education.

A holder of a multiple subject credential who has completed 20 semester hours of coursework or 10 semester hours of upper division coursework in any subject commonly taught in grades 6, 7, 8, and 9 in departmentalized classes shall be eligible to have such subject appear on the credential as authorization to teach the subject in grades 6, 7, 8, and 9. However, the commission, by regulation, may provide that evidence of additional competence is necessary for instruction in particular subjects including, but not limited to, foreign languages.

(c) "Specialist instruction" means any specialty requiring advanced preparation or special competence including but not limited to, reading specialist, mathematics specialist, specialist in special education, or early childhood education, and such other specialties as the commission may determine.

(d) "Designated subjects" means the practice of assignment of teachers and students to designated technical, trade, or vocational

courses which courses may be part of a program of trade, technical, or vocational education.

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## CHAPTER 491

An act to amend Section 66427.1 of the Government Code, relating to real property conversions.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 66427.1 of the Government Code is amended to read:

66427.1. The legislative body shall not approve a final map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project unless it finds both that:

(a) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been or will be given 120 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion. The provisions of this subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to the provision of services, payment of rent or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.

(b) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been or will be given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

(c) This section shall not diminish, limit, or expand, other than as provided herein, the authority of any city, county, or city and county to approve or disapprove condominium projects.

## CHAPTER 492

An act to add Section 43.91 to the Civil Code, relating to privileged communications in peer review.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980]

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

SECTION 1. Section 43.91 is added to the Civil Code, to read:

43.91. (a) There shall be no monetary liability on the part of, and no cause of action shall arise against, any member of a duly appointed committee of a professional society which comprises a substantial percentage of the persons licensed pursuant to Part 1 (commencing with Section 10000) of Division 4 of the Business and Professions Code and situated in the geographic area served by the particular society, for any act or proceeding undertaken or performed within the scope of the functions of any such committee which is formed to maintain the professional standards of the society established by its bylaws, if such member acts without malice, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in reasonable belief that the action taken by him is warranted by the facts known to him after such reasonable effort to obtain facts.

(b) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any person on account of the communication of information in the possession of such person to any committee specified in subdivision (a) when such communication is intended to aid in the evaluation of the qualifications, fitness or character of a member or applicant for membership in any such professional society, and does not represent as true any matter not reasonably believed to be true.

(c) The immunities afforded by this section shall not affect the availability of any absolute privilege which may be afforded by Section 47.

(d) This section shall not be construed to confer immunity from liability on any professional society. In any case in which, but for the enactment of this section, a cause of action would arise against a professional society, such cause of action shall exist as if this section had not been enacted.

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## CHAPTER 493

An act to amend Sections 15813.2 and 15813.3 of, and to add Section 15813.8 to, the Government Code, relating to state government.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 15813.2 of the Government Code is amended to read:

15813.2. (a) Financing for works of art in state buildings shall be subject to an appropriation in the annual Budget Act. The Governor shall include a budget item for art in state buildings in the budget of the council in the annual budget submitted to the Legislature.

(b) The State Architect and the council, jointly, may accept from the council any federal money made available to the council and may expend such funds for the purposes specified in this chapter.

SEC. 2. Section 15813.3 of the Government Code is amended to read:

15813.3. In order to carry out the purposes of this chapter, the State Architect and the council, jointly, shall do all of the following:

(a) (1) Determine and implement procedures for the purchase or lease by written contract of existing works of art from an artist or the artist's authorized agent. Works of art to be purchased or leased shall be selected by the State Architect and the council, jointly, from lists of works prepared and submitted by the council or by advisory committees empowered by the council. In making such purchases or in executing such leases, preference may be given to artists who are California residents. No lease obligation shall be incurred under the provisions of this chapter without the prior approval of the Department of Finance.

(2) Determine and implement procedures, one of which shall provide for competition among artists, for the selection and commissioning of artists by written contract to create works of art. Commissioned artists shall be selected by the State Architect and the council, jointly, from lists of qualified and available artists prepared and submitted by the council or by advisory committees empowered by the council. In making such contracts, preference may be given to artists who are California residents.

(3) If competition among artists is the procedure for selection of an artist pursuant to paragraph (2), a panel of three judges shall be appointed to make such selection. The panel shall consist of the State Architect or a person designated by the State Architect, a member of the council or a person designated by the council, and one person selected by the other two who shall be a visual artist, an architect or designer, a person employed by an art museum, or a collector of visual art. At least one judge on each panel shall be a working visual artist.

(b) Consult with each artist commissioned regarding the design and placement of a work of art.

(c) Ensure that works of art acquired pursuant to this chapter are placed in a manner so that they are within public view.

(d) Ensure that the program for acquisition of works of art pursuant to this chapter results in participation by many different artists and in acquisitions from among many of the different art forms referred to in subdivision (b) of Section 15813.1. A person who is, or is related to, a member of the council or is employed by the council, or a person related to or employed in the office of the State Architect may not be selected or commissioned pursuant to this chapter.

(e) Cooperate with other affected state agencies and consult with the artist to insure that each work of art acquired pursuant to this chapter is properly maintained and is not artistically altered in any manner without the consent of the artist.

(f) Promulgate rules and regulations, as necessary, in consultation with the council, and any other person, group, or association in the State of California related to architecture, design, or the arts, so as to facilitate the implementation of the State Architect's responsibilities under this chapter.

(g) Authorize payments to artists for works of art acquired pursuant to this chapter.

SEC. 3. Section 15813.8 is added to the Government Code, to read:

15813.8. This chapter shall be known and may be cited as the Art in Public Buildings Program.

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## CHAPTER 494

An act to amend Section 653o of the Penal Code, relating to endangered species.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 653o of the Penal Code is amended to read:

653o. (a) It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any alligator, crocodile, polar bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (Canus lupus), zebra, whale, cobra, python, sea turtle, colobus monkey, kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or porpoise (Delphinidae), Spanish lynx, or elephant.

Any person who violates any provision of this section is guilty of a misdemeanor and shall be subject to a fine of not less than one thousand dollars ($1,000) and not to exceed five thousand dollars ($5,000) or imprisonment in the county jail for not to exceed six months, or both such fine and imprisonment, for each violation.

(b) The prohibitions against importation for commercial purposes, possession with intent to sell, and sale of the species listed

in this section are severable. A finding of the invalidity of any one or more prohibitions shall not affect the validity of any remaining prohibitions.

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## CHAPTER 495

An act to add Section 650.1 to the Business and Professions Code, relating to pharmacies.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 650.1 is added to the Business and Professions Code, to read:

650.1. (a) Any amount payable to any hospital, as defined in Section 4047, or any person or corporation prohibited from pharmacy permit ownership by subdivision (a) of Section 4080.5 under any rental, lease or service arrangement with respect to the furnishing or supply of pharmaceutical services and products, which is determined as a percentage, fraction, or portion of (1) the charges to patients or of (2) any measure of hospital or pharmacy revenue or cost, for pharmaceuticals and pharmaceutical services is prohibited.

(b) Any lease or rental arrangement existing on the effective date of this section shall be in full compliance with subdivision (a) by January 1, 1986.

(c) The California State Board of Pharmacy shall enforce this section and may require from any person such information as is necessary for the enforcement of this section.

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## CHAPTER 496

An act to amend Section 12205 of the Corporations Code, relating to cooperative corporations.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 12205 of the Corporations Code is amended to read:

12205. (a) Until December 31, 1981, the provisions of the General Nonprofit Corporation Law (Part 1 (commencing with Section 9000) of Division 2) in effect on December 31, 1979, apply to

cooperative corporations formed under this part, except where such provisions are in conflict with those of this part.

(b) On and after January 1, 1982, the provisons of the Nonprofit Mutual Benefit Corporation Law (Part 3 (commencing with Section 7110) of Division 2 of this title) apply to cooperative corporations formed under this part, except where such provisions are in conflict with those of this part.

(c) Corporations formed under this part have and enjoy all rights, powers, and privileges granted generally to corporations by the laws of this state, except as may be inconsistent with the provisions of this part.

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## CHAPTER 497

An act to amend Section 25608 of the Corporations Code, and to amend Sections 12214, 22202, 22208, 24202, and 24208 of, and to repeal Sections 12215, 12222, and 22208.5 of, the Financial Code, relating to regulated entities.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 25608 of the Corporations Code is amended to read:

25608. (a) The commissioner shall charge and collect the fees fixed in this section. All fees charged and collected under this section shall be transmitted to the State Treasurer at least weekly, accompanied by a detailed statement thereof and shall be credited to the General Fund.

(b) The fee for filing an application for a negotiating permit under subdivision (c) of Section 25102 is fifty dollars ($50).

(c) The fee for filing a notice pursuant to clause 5 of subdivision (h) of Section 25102 is twenty-five dollars ($25).

(d) The fee for filing an application for designation of an issuer pursuant to subdivision (k) of Section 25100 is fifty dollars ($50).

(e) The fee for filing an application for qualification of the sale of securities by notification under Section 25112 or by permit under Section 25113 (except applications for qualification by permit of the sale of any guarantee of any security, the fees for which applications are fixed in subdivision (j) of this section) is one hundred dollars ($100) plus one-tenth of 1 percent of the aggregate value of the securities sought to be sold in this state up to a maximum aggregate fee of one thousand seven hundred fifty dollars ($1,750).

(f) The fee for filing an application for qualification of the sale of securities by coordination under Section 25111 is one hundred dollars ($100) plus one-tenth of 1 percent of the aggregate value of the

securities sought to be sold in this state up to a maximum aggregate fee of one thousand five hundred fifty dollars ($1,550).

(g) For the purpose of determining the fees fixed in subdivisions (e) and (f):

(1) The value of the securities shall be the price at which the company proposes to sell the securities, or the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration (if other than money) to be received in exchange therefor, or of the securities when sold, whichever is greater.

(2) Interim or voting trust certificates shall have a value equal to the aggregate value of the securities to be represented by the interim or voting trust certificates.

(3) The value of a warrant or right to purchase or subscribe to another security of the same or another issuer shall be an amount equal to the consideration to be paid for such warrant or right plus an amount equal to the consideration to be paid upon purchase of the additional securities, provided that if such latter amount is not determinable at the time of qualification, such amount shall be the then value of such additional securities as determined by the commissioner.

(4) In the case of a share dividend where the shareholders are given an option to accept either cash or additional shares of common stock, the value of the securities to be sold shall be the maximum amount of cash which would be payable in the event that all shareholders elected to accept cash.

(h) The fee for filing an application for qualification of the sale of securities by permit under Section 25121 is:

(1) One hundred dollars ($100) in connection with any change (including any stock split or reverse stock split or stock dividend, except a stock dividend where the shareholders are given an option to accept either cash or additional shares of common stock) in the rights, preferences, privileges, or restrictions of or on outstanding securities;

(2) One hundred dollars ($100) plus one-tenth of 1 percent of the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration to be received in exchange therefor, up to a maximum aggregate fee of one thousand seven hundred fifty dollars ($1,750), in any exchange of securities by the issuer with its existing security holders exclusively, or in any exchange in connection with any merger or consolidation or purchase of corporate assets in consideration of the issuance of securities.

(i) The fee for filing an application for qualification of the sale of securities by notification under Section 25131 shall be sixty dollars ($60).

(j) The fee for an application for the removal of any condition under Section 25141 is fifty dollars ($50).

(k) The fee for filing any application for a permit to execute or

issue any guarantee of any security is fifty dollars ($50).

(*l*) The fee for acting as escrow holder for securities under Section 25149 is fifty dollars ($50). In addition, a fee of two dollars and fifty cents ($2.50) shall be paid for the deposit with the commissioner of each new certificate or other document resulting from a transfer in escrow.

(m) The fee for filing an application for an order (1) consenting to the transfer in escrow of securities, (2) consenting to the transfer of securities subject to any condition imposed by the commissioner requiring the commissioner's consent to such transfer, or (3) consenting to the transfer of securities subject to a legend stamped or printed on the certificates evidencing such securities pursuant to subdivision (h) of Section 25102, is ten dollars ($10) for each transferor.

(n) The filing fee for an amendment to an application filed after the effective date of the qualification of the sale of securities is fifty dollars ($50) plus any additional fee which would have been required to be paid with the original application for qualification of the sale of securities under this section if the matters set forth in the amendment had been included in the original application.

(o) (1) The fee for filing an application for a broker-dealer certificate under Section 25211 is three hundred dollars ($300).

(2) Each broker-dealer shall pay to the commissioner its pro rata share of all costs and expenses, reasonably incurred in the administration of the broker-dealer program under this division, as estimated by the commissioner for the ensuing year and any deficit actually incurred or anticipated in the administration of the program in the year in which such assessment is made. The pro rata share shall be the proportion which the broker-dealer's number of agents and offices in this state bears to the aggregate number of broker-dealer offices and agents in this state as shown by the annual reports to the commissioner. The pro rata share shall not include the costs of any examinations, audit, or investigation provided for in subdivision (r), unless they cannot be collected from the licensee examined, audited, or investigated.

(3) On or before the 30th day of May in each year, the commissioner shall notify each broker-dealer by mail of the amount assessed and levied against it and that amount shall be paid within 20 days thereafter. If payment is not made within 20 days, the commissioner shall assess and collect a penalty in addition to the assessment, of 1 percent of the assessment for each month or part of a month that the payment is delayed or withheld.

(4) In the levying and collection of the assessment, a broker-dealer shall not be assessed for nor be permitted to pay less than one hundred fifty dollars ($150) per year.

(5) If a broker-dealer fails to pay the assessment on or before the 30th day of June following the day upon which payment is due, the commissioner may by order summarily suspend or revoke the certificate issued to such broker-dealer. If, after such an order is

made, a request for hearing is filed in writing and a hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date. During any period when its certificate is revoked or suspended, a broker-dealer shall not conduct business pursuant to this division except as may be permitted by order of the commissioner; provided, however, that the revocation, suspension or surrender of a certificate shall not affect the powers of the commissioner as provided in this division.

(p) The commissioner may by rule fix a fee of not to exceed twenty-five dollars ($25) for the filing of a notice or report required by rule adopted pursuant to subdivision (b) of Section 25210.

(q) The fee for filing an application for an investment adviser under Section 25231 is two hundred fifty dollars ($250), and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year during the following calendar year. Every investment adviser who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of two hundred fifty dollars ($250) on or before the 15th day of December preceding the additional period.

(r) The fee for any examination, audit, or investigation is the actual amount of the salary or other compensation paid to the persons making the examination, audit, or investigation plus the actual amount of expenses including overhead reasonably incurred in the performance of the work.

(s) The fee for any hearing held by the commissioner pursuant to Section 25142 shall be the sum determined by the commissioner to cover the actual expense of noticing and holding such hearing.

(t) The commissioner may fix by rule a reasonable charge for any publications issued under his authority; provided, however, that such charges shall not be applicable to reports of the commissioner in the ordinary course of distribution.

(u) The fee for filing an offer under subdivision (b) of Section 25507 shall be the amount of filing fee payable under subdivision (e), (f), (h) or (i) of this section if an application had been filed to qualify the transaction in which the securities upon which the offer is to be made were sold in violation of the qualification provisions of this law.

(v) The fee for filing an application for exemption pursuant to subdivision (*l*) of Section 25100 is two hundred fifty dollars ($250).

SEC. 2. Section 12214 of the Financial Code is amended to read:

12214. (a) An applicant at the time of filing an application for a license under this division shall pay to the commissioner the sum of fifty dollars ($50) as a fee for investigating the application and two hundred dollars ($200) as an application fee. The investigation fee and application fee are not refundable if an application is denied or withdrawn.

(b) (1) Each licensee shall pay to the commissioner its pro rata share of all costs and expenses, reasonably incurred in the

administration of this division as estimated by the commissioner for the ensuing year and any deficit actually incurred or anticipated in the administration of the programs in the year in which such assessment is made. The pro rata share shall be the proportion which a licensee's gross income bears to the aggregate gross income of all licensees as shown by the annual financial reports to the commissioner. The pro rata share shall not include the costs of any examinations provided for in Section 12306, unless they cannot be collected from the licensee examined.

(2) On or before the 30th day of May in each year, the commissioner shall notify each licensee by mail of the amount assessed and levied against it and that amount shall be paid within 20 days thereafter. If payment is not made within 20 days, the commissioner shall assess and collect a penalty in addition to the assessment, of 1 percent of the assessment for each month or part of a month that the payment is delayed or withheld.

(3) In the levying and collection of the assessment, a licensee shall not be assessed for nor be permitted to pay less than one hundred fifty dollars ($150) per year.

(4) If a licensee fails to pay the assessment on or before the 30th day of June following the day upon which payment is due, the commissioner may by order summarily suspend or revoke the certificate issued to such licensee. If, after such an order is made, a request for hearing is filed in writing and a hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date. During any period when its certificate is revoked or suspended, a licensee shall not conduct business pursuant to this division except as may be permitted by order of the commissioner; provided, however, that the revocation, suspension or surrender of a certificate shall not affect the powers of the commissioner as provided in this division.

SEC. 3. Section 12215 of the Financial Code is repealed.

SEC. 4. Section 12222 of the Financial Code is repealed.

SEC. 5. Section 22202 of the Financial Code is amended to read:

22202. At the time of filing the application, the applicant shall pay to the commissioner, the sum of one hundred dollars ($100) as a fee for investigating the application and two hundred dollars ($200) as an application fee. The investigation fee and application fee are not refundable if an application is denied or withdrawn.

SEC. 6. Section 22208 of the Financial Code is amended to read:

22208. (a) Each licensee shall pay to the commissioner its pro rata share of all costs and expenses, reasonably incurred in the administration of this division, as estimated by the commissioner for the ensuing year and any deficit actually incurred or anticipated in the administration of the program in the year in which such assessment is made. The pro rata share shall be the proportion which a licensee's gross income bears to the aggregate gross income of all licensees as shown by the annual financial reports to the commissioner.

(b) On or before the 30th day of May in each year, the commissioner shall notify each licensee by mail of the amount assessed and levied against it and that amount shall be paid within 20 days thereafter. If payment is not made within 20 days, the commissioner shall assess and collect a penalty in addition to the assessment, of 1 percent of the assessment for each month or part of a month that the payment is delayed or withheld.

(c) In the levying and collection of the assessment, a licensee shall not be assessed for nor be permitted to pay less than one hundred fifty dollars ($150) per year.

(d) If a licensee fails to pay the assessment on or before the 30th day of June following the day upon which payment is due, the commissioner may by order summarily suspend or revoke the certificate issued to such licensee. If, after such an order is made, a request for hearing is filed in writing and a hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date. During any period when its certificate is revoked or suspended, a licensee shall not conduct business pursuant to this division except as may be permitted by order of the commissioner; provided, however, that the revocation, suspension or surrender of a certificate shall not affect the powers of the commissioner as provided in this division.

SEC. 7. Section 22208.5 of the Financial Code is repealed.

SEC. 8. Section 24202 of the Financial Code is amended to read:

24202. At the time of filing the application, the applicant shall pay to the commissioner the sum of one hundred dollars ($100) as a fee for investigating the application and two hundred dollars ($200) as an application fee. The investigation fee and application fee are not refundable if an application is denied or withdrawn.

SEC. 9. Section 24208 of the Financial Code is amended to read:

24208. (a) Each licensee shall pay to the commissioner its pro rata share of all costs and expenses, reasonably incurred in the administration of this division, as estimated by the commissioner for the ensuing year and any deficit actually incurred or anticipated in the administration of the program in the year in which such assessment is made. The pro rata share shall be the proportion which a licensee's gross income bears to the aggregate gross income of all licensees as shown by the annual financial reports to the commissioner.

(b) On or before the 30th day of May in each year, the commissioner shall notify each licensee by mail of the amount assessed and levied against it and that amount shall be paid within 20 days thereafter. If payment is not made within 20 days, the commissioner shall assess and collect a penalty in addition to the assessment, of 1 percent of the assessment for each month or part of a month that the payment is delayed or withheld.

(c) In the levying and collection of the assessment, a licensee shall not be assessed for nor be permitted to pay less than one hundred fifty dollars ($150) per year.

(d) If a licensee fails to pay the assessment on or before the 30th day of June following the day upon which payment is due, the commissioner may by order summarily suspend or revoke the certificate issued to such licensee. If, after such an order is made, a request for hearing is filed in writing and a hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date. During any period when its certificate is revoked or suspended, a licensee shall not conduct business pursuant to this divison except as may be permitted by order of the commissioner; provided, however, that the revocation, suspension or surrender of a certificate shall not affect the powers of the commissioner as provided in this division.

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## CHAPTER 498

An act to amend Section 987.85 of the Military and Veterans Code, relating to veterans.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 987.85 of the Military and Veterans Code is amended to read:

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 real property owned by the applicant and the improvements to be constructed thereon have not reached completion as evidenced by the issuance of a certificate of occupancy.

(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.

(e) Where the applicant is an Indian veteran and the application is for the construction of a dwelling house or other improvements on, or for the purchase of a mobilehome to be situated on, trust land in which the Indian veteran has an interest of record.

## CHAPTER 499

An act to amend Sections 21625, 21626, 21627, 21628, 21629, 21636, 21637, and 21638 of, to amend the heading of Article 4 (commencing with Section 21625) of Chapter 9 of Division 8 of, to add Sections 21629.5, 21640, 21641, 21642, 21645, and 21646 to, and to repeal Sections 21631, 21632, 21635, and 21639 of, the Business and Professions Code, and to amend Section 21280 of the Financial Code, relating to personal property.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 21625 of the Business and Professions Code is amended to read:

21625. It is the intent of the Legislature in enacting this article to curtail the dissemination of stolen property and to facilitate the recovery of stolen property by means of a uniform, statewide, state-administered program of regulation of persons whose principal business is the buying, selling, trading, auctioning, or taking in pawn of tangible personal property and to aid the State Board of Equalization to detect possible sales tax evasion.

Further, it is the intent of the Legislature in enacting this article to require the uniform statewide reporting of tangible personal property acquired by persons whose principal business is the buying, selling, trading, auctioning, or taking in pawn of tangible personal property, unless the property or the transaction is specifically exempt herein, for the purpose of correlating these reports with other reports of city, county, and city and county law enforcement agencies and further utilizing the services of the Department of Justice to aid in tracing and recovering stolen property.

Further, it is the intent of the Legislature that this article shall not be superseded or supplanted by the provisions of any ordinance or charter of any city, county, or city and county.

SEC. 1.5. Section 21626 of the Business and Professions Code is amended to read:

21626. (a) A "secondhand dealer," as used in this article, means and includes any person, copartnership, firm, or corporation whose principal business is primarily that of engaging in buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning or auctioning secondhand tangible personal property.

(b) "Secondhand dealer" also includes any person who engages in the business of buying or selling secondhand tangible personal property in excess of 20 percent of the gross sales and purchases of goods or merchandise sold or purchased in the regular course of business.

SEC. 2. Section 21627 of the Business and Professions Code is amended to read:

21627. (a) As used in this article, "tangible personal property" includes, but is not limited to, all secondhand tangible personal property which bears a serial number or personalized initials or inscription or which, at the time it is acquired by the secondhand dealer, bears evidence of having had a serial number or personalized initials or inscription.

(b) "Tangible personal property" also includes, but is not limited to, the following:

(1) All tangible personal property, new or used, received in pledge as security for a loan by a pawnbroker or a secondhand dealer acting as a pawnbroker.

(2) All tangible personal property that bears a serial number or personalized initials or inscription which is purchased by a secondhand dealer or a pawnbroker or which, at the time of such purchase, bears evidence of having had a serial number or personalized initials or inscription.

(3) All personal property commonly sold by secondhand dealers which statistically is found through crime reports to the Attorney General to constitute a significant class of stolen goods. A list of such personal property shall be supplied by the Attorney General to all local law enforcement agencies. Such list shall be reviewed periodically by the Attorney General to insure that it addresses current problems with stolen goods.

(c) As used in this article, "tangible personal property" does not include any new goods or merchandise purchased from a bona fide manufacturer or distributor or wholesaler of such new goods or merchandise by a secondhand dealer. For the purposes of this article, however, a secondhand dealer shall retain for one year from the date of purchase, and shall make available for inspection by any law enforcement officer, any receipt, invoice, bill of sale or other evidence of purchase of such new goods or merchandise.

SEC. 3. Section 21628 of the Business and Professions Code is amended to read:

21628. Every secondhand dealer described in Section 21626 shall report daily, or on the first working day after receipt or purchase of such property, on forms prescribed and provided at actual cost by the Department of Justice, all tangible personal property which he or she has purchased, taken in trade, taken in pawn, accepted for sale on consignment, or accepted for auctioning, to the chief of police or to the sheriff, in accordance with the provisions of Section 21630. The report shall include, but not be limited to, the following information:

(a) The name and address of the intended seller of the property.

(b) A complete and reasonably accurate description of such property, including serial numbers or other identifying marks or symbols.

(c) A certification by the intended seller that to his or her knowledge and belief the information is true and complete.

SEC. 4. Section 21629 of the Business and Professions Code is amended to read:

21629. The provisions of this article shall not apply to any tangible personal property which has been:

(a) Acquired in good faith in a transaction involving the stock in trade of another secondhand dealer who previously has made the report or reports required by this article of such property included in the transaction and who states in writing that the report or reports so required have been made, provided the acquiring secondhand dealer submits a copy of such statement to the chief of police or to the sheriff, and provided the acquiring secondhand dealer further reports, on forms prescribed and provided by the Department of Justice, all tangible personal property which he or she has acquired in such transaction to the chief of police or to the sheriff. Each of the secondhand dealers involved in the transaction shall retain a copy of the statement and the report referred to in this subdivision for a period of three years as a matter of record which shall be made available for inspection by any law enforcement officer.

No report to the chief of police or to the sheriff shall be required of the acquiring secondhand dealer if the other secondhand dealer states in writing under penalty of perjury, on a form prescribed and provided at actual cost by the department, that the report or reports required by this article have been properly made and submitted by such dealer. Such a declaration shall be delivered to the acquiring dealer, who shall retain it for a period of three years as a matter of record, and shall make it available for inspection by any law enforcement officer;

(b) Acquired in a nonjudicial sale, transfer, assignment, assignment for the benefit of creditors, or consignment of the assets or stock in trade, in bulk, or a substantial part thereof, of an industrial or commercial enterprise for purposes of voluntary dissolution or liquidation of the seller's business, or for the purpose of disposing of an excessive quantity of personal property; or which has been acquired in a nonjudicial sale or transfer from an owner of his or her entire household of personal property, or a substantial part thereof; provided, the secondhand dealer retains in his or her place of business for a period of three years a copy of the bill of sale, receipt, inventory list, or other transfer document as a matter of record which shall be made available for inspection by any law enforcement officer; and provided further, that the secondhand dealer notifies the chief of police or the sheriff that exemption from reporting is being claimed under this subdivision. "Industrial or commercial enterprise" and "owner" as used in this subdivision do not include a secondhand dealer;

(c) Acquired in a sale made by any public officer in his or her official capacity, trustee in bankruptcy, executor, administrator, receiver, or public official acting under judicial process or authority, or which has been acquired in a sale made upon the execution of, or by virtue of, any process issued by a court, or under the provisions

of Division 7 (commencing with Section 7101) of the Commercial Code;

(d) Acquired as the surplus property of the United States government or of a state, city, county, city and county, municipal corporation, or public district and which after requisition or acquisition by the United States government or by a state, city, county, city and county, municipal corporation, or public district has never thereafter been sold at retail; and

(e) Reported by a secondhand dealer as an acquisition or a purchase, or which has been reported as destroyed or otherwise disposed of, (1) to a state agency by the authority of any other law of this State; or (2) to a city, county, or city and county officer or agency by the authority of any other law of this State or a city, county, or city and county ordinance.

SEC. 4.5. The heading of Article 4 (commencing with Section 21625) of Chapter 9 of Division 8 of the Business and Professions Code is amended to read:

Article 4. Tangible Personal Property

SEC. 5. Section 21629.5 is added to the Business and Professions Code, to read:

21629.5. Notwithstanding Section 21629, the provisions of this article shall apply to any tangible personal property which has been acquired by a secondhand dealer with the understanding or expectation that such property would later be reacquired by the transferor or an agent thereof.

SEC. 6. Section 21631 of the Business and Professions Code is repealed.

SEC. 7. Section 21632 of the Business and Professions Code is repealed.

SEC. 8. Section 21635 of the Business and Professions Code is repealed.

SEC. 9. Section 21636 of the Business and Professions Code is amended to read:

21636. Every secondhand dealer shall retain in his possession for a period of 30 days all tangible personal property reported under the provisions of Sections 21628, 21629, and 21630. The 30-day holding period with respect to such tangible personal property shall commence with the date the report of its acquisition was made to the chief of police or to the sheriff by the secondhand dealer. The chief of police or the sheriff may for good cause, as specified by the Department of Justice, authorize prior disposition of any such property described in a specific report; provided, that a secondhand dealer who disposes of tangible personal property pursuant to such authorization shall report the sale thereof to the chief of police or the sheriff.

SEC. 10. Section 21637 of the Business and Professions Code is amended to read:

21637. Nothing herein contained shall be deemed to excuse compliance with the provisions of any city, county, or city and county ordinance or any other state law covering the reporting, holding, or releasing of tangible personal property, not inconsistent with the provisions of this article.

SEC. 11. Section 21638 of the Business and Professions Code is amended to read:

21638. The provisions of this article shall not prohibit enactment, amendment, or enforcement by any city, county, or city and county of any local ordinance relating to a secondhand dealer which is not inconsistent with the provisions of this article.

SEC. 12. Section 21639 of the Business and Professions Code is repealed.

SEC. 13. Section 21640 is added to the Business and Professions Code, to read:

21640. It is unlawful for any person to engage in the business of secondhand dealer, as defined in Section 21626, without being licensed as provided in this article.

SEC. 14. Section 21641 is added to the Business and Professions Code, to read:

21641. The chief of police, the sheriff or, where appropriate, the police commission, shall accept an application for and grant a license permitting the licensee to engage in the business of secondhand dealer, as defined in Section 21626, to an applicant who has not been convicted of an attempt to receive stolen property or any other offense involving stolen property. Prior to the granting of a license, the licensing authority shall submit the application to the Department of Justice. If the Department of Justice does not comment on the application within 30 days thereafter, the licensing authority may grant the applicant a license. All forms for application and licensure, and license renewal, shall be prescribed and provided by the Department of Justice. A fee may be charged to the applicant as specified by the Department of Justice for processing the initial license application.

SEC. 15. Section 21642 is added to the Business and Professions Code, to read:

21642. (a) A license granted pursuant to Section 21641 shall be renewable one year from the date of issue, and annually thereafter, upon the filing if a renewal application and the payment of a license renewal fee specified by the licensing authority.

(b) The license shall be subject to forfeiture by the licensing authority and the licensee's activities as a secondhand dealer shall be subject to being enjoined pursuant to Section 21646 for breach of any of the following conditions:

(1) The business shall be carried on only in the building or buildings designated in the license.

(2) The license or a copy thereof, certified by the licensing authority, shall be displayed on the premises where it can easily be seen.

(3) The licensee shall not engage in the business of secondhand dealer, as defined in Section 21626, with any minor.

(4) The licensee shall not engage in any act which is in violation of this article.

(5) The licensee shall not be convicted of an attempt to receive stolen property or any other offense involving stolen property.

SEC. 16. Section 21645 is added to the Business and Professions Code, to read:

21645. A violation of any provision of this article is a misdemeanor. Any person found guilty of a violation of a provision hereof shall be punished as follows:

(a) For the first offense, a fine of up to one thousand five hundred dollars ($1,500) or imprisonment in the county jail up to two months, or both.

(b) For the second offense, a fine of up to five thousand dollars ($5,000) or imprisonment in the county jail up to four months, or both.

(c) For the third, and any subsequent offense, a fine of up to twenty-five thousand dollars ($25,000) or imprisonment in the county jail up to six months, or both.

SEC. 17. Section 21646 is added to the Business and Professions Code, to read:

21646. The district attorney or the Attorney General, in the name of the people of the State of California, may bring an action to enjoin the violation or the threatened violation of any provision of this article or of any regulation made pertaining to the provisions of this article. Any proceeding brought hereunder shall be governed in all respects by the provisions of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

SEC. 17.5. Section 21208 of the Financial Code is amended to read:

21208. Every pawnbroker shall report daily or on the first working day after receipt or purchase, all descriptions of all property received in pledge or purchased as tangible personal property, as defined in Section 21627 of the Business and Professions Code, in whatever quantity received, including property purchased as tangible personal property at wholesale, tangible personal property taken in for sale or possessed on consignment for sale, and tangible personal property taken in trade.

If the transaction took place within the territorial limits of an incorporated city, the report shall be submitted to the police chief executive of the city. If the transaction took place outside the territorial limits of an incorporated city, the report shall be submitted to the sheriff of the county.

All reports shall be on forms prescribed and provided at actual cost by the Department of Justice. The police chief executive or sheriff who receives a report on a form filed pursuant to the provisions of this section shall daily submit a legible copy of the transactions to the Department of Justice.

SEC. 18. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because self-financing authority is provided in this act to cover certain costs that may be incurred in carrying on any program or performing any service required to be carried on or performed by this act and because the only other costs which may be incurred by a local agency or school district will be because this act creates a new crime or infraction, changes the definition of a crime or infraction, or eliminates a crime or infraction.

## CHAPTER 500

An act to amend Section 430.10 of the Code of Civil Procedure, relating to pleadings.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980 ]

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

SECTION 1. Section 430.10 of the Code of Civil Procedure as amended by Chapter 163 of the Statutes of 1980 is amended to read:

430.10. The party against whom a complaint or cross-complaint has been filed may object, by demurrer or answer as provided in Section 430.30, to the pleading on any one or more of the following grounds:

(a) The court has no jurisdiction of the subject of the cause of action alleged in the pleading.

(b) The person who filed the pleading does not have the legal capacity to sue.

(c) There is another action pending between the same parties on the same cause of action.

(d) There is a defect or misjoinder of parties.

(e) The pleading does not state facts sufficient to constitute a cause of action.

(f) The pleading is uncertain. As used in this subdivision, "uncertain" includes ambiguous and unintelligible.

(g) In an action founded upon a contract, it cannot be ascertained from the pleading whether the contract is written, or whether it is oral, or whether it is implied by conduct.

(h) No certificate was filed as required by Section 411.30 or 411.35.

## CHAPTER 501

An act to amend Sections 315, 601, 604, 708, 1301, 1303, 1900 and 15002 of the Corporations Code, relating to artificial entities.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 315 of the Corporations Code is amended to read:

315. (a) Except as provided in subdivision (b) or unless approved by the vote of the holders of a majority of the shares of all classes, regardless of limitations or restrictions on voting rights, other than shares held by a benefited director, officer, or shareholder, a corporation shall not make any loan of money or property to or guarantee the obligation of:

(1) Any director or officer of the corporation or of its parent or any subsidiary, or

(2) Any person upon the security of shares of the corporation or of its parent, unless the loan or guaranty is otherwise adequately secured.

(b) Any corporation may lend money to, or guarantee any obligation of any officer or other employee of the corporation or of any subsidiary, including any officer or employee who is also a director, pursuant to an employee benefit plan (including, without limitation, any stock purchase or stock option plan) available to executives or other employees, whenever the board determines that such loan or guaranty may reasonably be expected to benefit the corporation. If such plan includes officers or directors, it shall be approved by the shareholders (Section 153) after disclosure of the right under such plan to include officers or directors thereunder. A loan or guaranty under this subdivision may be with or without interest and may be unsecured or secured in such manner as the board shall approve, including, without limitation, a pledge of shares of the corporation.

(c) (1) The provisions of subdivisions (a) and (b) do not apply to any corporation subject to the Banking Law or to industrial loan companies or credit unions or to loans permitted under any statute regulating any special class of corporations.

(2) Notwithstanding subdivision (a) or (b), a corporation may advance money to a director or officer of the corporation or of its parent or any subsidiary for any expenses reasonably anticipated to be incurred in the performance of the duties of such director or officer, provided that in the absence of such advance such director or officer would be entitled to be reimbursed for such expenses by such corporation, its parent or any subsidiary.

(d) The provisions of subdivisions (a) and (b) do not apply to the

payment of premiums in whole or in part by a corporation on a life insurance policy on the life of a director or officer so long as repayment to the corporation of the amount paid by it is secured by the proceeds of the policy and its cash surrender value.

SEC. 2. Section 601 of the Corporations Code is amended to read:

601. (a) Whenever shareholders are required or permitted to take any action at a meeting a written notice of the meeting shall be given not less than 10 (or, if sent by third-class mail, 30) nor more than 60 days before the date of the meeting to each shareholder entitled to vote thereat. Such notice shall state the place, date and hour of the meeting and (1) in the case of a special meeting, the general nature of the business to be transacted, and no other business may be transacted, or (2) in the case of the annual meeting, those matters which the board, at the time of the mailing of the notice, intends to present for action by the shareholders, but subject to the provisions of subdivision (f) any proper matter may be presented at the meeting for such action. The notice of any meeting at which directors are to be elected shall include the names of nominees intended at the time of the notice to be presented by the board for election.

(b) Notice of a shareholders' meeting or any report shall be given either personally or by first-class mail, or, in the case of a corporation with outstanding shares held of record by 500 or more persons (determined as provided in Section 605) on the record date for the shareholders' meeting, notice may be sent third-class mail, or other means of written communication, addressed to the shareholder at the address of such shareholder appearing on the books of the corporation or given by the shareholder to the corporation for the purpose of notice; or if no such address appears or is given, at the place where the principal executive office of the corporation is located or by publication at least once in a newspaper of general circulation in the county in which the principal executive office is located. The notice or report shall be deemed to have been given at the time when delivered personally or deposited in the mail or sent by other means of written communication. An affidavit of mailing of any notice or report in accordance with the provisions of this division, executed by the secretary, assistant secretary or any transfer agent, shall be prima facie evidence of the giving of the notice or report.

If any notice or report addressed to the shareholder at the address of such shareholder appearing on the books of the corporation is returned to the corporation by the United States postal service marked to indicate that the United States postal service is unable to deliver the notice or report to the shareholder at such address, all future notices or reports shall be deemed to have been duly given without further mailing if the same shall be available for the shareholder upon written demand of the shareholder at the principal executive office of the corporation for a period of one year from the date of the giving of the notice or report to all other shareholders.

(c) Upon request in writing to the chairman of the board, president, vice president or secretary by any person (other than the board) entitled to call a special meeting of shareholders, the officer forthwith shall cause notice to be given to the shareholders entitled to vote that a meeting will be held at a time requested by the person or persons calling the meeting, not less than 35 nor more than 60 days after the receipt of the request. If the notice is not given within 20 days after receipt of the request, the persons entitled to call the meeting may give the notice or the superior court of the proper county shall summarily order the giving of the notice, after notice to the corporation giving it an opportunity to be heard. The procedure provided in subdivision (c) of Section 305 shall apply to such application. The court may issue such orders as may be appropriate, including, without limitation, orders designating the time and place of the meeting, the record date for determination of shareholders entitled to vote and the form of notice.

(d) When a shareholders' meeting is adjourned to another time or place, unless the bylaws otherwise require and except as provided in this subdivision, notice need not be given of the adjourned meeting if the time and place thereof are announced at the meeting at which the adjournment is taken. At the adjourned meeting the corporation may transact any business which might have been transacted at the original meeting. If the adjournment is for more than 45 days or if after the adjournment a new record date is fixed for the adjourned meeting, a notice of the adjourned meeting shall be given to each shareholder of record entitled to vote at the meeting.

(e) The transactions of any meeting of shareholders, however called and noticed, and wherever held, are as valid as though had at a meeting duly held after regular call and notice, if a quorum is present either in person or by proxy, and if, either before or after the meeting, each of the persons entitled to vote, not present in person or by proxy, signs a written waiver of notice or a consent to the holding of the meeting or an approval of the minutes thereof. All such waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meeting. Attendance of a person at a meeting shall constitute a waiver of notice of and presence at such meeting, except when the person objects, at the beginning of the meeting, to the transaction of any business because the meeting is not lawfully called or convened and except that attendance at a meeting is not a waiver of any right to object to the consideration of matters required by this division to be included in the notice but not so included, if such objection is expressly made at the meeting. Neither the business to be transacted at nor the purpose of any regular or special meeting of shareholders need be specified in any written waiver of notice, consent to the holding of the meeting or approval of the minutes thereof, unless otherwise provided in the articles or bylaws, except as provided in subdivision (f).

(f) Any shareholder approval at a meeting, other than unanimous approval by those entitled to vote, pursuant to Section 310, 902, 1201,

1900 or 2007 shall be valid only if the general nature of the proposal so approved was stated in the notice of meeting or in any written waiver of notice.

SEC. 3. Section 604 of the Corporations Code is amended to read:

604. (a) Any form of proxy or written consent distributed to 10 or more shareholders of a corporation with outstanding shares held of record by 100 or more persons shall afford an opportunity on the proxy or form of written consent to specify a choice between approval and disapproval of each matter or group of related matters intended to be acted upon at the meeting for which the proxy is solicited or by such written consent, other than elections to office, and shall provide, subject to reasonable specified conditions, that where the person solicited specifies a choice with respect to any such matter the shares will be voted in accordance therewith.

(b) In any election of directors, any form of proxy in which the directors to be voted upon are named therein as candidates and which is marked by a shareholder "withhold" or otherwise marked in a manner indicating that the authority to vote for the election of directors is withheld shall not be voted for the election of a director.

(c) Failure to comply with this section shall not invalidate any corporate action taken, but may be the basis for challenging any proxy at a meeting and the superior court may compel compliance therewith at the suit of any shareholder.

(d) This section does not apply to any corporation with an outstanding class of securities registered under Section 12 of the Securities Exchange Act of 1934 or whose securities are exempted from such registration by Section 12(g) (2) of that act.

SEC. 4. Section 708 of the Corporations Code is amended to read:

708. (a) Every shareholder complying with subdivision (b) and entitled to vote at any election of directors may cumulate such shareholder's votes and give one candidate a number of votes equal to the number of directors to be elected multiplied by the number of votes to which the shareholder's shares are normally entitled, or distribute the shareholder's votes on the same principle among as many candidates as the shareholder thinks fit.

(b) No shareholder shall be entitled to cumulate votes (i.e., cast for any candidate a number of votes greater than the number of votes which such shareholder normally is entitled to cast) unless such candidate or candidates' names have been placed in nomination prior to the voting and the shareholder has given notice at the meeting prior to the voting of the shareholder's intention to cumulate the shareholder's votes. If any one shareholder has given such notice, all shareholders may cumulate their votes for candidates in nomination.

(c) In any election of directors, the candidates receiving the highest number of affirmative votes of the shares entitled to be voted for them up to the number of directors to be elected by such shares are elected; votes against the director and votes withheld shall have no legal effect.

(d) Subdivision (a) applies to the shareholders of any mutual water company organized or existing for the purpose of delivering water to its shareholders at cost on lands located within the boundaries of one or more reclamation districts now or hereafter legally existing in this state and created by or formed under the provisions of any statute of this state, but does not otherwise apply to the shareholders of mutual water companies unless their articles or bylaws so provide.

(e) Elections for directors need not be by ballot unless a shareholder demands election by ballot at the meeting and before the voting begins or unless the bylaws so require.

SEC. 5. Section 1301 of the Corporations Code is amended to read:

1301. (a) If, in the case of a reorganization, any shareholders of a corporation hold shares coming within the descriptions of each of paragraphs (1), (2) and (3) of subdivision (b) of Section 1300, such corporation shall mail to each such shareholder a notice of the approval of the reorganization by its outstanding shares (Section 152) within 10 days after the date of such approval, accompanied by a copy of Sections 1300, 1302, 1303, 1304 and this section, a statement of the price determined by the corporation to represent the fair market value of the dissenting shares, and a brief description of the procedure to be followed if the shareholder desires to exercise the shareholder's right under such sections. The statement of price constitutes an offer by the corporation to purchase at the price stated any dissenting shares as defined in subdivision (b) of Section 1300, unless they lose their status as dissenting shares under Section 1309.

(b) Any shareholder who has a right to require the corporation to purchase the shareholder's shares for cash under Section 1300 and who desires the corporation to purchase such shares shall make written demand upon the corporation for the purchase of such shares and payment to the shareholder in cash of their fair market value. The demand is not effective for any purpose unless it is received by the corporation or any transfer agent thereof (1) in the case of shares described in clause (i) or (ii) of paragraph (1) of subdivision (b) of Section 1300 (without regard to the provisos in that paragraph), not later than the date of the shareholders' meeting to vote upon the reorganization, or (2) in any other case within 30 days after the date on which the notice of the approval by the outstanding shares pursuant to subdivision (a) or the notice pursuant to subdivision (i) of Section 1110 was mailed to the shareholder.

(c) The demand shall state the number and class of the shares held of record by the shareholder which the shareholder demands that the corporation purchase and shall contain a statement of what such shareholder claims to be the fair market value of those shares as of the day before the announcement of the proposed reorganization or short-form merger. The statement of fair market value constitutes an offer by the shareholder to sell the shares at such price.

SEC. 6. Section 1303 of the Corporations Code is amended to read:

1303. (a) If the corporation and the shareholder agree that the shares are dissenting shares and agree upon the price of the shares, the dissenting shareholder is entitled to the agreed price with interest thereon at the legal rate on judgments from the date of the agreement. Any agreements fixing the fair market value of any dissenting shares as between the corporation and the holders thereof shall be filed with the secretary of the corporation.

(b) Subject to the provisions of Section 1306, payment of the fair market value of dissenting shares shall be made within 30 days after the amount thereof has been agreed or within 30 days after any statutory or contractual conditions to the reorganization are satisfied, whichever is later, upon surrender of the certificates therefor, unless provided otherwise by agreement.

SEC. 7. Section 1900 of the Corporations Code is amended to read:

1900. (a) Any corporation may elect voluntarily to wind up and dissolve by the vote of shareholders holding shares representing 50 percent or more of the voting power.

(b) Any corporation which comes within one of the following descriptions may elect by approval by the board to wind up and dissolve:

(1) A corporation as to which an order for relief has been entered under Chapter 7 of the federal bankruptcy law.

(2) A corporation which has disposed of all of its assets and has not conducted any business for a period of five years immediately preceding the adoption of the resolution electing to dissolve the corporation.

(3) A corporation which has issued no shares.

SEC. 8. Section 15002 of the Corporations Code is amended to read:

15002. In this act, "court" includes every court and judge having jurisdiction in the case.

"Business" includes every trade, occupation, or profession.

"Person" includes individuals, partnerships, corporations, and other associations.

"Bankrupt" includes a debtor under Chapter 7 of the federal bankruptcy law or an insolvent under any state insolvent act.

"Conveyance" includes every assignment, lease, mortgage, or encumbrance.

"Real property" includes land and any interest or estate in land.

# CHAPTER 502

An act to amend Sections 798.3, 799.30, 799.39, and the heading of Article 2 (commencing with Section 799.30) of Chapter 2.6 of Title 2 of Part 2 of Division 2 of, to amend and renumber Sections 798.5, 798.6, 798.7, 798.8, 799.22, 799.23, 799.24, 799.25, and 799.26 of, to add Sections 799.23, 799.26, and 799.29 to, to add Article 4 (commencing with Section 799.45) and Article 5 (commencing with Section 799.50) to Chapter 2.6 of Title 2 of Part 2 of Division 2 of, and to repeal Section 799.40 of, and Chapter 2.7 (commencing with Section 800) of Title 2 of Part 2 of Division 2 of, the Civil Code, relating to landlord and tenant.

[Approved by Governor July 12, 1980. Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 798.3 of the Civil Code is amended to read:

798.3. "Mobilehome" is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. Mobilehome does not include a recreational vehicle, as defined in Section 799.24 or a commercial coach as defined in Section 18218 of the Health and Safety Code.

SEC. 2. Section 799.30 of the Civil Code is amended to read:

799.30. The registration agreement between a recreational vehicle park and an occupant thereof shall be in writing and shall contain, in addition to the provisions otherwise required by law to be included, the term of the occupancy and the rent therefor, and a statement of the grounds for which a defaulting occupant's recreational vehicle may be removed without a judicial hearing after the service of a 72-hour notice pursuant to Section 799.22 and the telephone number of the local traffic law enforcement agency.

SEC. 3. Section 799.39 of the Civil Code is amended to read:

799.39. The owner or manager of a recreational vehicle park who causes the removal of a defaulting occupant's recreational vehicle, and the individual or entity who removes such vehicle, shall exercise reasonable and ordinary care in removing such vehicle to the storage area. The owner or manager of a recreational vehicle park shall have a lien upon the recreational vehicle and the contents therein for the proper charges due from a defaulting occupant. Such a lien shall be identical to that authorized by Section 1861, and shall be enforced as provided by Sections 1861 to 1861.7, inclusive. Disposition of any possessions abandoned by an occupant at a recreational vehicle park shall be performed pursuant to Chapter 5 (commencing with Section 1980) of Title 5 of Part 4 of Division 3.

SEC. 4. The heading of Article 2 (commencing with Section 799.30) of Chapter 2.6 of Title 2 of Part 2 of Division 2 of the Civil

Code is amended to read:

Article 2. Registration Agreements of Occupants

SEC. 5. Section 798.5 of the Civil Code is amended and renumbered to read:

798.6. "Park" is a mobilehome park.

SEC. 6. Section 798.6 of the Civil Code is amended and renumbered to read:

798.8. "Rental agreement" is an agreement between the management and the tenant establishing the terms and conditions of a tenancy. A lease is a rental agreement.

SEC. 7. Section 798.7 of the Civil Code is amended and renumbered to read:

798.10. "Resident" is a tenant or other person who lawfully occupies a mobilehome.

SEC. 8. Section 798.8 of the Civil Code is amended and renumbered to read:

798.12. "Tenancy" is the right of a tenant to the use of a site within a mobilehome park on which to locate, maintain, and occupy a mobilehome, site improvements, and accessory structures for human habitation, including the use of the services and facilities of the park.

SEC. 9. Section 799.22 of the Civil Code is amended and renumbered to read:

799.24. (a) "Recreational vehicle" means a motor home, slide-in camper, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy.

(b) "Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite and designed for human habitation for recreational or emergency occupancy.

(c) "Motor home" means a vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, designed for human habitation for recreational or emergency occupancy.

(d) "Slide-in camper" means a portable unit, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and designed for human habitation for recreational or emergency occupancy and shall include a truck camper.

(e) "Travel trailer" means a portable unit, mounted on wheels, of such a size and weight as not to require special highway movement permits when drawn by a motor vehicle and for human habitation for recreational or emergency occupancy.

SEC. 10. Section 799.23 of the Civil Code is amended and renumbered to read:

799.25. "Recreational vehicle park" means either of the following:

(a) An area or tract of land, within an area zoned for recreational use, where one or more lots are occupied by owners or users of recreational vehicles or tents and which is customarily occupied for temporary purposes and where there is displayed in plain view on the property a sign indicating that the recreational vehicle may be removed from the premises for the reasons specified in Section 799.24 and containing the telephone number of the local traffic law enforcement agency.

(b) An area or tract of land or a separate designated section within a mobilehome park where one or more lots are occupied by owners or users of recreational vehicles used for travel or recreational purposes and where there is displayed in plain view in that area or tract of land or separate section within a mobilehome park a sign indicating that the recreational vehicle may be removed from the premises for the reasons specified in Section 799.24 and containing the telephone number of the local traffic law enforcement agency.

SEC. 11. Section 799.24 of the Civil Code is amended and renumbered to read:

799.22. "Defaulting occupant" means an occupant who fails to pay for his or her occupancy in a recreational vehicle park or who fails to comply with reasonable written rules and regulations of the recreational vehicle park given to the occupant upon registration.

SEC. 12. Section 799.25 of the Civil Code is amended and renumbered to read:

799.27. The rights created by this chapter shall be cumulative and in addition to any other legal rights the manager or owner of a recreational vehicle park may have against a defaulting occupant or tenant, or that a tenant or occupant may have against the manager or owner of a recreational vehicle park.

SEC. 13. Section 799.26 of the Civil Code is amended and renumbered to read:

799.28. Nothing in this chapter shall apply to a mobilehome as defined in Section 798.3.

SEC. 15. Section 799.23 is added to the Civil Code, to read:

799.23. "Occupant" means the owner or operator of a recreational vehicle who has been an occupant in a recreational vehicle park for less than 30 days.

SEC. 16. Section 799.26 is added to the Civil Code, to read:

799.26. "Tenant" means the owner or operator of a recreational vehicle who has been an occupant in a recreational vehicle park for 30 or more consecutive days.

SEC. 17. Section 799.29 is added to the Civil Code, to read:

799.29. No occupant registration agreement or tenant rental agreement for a recreational vehicle shall contain a provision by which the occupant or tenant waives his or her rights under the provisions of this chapter, and any such waiver shall be deemed contrary to public policy and void.

SEC. 18. Article 4 (commencing with Section 799.45) is added to Chapter 2.6 of Title 2 of Part 2 of Division 2 of the Civil Code, to read:

Article 4. Recreational Vehicle Park Tenants

799.45. The owner or manager of a recreational vehicle park shall not terminate or refuse to renew a tenancy except upon the giving of a written notice to the tenant in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the recreational vehicle from the park within a period as specified by this section, which period shall be specified in the notice.

(a) In the case of a tenant who has continuously resided in the park for less than nine months after January 1, 1980, such notice need not state cause for termination but must provide not less than 30 days' notice of termination of the tenancy.

(b) In the case of a tenant who has continually resided in the park for nine or more months after January 1, 1980, such termination shall be made pursuant to Article 6 (commencing with Section 798.55) of Chapter 2.5 of Title 2 of Part 2 of Division 2.

(c) Evictions pursuant to this article shall be subject to the requirements set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, except as otherwise provided herein.

799.46. A tenant of a recreational vehicle park shall give notice of intent to vacate consistent with that required of the park owner or operator.

799.47. The owner or manager of a recreational vehicle park shall have a lien upon the recreational vehicle and the contents therein for the proper charges due from a defaulting tenant. Such a lien shall be identical to that of the apartment keepers lien authorized by Section 1861a, and shall be enforced as provided therein. Disposition of any possessions abandoned by a tenant at a recreational vehicle park shall be performed pursuant to Chapter 5 (commencing with Section 1980) of Title 5 of Part 4 of Division 3.

799.48. Except as otherwise specifically provided by this chapter, the provisions of Article 1 (commencing with Section 798) to Article 6 (commencing with Section 798.55), inclusive, of Chapter 2.5 of Title 2 of Part 2 of Division 2 shall apply to tenants who have continually resided in the recreational vehicle park for nine months or more after January 1, 1980.

SEC. 19. Article 5 (commencing with Section 799.50) is added to Chapter 2.6 of Title 2 of Part 2 of Division 2 of the Civil Code, to read:

Article 5. Actions and Proceedings

799.50. In any action arising out of the provisions of this chapter, the prevailing party shall be entitled to reasonable attorney's fees and costs. A party shall be deemed a prevailing party for the purposes of this section if the judgment is rendered in his or her favor or where

the litigation is dismissed in his or her favor prior to or during the trial, unless the parties otherwise agree in the settlement or compromise.

799.51. In the event that a tenant, resident, occupant, or a former tenant, resident, or occupant is the prevailing party in a civil action against the owner or operator of a recreational vehicle park to enforce his or her rights under the provisions of this chapter, the tenant, occupant, or resident, in addition to damages afforded by law, may, in the discretion of the court, be awarded an amount not to exceed five hundred dollars ($500) for each willful violation of these provisions by the owner or operator.

SEC. 20. Section 799.40 of the Civil Code is repealed.

SEC. 21. Chapter 2.7 (commencing with Section 800) of Title 2 of Part 2 of Division 2 of the Civil Code is repealed.

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## CHAPTER 503

An act to amend Section 233.5 of the Civil Code, relating to confidentiality of records.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

SECTION 1. Section 233.5 of the Civil Code is amended to read:

233.5. A petition filed in any superior court proceeding under this chapter and any reports of the probation officer or county department designated by the board of supervisors to administer the public social services program filed in any such case may be inspected only by court personnel, the minor who is the subject of the proceeding, his parents or guardian, and the attorneys for such parties, and such other persons as may be designated by the judge of the superior court.

In any proceeding before the court of appeal or Supreme Court to review a judgment or order entered in a superior court proceeding under this chapter, the superior court record and briefs filed by the parties may be inspected only by court personnel, by any party to the proceeding, by the attorneys for such parties, and such other persons as may be designated by the presiding judge of the court before which the matter is pending.

# CHAPTER 504

An act to add Article 6 (commencing with Section 66755) to Chapter 1 of Title 7.3 of the Government Code, relating to solid waste.

[Became law without Governor's signature. Filed with Secretary of State July 14, 1980.]

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

SECTION 1. Article 6 (commencing with Section 66755) is added to Chapter 1 of Title 7.3 of the Government Code, to read:

## Article 6. Solid Waste Handling by Local Agencies

66755. As an essential part of the state's comprehensive program for solid waste management and resource recovery and for the preservation, health, safety, and well-being of the public, the Legislature declares that it is in the public interest that the state, as a sovereign, authorize and require local agencies, as subdivisions of the state, to make adequate provision for solid waste handling within their respective jurisdictions. The provisions of this article authorizing and requiring local agencies to provide adequate solid waste handling services, and the actions of local agencies taken pursuant thereto, are intended to implement that state policy.

66756. Each county, city and county, city, special district, or other local governmental agency which provides solid waste handling services shall provide for such services, including, but not limited to, collection, transfer, and disposal of solid waste within or without the territory subject to its solid waste handling jurisdiction pursuant to the provisions of this article. Such solid waste handling services shall be provided for by one or any combination of the following:

(a) The furnishing of the services by the local agency itself.

(b) The furnishing of the services by another local agency or agencies.

(c) The furnishing of the services by a solid waste enterprise or enterprises.

66757. Notwithstanding any other provision of law, each county, city and county, city, special district, or other local governmental agency may determine all of the following:

(a) Aspects of solid waste handling which are of local concern including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, nature, location, and extent of providing solid waste handling services.

(b) Whether such services are to be provided by means of nonexclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding, or, if in the opinion of its

governing body, the public health, safety and well-being so require, by partially exclusive or wholly exclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding. Such authority to provide solid waste handling services may be granted under such terms and conditions as are prescribed by the governing body of the local governmental agency by resolution or ordinance.

(c) Nothing in this chapter shall modify or abrogate in any manner any franchise heretofore granted or extended by any county or other local governmental agency.

The provisions of this article do not require any local agency to provide for services, or for any level of service, but, instead, specify the means by which services, if provided, may be performed. Notwithstanding any other provisions of law to the contrary, no local agency shall in any way be liable for its failure to provide service or for any action or failure to act by a solid waste enterprise.

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## CHAPTER 505

An act to add Section 11364.5 to the Health and Safety Code, relating to minors.

[Approved by Governor July 14, 1980. Filed with Secretary of State July 14, 1980.]

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

SECTION 1. Section 11364.5 is added to the Health and Safety Code, to read:

11364.5. (a) Except as authorized by law, no person shall maintain or operate any place of business in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away unless such drug paraphernalia are completely and wholly kept, displayed or offered within a separate room or enclosure to which persons under the age of 18 not accompanied by a parent or legal guardian are excluded. Each entrance to such a room or enclosure shall be signposted in reasonably visible and legible words to the effect that drug paraphernalia are kept, displayed or offered in such room or enclosure and that minors, unless accompanied by a parent or legal guardian, are excluded.

(b) Except as authorized by law, no owner, manager, proprietor or other person in charge of any room or enclosure, within any place of business, in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away shall permit or allow any person under the age of 18 years to enter, be in, remain in or visit such room or enclosure unless such minor person is accompanied by one of his or her parents or by his or her legal

guardian.

(c) Unless authorized by law, no person under the age of 18 years shall enter, be in, remain in or visit any room or enclosure in any place of business in which drug paraphernalia are kept, displayed or offered in any manner, sold, furnished, transferred or given away unless accompanied by one of his or her parents or by his or her legal guardian.

(d) As used in this section, "drug paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. "Drug paraphernalia" includes, but is not limited to, all of the following:

(1) Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(2) Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(3) Isomerization devices intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.

(4) Testing equipment intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances.

(5) Scales and balances intended for use or designed for use in weighing or measuring controlled substances.

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, intended for use or designed for use in cutting controlled substances.

(7) Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

(8) Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding controlled substances.

(9) Capsules, balloons, envelopes, and other containers intended for use or designed for use in packaging small quantities of controlled substances.

(10) Containers and other objects intended for use or designed for use in storing or concealing controlled substances.

(11) Hypodermic syringes, needles, and other objects intended for use or designed for use in parenterally injecting controlled substances into the human body.

(12) Objects intended for use or designed for use in ingesting,

inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.

(B) Water pipes.

(C) Carburetion tubes and devices.

(D) Smoking and carburetion masks.

(E) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand.

(F) Miniature cocaine spoons, and cocaine vials.

(G) Chamber pipes.

(H) Carburetor pipes.

(I) Electric pipes.

(J) Air-driven pipes.

(K) Chillums.

(L) Bongs.

(M) Ice pipes or chillers.

(e) In determining whether an object is drug paraphernalia, a court or other authority may consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use.

(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.

(3) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this section. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this section shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.

(4) Instructions, oral or written, provided with the object concerning its use.

(5) Descriptive materials, accompanying the object which explain or depict its use.

(6) National and local advertising concerning its use.

(7) The manner in which the object is displayed for sale.

(8) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

(9) The existence and scope of legitimate uses for the object in the community.

(10) Expert testimony concerning its use.

(f) This section shall not apply to any of the following:

(1) Any pharmacist or other authorized person who sells or furnishes drug paraphernalia described in paragraph (11) of

subdivision (d) upon the prescription of a physician, dentist, podiatrist or veterinarian.

(2) Any physician, dentist, podiatrist or veterinarian who furnishes or prescribes drug paraphernalia described in paragraph (11) of subdivision (d) to his or her patients.

(3) Any manufacturer, wholesaler or retailer licensed by the California State Board of Pharmacy to sell or transfer drug paraphernalia described in paragraph (11) of subdivision (d).

(g) Notwithstanding any other provision of law, including Section 11374, violation of this section shall not constitute a criminal offense, but operation of a business in violation of the provisions of this section shall be grounds for revocation or nonrenewal of any license, permit, or other entitlement previously issued by a city, county, or city and county for the privilege of engaging in such business and shall be grounds for denial of any future license, permit, or other entitlement authorizing the conduct of such business or any other business, if the business includes the sale of drug paraphernalia.

SEC. 2. Nothing in this act or any other provision of law shall invalidate an ordinance of, or be construed to prohibit the adoption of an ordinance by, a city or county or a city and county regulating the sale or display to persons under the age of 18 years of items described in Section 11364.5 of the Health and Safety Code or in Section 306 of the Penal Code.

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## CHAPTER 506

An act to add Section 14317 to the Government Code, relating to the State Contract Act.

[Became law without Governor's signature. Filed with Secretary of State July 15, 1980 ]

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

SECTION 1. Section 14317 is added to the Government Code, to read:

14317. No bid shall include any sales taxes to be paid by the bidder and any such sales taxes shall be disregarded in awarding a contract under this chapter.

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## CHAPTER 507

An act to amend Section 76008 of the Government Code, relating to grand juries.

[Became law without Governor's signature. Filed with Secretary of State July 15, 1980.]

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

SECTION 1. Section 76008 of the Government Code is amended to read:

76008. In a county of the 8th class, the fee for trial jurors for attendance in any court is five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile actually and necessarily traveled in attending upon court, in going only, the mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury, jurors shall receive five dollars ($5). For each mile actually traveled, in going only, in attending court as a juror, meetings of the grand jury, grand jury committee meetings, and in making investigations upon the order of the grand jury, the same rate of mileage shall be allowed as is allowed to management employees of such county for use of a privately owned automobile on official business of the county.

SEC. 2. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Furthermore, this act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of this act.

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## CHAPTER 508

An act to amend Sections 73682, 73683, 73684, and 73691 of, and to add Section 73681.1 to, the Government Code, relating to courts.

[Became law without Governor's signature. Filed with Secretary of State July 15, 1980.]

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

SECTION 1. Section 73681.1 is added to the Government Code, to read:

73681.1. The judges of the Consolidated Fresno Judicial District may appoint one court commissioner who shall possess the same qualifications as the law requires of a judge of a municipal court. He or she shall hold office at the pleasure of the judges and shall receive a salary of from 50 percent, to 75 percent, of the salary of a judge of the municipal court.

SEC. 2. Section 73682 of the Government Code is amended to read:

73682. There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the clerk, administrator and secretary of the court. He shall receive a salary at range 882.

SEC. 3. Section 73683 of the Government Code is amended to read:

73683. (a) The clerk may appoint the following court personnel who shall receive salaries at the ranges indicated:

(1) Three chief deputy clerks at salary range 584.
(2) Ten court clerks at salary range 502.
(3) Nine deputy clerks II at salary range 502.
(4) Five deputy clerks I at salary range 402.
(5) One secretary at salary range 492.
(6) One stenographer-secretary at salary range 477.
(7) Two stenographers II at salary range 393.
(8) Two stenographers I at salary range 322.
(9) One supervising data entry operator at salary range 436.
(10) Four data entry operators II at salary range 368.
(11) Four data entry operators I at salary range 287.
(12) Twenty-six typist-clerks II at salary range 341.
(13) Twenty-six typist-clerks I at salary range 287.

(b) The clerk may appoint any combination of stenographers and secretaries described in paragraphs (5), (6), (7), and (8) of subdivision (a) not to exceed a total of two, may appoint any combination of typists described in paragraphs (12) and (13) of subdivision (a) not to exceed a total of 26, and may appoint any combination of data entry operators described in paragraphs (10) and (11) of subdivision (a) not to exceed a total of four.

SEC. 4. Section 73684 of the Government Code is amended to read:

73684. Whenever reference to a numbered salary range is made in any section of this article, the schedule found in the salary ordinance of the County of Fresno in effect August 17, 1979, shall apply.

Except as specifically provided in this article to the contrary, all benefits, privileges and other provisions affecting the employment of county employees shall apply to all officers and attachés of the municipal court.

SEC. 5. Section 73691 of the Government Code is amended 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 established according to the following salary schedule:

Step 1. $20,579
Step 2. $21,602
Step 3. $22,694
Step 4. $23,820

Reporters shall initially be placed at step 1 of the salary schedule except reporters may be placed at a higher step with the approval of the county administrative officer, and shall be advanced one step annually upon the anniversary date of such employment. If, because of recruitment difficulties, it is necessary to appoint a court reporter at a step of the salary schedule which is above the step at which any court reporters are currently employed, all court reporters below that step will move to the higher step at the discretion of the judges of the court. Each such reporter shall accrue and be entitled to receive sick leave benefits at the rate of 3.6924 hours of sick leave with pay for each pay period or major fraction thereof, served up to an accumulative total of 156 working days. Each such reporter shall accrue and receive vacation at the same rate as judges of such 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.

SEC. 6. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 or 2234 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 since, as provided for in Section 6(a) of Article XIII B of the California Constitution, this act is requested by the local agency affected. Moreover, there shall be no claim considered with respect to this act by the State Board of Control pursuant to Section 905.2 of the Government Code, and the Department of Finance shall not review or report on this act pursuant to Section 2246 of the Revenue and Taxation Code.

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## CHAPTER 509

An act to amend Sections 74192, 74193, 74194, and 74195 of the Government Code, relating to courts.

[Became law without Governor's signature Filed with Secretary of State July 16, 1980]

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

SECTION 1. Section 74192 of the Government Code is amended to read:

74192. (a) There shall be one clerk and administrator who shall be appointed by the judges of the court and who shall be secretary of the court. The clerk and administrator shall receive a biweekly salary at a rate specified in range 1362. Appointment to such position shall be at step C. The position of clerk and administrator shall not be deemed to be a civil service position.

(b) There shall be one administrative assistant to the court who

shall be appointed by the judges of the court and who shall hold office at their pleasure and perform such duties as may be required of him or her by the court or the judges. The administrative assistant to the court shall receive a biweekly salary at a rate specified in range 970. The position of administrative assistant to the court shall not be deemed to be a civil service position.

(c) There shall be one administrative officer for the court who shall be appointed by the judges of the court and who shall hold office at their pleasure and perform such duties as may be required of him or her by the court or the judges. The administrative officer for the court shall receive a biweekly salary at a rate specified in range 1266. Appointment to such position shall be at step C. The position of administrative officer shall not be deemed to be a civil service position.

(d) There shall be two senior legal stenographers for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required by the court or the judges. The senior legal stenographer for the court shall receive a biweekly salary at a rate specified in range 613. The position of senior legal stenographer shall not be deemed to be a civil service position.

(e) There shall be one senior deputy clerk for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required of him or her by the court or the judges. The senior deputy clerk for the court shall receive a biweekly salary at a rate specified in range 562. The position of senior deputy clerk for the court shall not be deemed to be a civil service position.

(f) There shall be one principal deputy clerk-limited term for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required of him or her by the court or the judges. Each principal deputy clerk for the court shall receive a salary at a rate specified in range 859. The position of principal deputy clerk for the court shall not be deemed to be a civil service position.

(g) There shall be two legal research assistants who shall be appointed by the judges of the court and who shall perform such duties as may be required by the court or the judges. Each legal research assistant shall receive a salary at a rate specified in range 646. The position of legal research assistant shall not be deemed to be a civil service position.

SEC. 2. Section 74193 of the Government Code is amended to read:

74193. The clerk and administrator shall appoint:

(a) Three justice court clerks, who shall receive a biweekly salary at a rate specified in range 562.

(b) Three deputy clerks, who shall be principal deputy clerks, each of whom shall receive a biweekly salary at a rate specified in range 859.

(c) Eighteen deputy clerks, who shall be court clerks, each of whom shall receive a biweekly salary at a rate specified in range 789.

(d) Three deputy clerks, who shall be deputy clerks II, each of whom shall receive a biweekly salary at a rate specified in range 521.

(e) Eighteen deputy clerks who shall be typist-clerks II, each of whom shall receive a biweekly salary at a rate specified in range 447.

(f) Fifteen deputy clerks, who shall be senior deputy clerks, each of whom shall receive a biweekly salary at a rate specified in range 562.

(g) Six deputy clerks, who shall be associate deputy clerks, each of whom shall receive a biweekly salary at a rate specified in range 469.

(h) Eighteen deputy clerks, who shall be cashier-clerks, each of whom shall receive a biweekly salary at a rate specified in range 479.

(i) One deputy clerk, who shall be an accountant III, who shall receive a biweekly salary at a rate specified in range 970.

(j) Five deputy clerks, who shall be account clerks II, each of whom shall receive a biweekly salary at a rate specified in range 536.

(k) One deputy clerk, who shall be a data-processing technician III, who shall receive a biweekly salary at a rate specified in range 672.

(*l*) One deputy clerk, who shall be a data-processing technician II, who shall receive a biweekly salary at a rate specified in range 586.

(m) One deputy clerk, who shall be a keypunch supervisor, who shall receive a biweekly salary at a rate specified in range 613.

(n) Eight deputy clerks, who shall be keypunch operators, each of whom shall receive a biweekly salary at a rate specified in range 488.

SEC. 3. Section 74194 of the Government Code is amended to read:

74194. There shall be one marshal, Sacramento County, who shall be appointed by the judges of the court, and who shall receive a biweekly salary at a rate specified in range 1330. Initial appointments will be in step C of that range. The position of marshal shall not be deemed to be a civil service position.

SEC. 4. Section 74195 of the Government Code is amended to read:

74195. The marshal shall appoint:

(a) One assistant marshal, who shall receive a biweekly salary at a rate specified in range 1067.

(b) One deputy marshal, who shall be a senior marshal's sergeant, who shall receive a biweekly salary at a rate specified in range 958.

(c) Eight deputy marshals, who shall be marshal's sergeants, each of whom shall receive a biweekly salary at a rate specified in range 874.

(d) Twenty-five deputy marshals, who shall be bailiffs, each of whom shall receive a biweekly salary at a rate specified in range 792.

(e) One deputy marshal, who shall be a principal deputy clerk, who shall receive a biweekly salary at a rate specified in range 859.

(f) One typist-clerk III, who shall receive a biweekly salary at a rate specified in range 562.

(g) Three deputy marshals, who shall be senior deputy clerks,

each of whom shall receive a biweekly salary at a rate specified in range 562.

(h) Four deputy marshals, who shall be associate deputy clerks, each of whom shall receive a biweekly salary at a rate specified in range 469.

The assistant marshal and all deputy marshals listed in subdivisions (a) to (d), inclusive, are authorized incentive pay in addition to the above rates as follows:

| | |
|---|---|
| 2½% of base pay | (1) Intermediate POST Certificate |
| 5% of base pay | (1) AA Degree or<br>(2) Advance POST Certificate |
| 7½% of base pay | (1) BS Degree or<br>(2) AA Degree + Intermediate POST Certificate |
| 10% of base pay | (1) BS Degree + Intermediate POST Certificate<br>(2) AA Degree + Advance POST Certificate |
| 12½% of base pay | (1) BS Degree + Advance POST Certificate |

SEC. 5. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Furthermore, this act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of this act.

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## CHAPTER 510

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 16, 1980 ]

I object to the following appropriations contained in Assembly Bill No. 2020:

Item 76—For support of the Board of Dental Examiners I reduce this item from $1,239,284 to $1,133,930

This action will reduce the legislative augmentation of $198,354 for funding of various Dental Board activities by $105,354 Sufficient resources remain in the Board's budget to perform its functions including workload increases that have developed since the introduction of the budget.

Item 102—For support of the board of Landscape Architects I reduce this item from $120,100 to $102,716.

I am eliminating the legislative augmentation of $17,384 for increasing the Executive Secretary's time base. There have been no workload increases to support this augmentation

Item 131—For support of the Department of General Services. I reduce this item from $145,663,305 to $145,530,550 by reducing (a) Personal services from $81,243,315 to $81,115,270 and (b) Operating expenses and equipment from $82,673,698 to $82,668,988.

I am reducing this item to eliminate the eight position augmentation to the California State Police. The California State Police are sufficiently staffed for 1980–81 workload and there is no justification for the additional positions

Item 180—For local assistance, Highway Transportation Program, Department of Transportation I reduce this item from $39,986,400 to $34,986,400 by reducing (a) Local assistance from $168,327,400 to $163,327,400.

I am reducing from $15,000,000 to $10,000,000 the augmentation for grade separation projects This action maintains the current annual expenditure of $25 million and represents an adequate level of funding

Item 281—For local assistance, for alcoholism programs I reduce this item from $34,056,542 to $33,839,164 by reducing (a) County based programs from $39,300,978 to $39,083,600.

I am reducing $217,378 of the $417,378 added to this item to raise minimum alcoholism allocations to small counties The amount remaining contains sufficient funding to raise the minimum small county allocation to $45,000 which will provide for a more adequate level of service

Item 284—For support of Department of Health Services. I am reducing this item from $76,286,618 to $76,172,598 by reducing (a) Personal services from $92,166,456 to $92,073,001 and (b) Operating expenses and equipment from $55,944,446 to $55,923,881.

I am eliminating the $114,020 and 4 positions resulting from the legislative augmentation for the Family Planning Program. While I strongly support this program, and have approved the $7 million legislative augmentation in Item 292, I believe sufficient staff exists within the Department of Health Services to accommodate this increased workload.

Item 288—For local assistance, Department of Health Services, Medical Assistance Program, County Administration. I am reducing this item from $98,341,763 to $97,860,428 by reducing (a) State share from $98,341,763 to $97,860,428 and (b) Federal funds per Section 8.7 from ($48,448,190) to ($48,214,635) I am reducing this item by $481,335 The Department of Health Services will continue to work with Los Angeles County hospitals to further improve efficiency and administrative costs pursuant to stated legislative intent Funds remain to reimburse Los Angeles County hospitals at a rate of $249 per application This is $96 above the statewide average reimbursement for all county hospitals

Item 297—For local assistance, Department of Developmental Services I reduce this item from $483,681,405 to $479,823,572 by reducing (a) hospital services from $287,064,870 to $286,207,037 and by eliminating (n) Program Development Fund—Community Placement of State Hospital Residents in the amount of $3,000,000

I am reducing category (a) State hospital services by $857,833 by eliminating the

augmentation to provide phase-out funding for Medi-Cal assistance positions. Sufficient turnover and vacancies exist in nursing and clerical positions in State hospitals to accommodate all employees affected without this additional funding Item 296(b), payable from Item 297(a), will be adjusted accordingly to reflect this reduction in State hospital services.

I am approving the $1,500,000 augmentation for (h) Community Living Continuums and $750,000 for (m) Special Pilot Projects to fund community placement of State hospital residents.

I am eliminating $3,000,000 and language added to specifically fund community placement of State hospital residents through the Program Development Fund process. Historically, the Program Development Fund has been supported through parental fees or Federal funds, this augmentation would create an undesirable precedent at this time. However, I plan to sign Assembly Bill 2845 which appropriates $2,000,000 from the General Fund to the Department of Developmental Services for this same purpose

Item 309—For support of the Department of Social Services I reduce this item from $40,965,364 to $40,952,356 by reducing the following schedules: (a) Personal services from $76,944,377 to $76,918,384, (b) Operating expenses and equipment from $23,002,718 to $22,996,190, and (g) Federal funds from −$66,559,757 to −$66,540,244 I am reducing the General Fund augmentation to the Child Support Enforcement Program by $13,008. I support Child Support Enforcement Programs and the 4 5 new positions already included in the budget are adequate for this purpose

Item 312—For local assistance, special social services programs I reduce this item from $186,219,615 to $185,838,115 by reducing category (e) Demonstration programs from $6,011,894 to $5,630,394. I am eliminating the $381,500 General Fund augmentation to continue the Respite Care demonstration project. Experience to date with this demonstration project has provided the Department of Social Services with sufficient information to determine the more effective features of the project and include them into existing or proposed Social Services programs where appropriate

I have approved the augmentation of $1,682,729 for funding social services for the deaf for the purposes of implementing provisions of AB 2980, which provides for a competitive selection process to carry out the purposes of this augmentation. I have instructed the Director of Social Services to assure necessary continuity of the existing deaf services contracts pending passage and implementation of this legislation.

Item 312 3—I am eliminating this item and the $56,640 augmentation to the Department of Social Services to continue the Prevention of Early Teenage Pregnancy demonstration project. However, I am concerned with the needs of the target group that this demonstration project serves, and I am directing the Department of Health Services to continue this demonstration project for an additional year, in the amount of $56,640, to be funded within the $7,076,616 augmentation provided Family Planning in this budget

Item 378—For support of Hastings College of Law. I reduce this item from $6,215,572 to $6,170,035 by reducing (a) Personal services from $6,040,948 to $5,997,211 and (b) Operating expense and equipment from $2,948,271 to $2,946,471

I am reducing this item to eliminate the addition of three library assistant positions The College agrees that the staffing level proposed in the Governor's Budget is adequate

Item 379—For support of California State University and Colleges I reduce this item from $846,114,983 to $845,614,983 by reducing (a) Instruction from $543,004,851 to $542,504,851

I have eliminated the legislative augmentation of $500,000 for campus supplies and services since it provides a partial restoration of Section 27.1 reductions imposed on CSUC in 1979–80 The original reduction in this area represented the priority as established by CSUC Special price increases included in the Budget will cover this need

Item 407—For local assistance, Department of Youth Authority I reduce this item from $1,000,000 to $800,000

I am reducing $200,000 of the legislative augmentation The remaining $600,000 is

sufficient to finance currently authorized State funded youth delinquency prevention programs.

Item 549—For capital outlay, University of California I reduce this item from $9,560,000 to $9,487,000 by reducing schedule (11 1) Berkeley Campus, Preliminary plans and working drawings for Cory Hall alterations (microelectronics fabrications laboratory) from $112,000 to $39,000

As we all know, the electronics industry in California is extremely important to our economy, employing several thousand individuals and generating billions of dollars in sales A serious shortage of qualified electronics engineers in microelectronics does exist which may jeopardize the State of California's leadership role in this field of technology I recognize steps must be taken to keep pace with latest development of this new technology and the UC Berkeley Research program has been in the forefront I do, however, want to ensure that cost-effective plans are employed for use of available space and other resources Therefore, I am approving this augmentation at a lower amount of $39,000 in order to provide preliminary plans for the projects. I have reduced this item because I believe it is premature to appropriate working drawing funds until a campus space plan which addresses the total space available and the future costs associated with the renovations of existing facilities is completed.

Item 567—For Capital Outlay, Department of Corrections. I reduce this item from $20,970,071 to $18,570,071 by eliminating (a) Mira Loma

The Department of Corrections has withdrawn the Mira Loma facility from its proposed Master Plan because of opposition from the Los Angeles County Board of Supervisors Therefore the funds are no longer needed.

Section 10.21—I am eliminating Section 10.21 containing a reappropriation of $323,000 in General Funds. However, I am supporting child care legislation which increases the reimbursement rate factor for children with special needs in child care centers

With the above deletions and reductions, I hereby approve Assembly Bill No 2020.

EDMUND G BROWN JR , Governor

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

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1980."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1980–81 fiscal year beginning July 1, 1980, and ending June 30, 1981. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes, to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

ITEM AMOUNT

## LEGISLATIVE/JUDICIAL/EXECUTIVE

### Legislative

| ITEM | AMOUNT |
|---|---|
| 1—For salaries of Senators | $1,179,475 |
| 2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate | 1,800 |
| 3—For expenses of Members of the Senate | 441,600 |
| 4—For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate, to be transferred by the State Controller to the Senate Contingent Fund | 22,114,643 |
| 5—For contingent expenses of the Senate relating to the lease, maintenance, repair, insurance, and other costs of operating automobiles for the use of Members of the Senate, to be transferred by the State Controller to the Senate Contingent Fund | 212,463 |
| 6—For salaries of Assemblymen | 2,345,000 |
| 7—For mileage of Assemblymen and statutory officers of the Assembly | 4,000 |
| 8—For expenses of Members of the Assembly | 883,200 |
| 9—For contingent expenses of the Assembly including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly, to be transferred by the State Controller to the Assembly Contingent Fund..... provided, that all funds appropriated by this item for the purposes of developing any reapportionment plan, including, but not limited to, funds for contracts the performance of which includes evaluation of census data, population data, political demographics, voter performance, or voter registration, shall be allocated to the Democratic Caucus and the Republican Caucus in equal shares.<br>Provided further, that such reapportionment funds shall be expended or encumbered only through and at the direction of the respective caucuses of the Assembly.<br>Provided further, that funds for the normal purchase of materials and services on behalf of the Elections and Reapportionment Committee which are equally and fully available to the entire Assembly and funds for the employment of one | 34,201,962 |

| ITEM | | AMOUNT |
|---|---|---|
| | consultant and one secretary of the Elections and Reapportionment Committee shall be exempt from the foregoing limitations. | |
| 10—For contingent expenses of the Assembly relating to the lease, maintenance, repair insurance, and other costs of operating automobiles for the use of Members of the Assembly, to be transferred by the State Controller to the Assembly Contingent Fund | | 493,102 |
| 11—For expenses of Joint Legislative Committee for the Revision of the Penal Code | | 170,100 |
| 12—For legislative printing, binding, mailing and other necessary expenses; and in addition thereto, any amounts received from the sale of legislative publications | | 3,000,000 |
| | notwithstanding any other provision of Section 2 of this act, this appropriation shall be available without regard to fiscal years; provided further, that funds appropriated by this item shall not be expended for the purpose of providing the compilation of any California code or portion thereof in computer usable form, except as expressly authorized in writing by the Joint Rules Committee. | |
| 13—For the expenses of joint committees and their members and for any charges, expenses, or claims they may incur, to be transferred by the State Controller to the Contingent Funds of the Assembly and Senate, available without regard to fiscal years, to be paid on certification of chairmen of the committees to which allocations have been made by statute or concurrent resolution or by resolution of the Joint Rules Committee | | 10,750,000 |
| | provided, that $500,000 appropriated by this item shall be used to provide a thorough review of the educational programs listed in Section 62000 of the Education Code and subject to the sunset provisions of Chapter 1 (commencing with Section 62000) of Part 34 of the Education Code. | |
| 14—For support of Legislative Counsel Bureau | | 7,518,474 |
| 15—For support of California Law Revision Commission | | 347,751 |
| 16—For support of California Commission on Uniform State Laws | | 43,142 |

| ITEM | | AMOUNT |
|---|---|---|
| | Judicial | |
| 17 | —For support of Supreme Court of California, Courts of Appeal, Judicial Council of California and Commission on Judicial Performance ..... provided, that the funds appropriated in this item may be allocated or reallocated between them by order of the Judicial Council subject to being reported to the Director of Finance. | 24,616,379 |
| 18 | —For reimbursement of any county, in whose superior court a judge of the municipal court of another county is assigned to sit and which is required by subdivision (b) of Section 68540 of the Government Code to reimburse the other county from which such assignment is made, of the cost of the regular salary of a municipal court judge (as specified in subdivision (b) of Section 68202 and in Section 68203 of the Government Code) for that period of time while serving on assignment in its superior court; and for payment to any county, in whose superior court a judge of its municipal court is assigned to sit, of the cost of the regular salary of a municipal court judge (as specified in subdivision (b) of Section 68202 and in Section 68203 of the Government Code) for that period of time while serving on assignment in its superior court; and for payment to any county, the cost of the regular salary of a municipal court judge (as specified in subdivision (b) of Section 68202 and in Section 68203 of the Government Code) for that period of time its municipal court judge serves on assignment on an appellate court; and for payment to any county, the transportation expenses of a judge assigned to sit on a municipal court to replace an absent municipal court judge who has been assigned to sit on a superior court or an appellate court; State Controller ..... | 230,750 |
| 19 | —For support of Judicial Council, for implementing uniformity and consistency of procedure in traffic courts, payable from the Motor Vehicle Account, State Transportation Fund ..... ..... | 44,778 |
| 20 | —For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to activities of the Judicial Council, of any new program or increased level of service of an existing program mandated by statute, State Controller..... provided, that allocations to the appropriate local | 2,588,408 |

| ITEM | | AMOUNT |
|---|---|---|
| | entities shall be made by the Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs and of subdivision (d) of Section 2231 of the Revenue and Taxation Code. | |
| 21—For state's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code ..... | | 28,047,683 |
| | provided, that any funds which are unexpended due to vacancies in judgeships may be expended by the Judicial Council for extra compensation, expenses and staff for judges assigned by the Chairperson of the Judicial Council. | |
| 22—For payment to counties for the annual cost of superior court judgeships created subsequent to January 1, 1973, for disbursement as a block grant by the State Controller ..... | | 7,200,000 |
| 23—For transfer by the State Controller to the Judges' Retirement Fund for Supreme Court and appellate court judges ..... | | 480,328 |
| 24—For transfer by the State Controller to the Judges' Retirement Fund for superior court and municipal court judges ..... | | 6,352,214 |
| 25—For state's share of cost for membership in National Center for State Courts, Judicial Council of California ..... | | 14,000 |
| | Executive | |
| 26—For support of Governor and of Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code) ..... | | 3,597,254 |
| 26.1—For contracted legal services, Governor's office Schedule: | | 200,000 |
| | (a) Contracted legal services ..... 400,000 | |
| | (b) Reimbursements from nongeneral funds..... —200,000 | |
| | provided, that the funds appropriated in this item shall be available for expenditure for contracted legal representation and related services only upon certification by the Governor that the Attorney General has declined, in writing, the written request of the Governor or any state agency to represent the Governor or such state agency desiring such representation on the specific matter for which contracted legal services are to be used. | |
| | Provided further, that failure by the Attorney | |

| ITEM | | AMOUNT |
|---|---|---|
| | General to positively respond in writing within 30 days upon receipt of written request (or such lesser time if a denial in writing is received) shall constitute denial; provided, however, that within such 30-day period, the Governor, or his designee, may undertake any action necessary, including, but not limited to, filing legal notices and papers necessary to protect and preserve rights in pending legal actions. | |
| | Provided further, that nothing in this item shall be construed to affect constitutional rights or duties. | |
| | Provided further, that contracts for legal representatives funded through this item shall be entered into by the Governor or his designee. | |
| 27—For support of Governor's residence (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code) | | 17,400 |
| 28—For special contingent expenses, Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code) | | 15,000 |
| 29—For payment of Workers' Compensation Appeals Board award and associated administrative expenses, Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code) | | 6,840 |
| 30—For support of the Governor's office; for printing of the Governor's Budget, and, in addition thereto, any amounts received from the sale of publications | | 425,000 |
| 31—For support of Secretary of State and Consumer Services | | 742,685 |
| 32—For support of Business and Transportation Agency, to be transferred to Item 33 | | 188,173 |
| | provided, that $6,444,000 of the funds appropriated pursuant to Item 182.1 shall be available for expenditure only when allocated by the secretary. | |
| 33—For support of Business and Transportation Agency, payable from the Motor Vehicle Account, State Transportation Fund | | 391,947 |
| | Schedule: | |
| | (a) Support | 1,366,774 |
| | (b) Reimbursements | −474,654 |
| | (c) Amount payable from the General Fund (Item 32) | −188,173 |
| | (d) Federal funds | −100,000 |

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| (e) Amount payable from the State Energy Resources and Conservation Development Special Account, General Fund (Item 34) .. | −212,000 | |

provided, that the annual alternative fuels program progress report required by Section 65 of Chapter 161, Statutes of 1979, shall be submitted to the Legislature by December 1 of each year. The report shall include, but not be limited to, a discussion of the agency's administration of the program as well as specific information pertaining to fuel research projects.

34—For support of the Business and Transportation Agency, payable from the State Energy Resources Conservation and Development Special Account, General Fund, to be transferred to Item 33 ..... 212,000

35—For support of Secretary of Health and Welfare 1,478,676

36—For support of Secretary of Resources ..... 1,011,859

37—For support of the Youth and Adult Correctional Agency ..... 557,750

Schedule:

| | | |
|---|---|---|
| (a) Personal services ..... | 485,060 | |
| (b) Operating expenses and equipment ..... | 122,090 | |
| (c) Reimbursements ..... | −49,400 | |

38—For support of Office for Citizen Initiative and Voluntary Action ..... 141,667

Schedule:

| | | |
|---|---|---|
| (a) Support..... | 166,667 | |
| (b) Federal funds, per Section 8.6..... | −25,000 | |

provided, that funds appropriated by this item shall be reduced by the Director of Finance by the amount of federal funds made available for the purposes of this item in excess of the federal funds scheduled above.

39—For the state's share of participation fees, Southwest Border Regional Commission, payable from the Economic Development Grant and Loan Fund ..... (50,000)

provided, that no funds shall be expended for this purpose unless and until a statute establishing the functions, responsibilities, and duties of the commission is enacted.

40—For support of the Southwest Border Regional Commission, payable from federal funds ..... (178,679)

provided, that the amount specified by this item constitutes federal funds as defined in Section 8.6.

| ITEM | | AMOUNT |
|---|---|---|
| 41—For support of Office of Employee Relations in the Governor's office ..... provided, that if collective-bargaining for state civil service employees under the provisions of Chapter 1159 of the Statutes of 1977 is ruled unconstitutional by the California Supreme Court, 6.5 positions (5.5 professional and 1.0 clerical) shall be eliminated from the Office of Employee Relations budget within 60 calendar days after the decision of the California Supreme Court is final. | | 709,341 |
| 42—For support of Office of Planning and Research Schedule: | | 2,995,537 |
| (a) Personal services ..... | 2,859,325 | |
| (b) Operating expenses and equipment ..... | 1,995,731 | |
| (c) Energy extension grants and pass-through..... | 1,000,000 | |
| (d) Reimbursements ..... | −572,725 | |
| (e) Federal funds ..... | −2,286,794 | |
| and in addition thereto, any amounts received from federal grants or other sources. Provided, that the state clearinghouse shall forward copies of all state agencies' comments on proposed federal regulations to the Chairman of the Joint Legislative Budget Committee or his designee, and the chairman of the committee in each house which considers appropriations. | | |
| 43—For Local Assistance, Office of Planning and Research, payable from federal funds..... provided, that the amount specified by this item, constitutes federal funds as defined in Section 8.7. | | (500,000) |
| 44—For support of Office of Emergency Services, California Emergency Council and Advisory Committees ..... Schedule: | | 3,367,338 |
| (a) Personal services ..... | 3,139,480 | |
| (b) Operating expenses and equipment ..... | 2,285,079 | |
| (c) Reimbursements ..... | −3,000 | |
| (d) Federal funds ..... | −1,853,391 | |
| (e) Amount payable pursuant to Government Code Section 8610.5..... | −200,830 | |
| and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item. | | |
| Provided, that funds appropriated by this item may be reduced by the Director of Finance, after | | |

ITEM AMOUNT

notice to the Chairman of the Joint Legislative Budget Committee, by the amount of federal funds made available for the purposes of this item in excess of the federal funds scheduled above.

Provided further, that, except as otherwise provided below, no funds appropriated by this item shall be available for contracted legal representation or services related to appealing any court decision or the decision of any agency or commission of the federal government rendered against the Public Utilities Commission or the State Energy Resources Conservation and Development Commission concerning the use of nuclear power for generating electrical energy nor for contract costs of initiating, intervening, appealing, or otherwise participating in court actions or federal administrative actions concerning the issues surrounding nuclear power or powerplants which are proposed for construction or actually constructed or operated within California or which provide electrical energy to California.

Provided further, that funds appropriated by this item may be encumbered for the legal services above only if the Attorney General has declined to undertake such representation or provide such services upon the written request of the Office of Emergency Services. Failure by the Attorney General to positively respond in writing within 30 days upon receipt of written request (or such lesser time if a denial in writing is received) shall constitute denial.

Provided further, that within such 30-day period, the Office of Emergency Services may undertake any action necessary, including, but not limited to, filing legal notices and papers necessary to protect and preserve rights in pending legal actions.

Provided further, that nothing in this item shall be construed to affect constitutional rights or duties.

Provided further, that the Office of Emergency Services may continue or renew any contract between the office and any person which was in effect as of June 30, 1980, for the purpose of completing services specified in the contract pertaining to any case or controversy pending before a state or federal court on the effective date of this section.

| ITEM | | AMOUNT |
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| 45—For local assistance, Office of Emergency Services, payable from federal funds | | (52,909,913) |
| provided, that the amount specified by this item constitutes federal funds as defined in Section 8.7. | | |
| 46—For support of Lieutenant Governor | | 926,833 |
| Schedule: | | |
| (a) Personal services | 641,797 | |
| (b) Operating expenses and equipment | 285,036 | |
| provided, that $5,000 of the amount appropriated pursuant to category (b) shall be used exclusively to provide for costs for driver and security services in addition to the $46,000 contract with the Department of the California Highway Patrol and any of these funds not expended for salary and benefit increases shall revert. | | |
| 47—For support of Commission of the Californias | | 100,366 |
| Schedule: | | |
| (a) Personal services | 70,195 | |
| (b) Operating expenses and equipment | 30,171 | |
| 48—For support of Department of Justice | | 75,109,364 |
| Schedule: | | |
| (a) Personal services | 81,290,037 | |
| (b) Operating expenses and equipment | 26,236,689 | |
| (c) Reimbursements | −15,742,521 | |
| (d) Amount payable from the Political Reform Act of 1974 (Item 411) | −211,343 | |
| (e) Federal funds | −3,763,097 | |
| (f) Amount payable from fingerprint fees in the General Fund (Item 49) | −2,981,690 | |
| (g) Amount payable from the Attorney General's Antitrust Account, General Fund (Item 50) | −829,161 | |
| (h) Amount payable from Motor Vehicle Account, State Transportation Fund (Item 51) | −8,489,550 | |
| (i) Unidentified savings, Civil Law | −400,000 | |
| provided, that tuition fees collected from out-of-state students attending the department's Law Enforcement and Organized Crime Training Institutes shall be returned, on a prorated basis, to the funds supporting these institutes. | | |
| provided further, that the Attorney General shall report within thirty (30) days after the end of each quarter of the 1980–81 fiscal year to the Gov- | | |

| ITEM | | AMOUNT |
|---|---|---|
| | ernor and the Legislature on the number of prosecutions, convictions and dollars recovered by the Medi-Cal Fraud Unit. | |
| | Provided further, that the department may expend a maximum of $250,000 of the indirect cost funds contained in categories (c) and (e) for grant-related administrative activities. | |
| | Provided further, that any grant-related indirect cost funds in excess of $250,000 contained in categories (c) and (e) shall be transferred to the unappropriated surplus of the General Fund. | |
| 49 | —For support of Department of Justice, to be transferred to Item 48, payable from fingerprint fees deposited in the General Fund pursuant to subdivision (e) of Section 11105 of the Penal Code.. | 2,981,690 |
| 50 | —For support of Department of Justice, to be transferred to Item 48, payable from the Attorney General's Antitrust Account, General Fund ..... | 829,161 |
| 51 | —For support of Department of Justice, to be transferred to Item 48, payable from the Motor Vehicle Account, State Transportation Fund ..... | 8,489,550 |
| 52 | —For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to the activities of the Department of Justice, of any new program or increased level of service of an existing program mandated by statute, State Controller ..... | 135,000 |
| | provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates such costs and subdivision (d) of Section 2231 of the Revenue and Taxation Code. | |
| 53 | —For support of State Controller ..... | 35,632,945 |
| | Schedule: | |
| | (a) Personal services ..... 28,425,924 | |
| | (b) Operating expenses and equipment ..... 15,206,998 | |
| | (c) Refunds of taxes, licenses and other fees..... 30,000 | |
| | (d) Reimbursements ..... —5,060,913 | |
| | (e) Federal funds ..... —779,465 | |
| | (f) Amount payable from the Motor Vehicle Fuel Account, Transportation Tax Fund (Item 54) ..... —1,579,264 | |
| | (g) Amount payable from the State School Building Aid Fund (Item 55) ..... —242,286 | |

| ITEM | | AMOUNT |
|---|---|---|
| | (h) Amount payable from the Aeronautics Account, State Transportation Fund (Item 56) ..... | −149,662 |
| | (i) Amount payable from the Unclaimed Property Fund (Item 57) | −91,552 |
| | (j) Amount payable from the Retail Sales Tax Fund (Item 58) ..... | −126,835 |

The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (b) of Section 30462 of the Revenue and Taxation Code during the 1980–81 fiscal year and no funds shall be allocated to the State Controller pursuant to Section 30462 during the 1980–81 fiscal year.

Provided, that the funds appropriated in category (c) are for refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law, for refunding of amounts withheld and deposited in a fund in the State Treasury to any person who is determined to be liable to a taxpayer by reason of withholding and transmitting payments of taxes, interest, and penalties for the refund of which no other provision is made by law, and for payment of prior judgments, liens or encumbrances pursuant to Section 12516 of the Government Code; provided further, that expenditures made under category (c) of this item shall be charged to the year in which the warrant is issued by the State Controller.

Provided that $200,000 of the funds appropriated in category (b) are for the conduct of a study of the state payroll system. The study shall include a review of payroll system changes necessitated by new types and frequencies of compensation and employee benefits which may be included in the state pay program during the next decade.

| ITEM | | AMOUNT |
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| | The study shall be conducted under the supervision of the State Controller, who shall seek the advice of the Office of Employee Relations, the Department of Finance, the State Personnel Board, and the Legislative Analyst on the scope of the study and the selection of a consultant, who shall make a report on his or her findings and recommendations by April 1, 1981 to the State Controller, the Governor and the committees in the Legislature which consider employee compensation. | |
| | Provided, that $750,000 of the funds appropriated in category (b) are to be expended solely for professional services contracted for in connection with the Howard Hughes estate. | |
| | Provided further, that the State Controller shall seek federal funding or reimbursements to support the Bureau of County Cost Plans and any of the $340,710 appropriated by this item for the support of the Bureau of County Cost Plans which is replaced with federal funds or reimbursements shall not be expended. | |
| 54—For support of State Controller, to be transferred to Item 53, payable from the Motor Vehicle Fuel Account, Transportation Tax Fund | | 1,579,264 |
| 55—For support of State Controller to be transferred to Item 53 the sum of $242,286 is appropriated from the State School Building Aid Fund | | (242,286) |
| 56—For support of State Controller, to be transferred to Item 53, payable from the Aeronautics Account, State Transportation Fund | | 149,662 |
| 57—For support of State Controller to be transferred to Item 53, the sum of $91,552 is appropriated from the Unclaimed Property Fund | | (91,552) |
| 58—For support of State Controller to be transferred to Item 53, the sum of $126,835 is appropriated from the Retail Sales Tax Fund | | (126,835) |
| 59—For support of State Board of Equalization | | 57,720,861 |
| Schedule: | | |
| (a) Personal services | 63,727,377 | |
| (b) Operating expenses and equipment | 16,133,934 | |
| (c) Reimbursements | -17,977,800 | |
| (d) Amount payable from the State Energy Resources Conservation and Development Special Account, General Fund (Item 60) | -45,481 | |

| ITEM | | AMOUNT |
|---|---|---|
| (e) Amount payable from the Motor Vehicle Fuel Account, Transportation Tax Fund (Item 61) | −2,846,850 | |
| (f) Amount payable from the State Emergency Telephone Number Special Account, General Fund (Item 62) | −58,166 | |
| (g) Amount payable from the Timber Tax Fund (Item 63) | −1,212,153 | |
| 60—For support of State Board of Equalization, to be transferred to Item 59, payable from the State Energy Resources Conservation and Development Special Account, General Fund | | 45,481 |
| 61—For support of State Board of Equalization, to be transferred to Item 59, payable from the Motor Vehicle Fuel Account, Transportation Tax Fund | | 2,846,850 |
| 62—For support of State Board of Equalization, to be transferred to Item 59, payable from the State Emergency Telephone Number Special Account, General Fund | | 58,166 |
| 63—For support of State Board of Equalization, to be transferred to Item 59, the sum of $1,212,153 is appropriated from the Timber Tax Fund | | (1,212,153) |
| 64—For support of Secretary of State | | 6,178,648 |
| Schedule: | | |
| (a) Personal services | 4,789,047 | |
| (b) Operating expenses and equipment | 2,199,936 | |
| (c) Oral History Project | 105,247 | |
| (d) Reimbursements | −443,904 | |
| (e) Amount payable from the Political Reform Act of 1974 (Item 411) | −471,678 | |
| provided, that the funds appropriated by this item for the project specified in category (c) shall not be reduced, pursuant to any provision requiring any reduction in appropriations made by this act or by subsequent executive order, in an amount which is disproportionate to the reduction made in any other category or project of this item. | | |
| 65—For printing constitutional amendments and other ballot measures, Secretary of State | | 2,103,715 |
| 66—For mailing the Statewide Ballot Pamphlet for the November, 1980 general election, Secretary of State | | 801,227 |
| 67—For printing registration cards for voter registration by mail, Secretary of State | | 249,700 |
| 68—For postage for voter registration by mail, Secretary of State | | 454,096 |

| ITEM | AMOUNT |
|---|---|
| 69—For mileage expenses incurred by delegates to the Presidential conventions, Secretary of State ..... | 2,000 |
| 70—To the State Controller to provide reimbursement, pursuant to Section 16100.6 of the Government Code, to local governments for the actual increased cost to such local governments caused by the provisions of Section 6555 of the Elections Code ..... | 319,191 |

provided, that the appropriation made by this item is in augmentation of, and in addition to, the funds continuously appropriated to the State Controller by Section 16100 of the Government Code.

Provided further, that the State Controller pursuant to Section 12410 of the Government Code shall audit claims submitted by counties pursuant to reimbursements made under this item.

| | |
|---|---|
| 71—For reimbursement of net costs to local government associated with the implementation of Chapter 704 of the Statutes of 1975, relating to voter registration and voting procedures, in accordance with Section 91 of that chapter, for such costs incurred during the 1980–81 fiscal year, State Controller ..... | 800,000 |

provided, that the Secretary of State shall determine the maximum reimbursement available to each local jurisdiction (and shall so advise the State Controller) for voter outreach programs which have been adopted and implemented pursuant to Section 304 of the Elections Code. The maximum reimbursement available to each local jurisdiction for voter outreach purposes shall be based on the proportional number of unregistered voters within each local jurisdiction as determined by the Secretary of State. For purposes of this item "net costs" are defined to be voter outreach expenditures up to the allowable maximum reimbursement plus other reasonable costs, less realized savings related to Chapter 704 of the Statutes of 1975.

Provided further, that prior to the payment of any claim funded by this item, the State Controller shall confer with the Secretary of State to determine whether the cost for which reimbursement is sought is properly reimbursable under Section 91 of Chapter 704 of the Statutes of 1975.

| ITEM | | AMOUNT |
|---|---|---|
| Provided further, that the State Controller pursuant to Section 12410 of the Government Code, shall audit claims submitted by counties pursuant to reimbursements made under this item. | | |
| 71.1—For transfer to Item 68, Budget Act of 1979, for purposes of subvention to counties for voter registration file purge as specified in that item, State Controller | | 708,000 |
| 72—For support of Commission on Voting Machines and Vote Tabulating Devices | | 5,850 |
| 73—For support of State Treasurer | | 2,769,433 |
| Schedule: | | |
| (a) Personal services | 2,751,824 | |
| (b) Operating expenses and equipment | 969,475 | |
| (c) Reimbursements | −951,866 | |
| STATE AND CONSUMER SERVICES | | |
| 74—For support of Museum of Science and Industry | | 3,192,609 |
| Schedule: | | |
| (a) Personal services | 2,507,899 | |
| (b) Operating expenses and equipment | 702,710 | |
| (c) Reimbursements | −18,000 | |
| 75—For support of Board of Behavioral Science Examiners of the State of California, payable from the Behavioral Science Examiners Fund | | 336,517 |
| 76—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund | | 1,239,284 |
| 77—For support of Dental Auxiliary Program, payable from the State Dental Auxiliary Fund | | 339,455 |
| 78—For support of State Board of Guide Dogs for the Blind | | 13,620 |
| 79—For support of Board of Medical Quality Assurance of the State of California, payable from the Contingent Fund of the Board of Medical Quality Assurance | | 8,654,467 |
| Schedule: | | |
| (a) Personal services | 4,315,657 | |
| (b) Operating expenses and equipment | 4,413,810 | |
| (c) Reimbursements | −75,000 | |
| 80—For support of Board of Medical Quality Assurance of the State of California, payable from the Acupuncturists Fund | | 120,178 |

| ITEM | AMOUNT |
|---|---|
| 81—For support of Board of Medical Quality Assurance of the State of California, payable from the Hearing Aid Dispensers Fund | 93,582 |
| 82—For support of Board of Medical Quality Assurance of the State of California, payable from the Physical Therapy Fund | 166,555 |
| 83—For support of Board of Medical Quality Assurance of the State of California, payable from the Physicians Assistant Fund | 94,363 |
| 84—For support of Board of Medical Quality Assurance of the State of California, payable from the Speech Pathology and Audiology Examining Committee Fund | 95,180 |
| 85—For support of State Board of Examiners of Nursing Home Administrators, payable from the Nursing Home Administrator's State License Examining Board Fund | 201,290 |
| 86—For support of State Board of Optometry, payable from the State Optometry Fund | 233,551 |
| 87—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund | 1,379,488 |
| 88—For support of Board of Registered Nursing, payable from the Board of Registered Nursing Fund | 2,248,364 |
| 89—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund | 345,118 |
| 90—For support of Board of Examiners in Veterinary Medicine, payable from the Animal Health Technician Examining Committee Fund | 60,280 |
| 91—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund | 1,192,618 |
| 92—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund from those moneys deposited under the provisions of Section 4547 of the Business and Professions Code | 268,236 |
| 93—For support of State Board of Accountancy, payable from the Accountancy Fund | 1,291,025 |
| 94—For support of Cemetery Board, payable from the Cemetery Fund | 176,465 |
| 95—For support of Bureau of Collection and Investigative Services, Department of Consumer Affairs, payable from the Collection Agency Fund | 452,376 |
| 96—For support of Bureau of Collection and Investiga- | |

| ITEM | | AMOUNT |
|---|---|---|
| | tive Services, Department of Consumer Affairs, payable from the Private Investigator and Adjuster Fund | 874,512 |
| 97— | For support of Tax Preparers Program, Department of Consumer Affairs, payable from the Tax Preparers Fund | 138,467 |
| 98— | For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners' Fund | 613,410 |
| 99— | For support of Board of Registered Construction Inspectors, payable from the Construction Inspectors Registration Board Fund | 124,769 |
| 100— | For support of Contractors' State License Board, payable from the Contractors' License Fund | 12,110,023 |
| | Schedule: | |
| | (a) Personal services ..... 7,499,005 | |
| | (b) Operating expenses and equipment ..... 4,611,018 | |
| 101— | For support of State Board of Registration for Geologists and Geophysicists, payable from the Geology and Geophysics Fund | 120,546 |
| 102— | For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects Fund | 120,100 |
| 103— | For support of State Board of Registration for Professional Engineers, payable from the Professional Engineers' Fund | 1,311,899 |
| | Schedule: | |
| | (a) Personal services ..... 834,407 | |
| | (b) Operating expenses and equipment ..... 477,492 | |
| 104— | For support of Structural Pest Control Board, payable from the Structural Pest Control Fund | 1,278,998 |
| | Schedule: | |
| | (a) Personal services ..... 400,534 | |
| | (b) Operating expenses and equipment ..... 878,464 | |
| 105— | For support of State Athletic Commission | 453,245 |
| 106— | For support of the Bureau of Automotive Repair, Department of Consumer Affairs, payable from the Automotive Repair Fund | 3,346,979 |
| | Schedule: | |
| | (a) Personal services ..... 4,787,669 | |
| | (b) Operating expenses and equipment ..... 2,819,433 | |
| | (c) Reimbursements ..... —4,260,123 | |

| ITEM | | AMOUNT |
|---|---|---|
| 107—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund | | 547,986 |
| 108—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund | | 1,704,771 |
| Schedule: | | |
| (a) Personal services | 615,949 | |
| (b) Operating expenses and equipment | 1,058,188 | |
| (c) Unspecified | 30,634 | |
| 109—For support of Bureau of Employment Agencies, Department of Consumer Affairs, payable from the Bureau of Employment Agencies Fund | | 416,104 |
| 110—For support of State Board of Fabric Care, payable from the Fabric Care Fund | | 451,276 |
| 111—For support of State Board of Fabric Care, to be transferred to Item 110, payable from the Fabric Care Fund, in lieu of the amounts which would otherwise be appropriated pursuant to Section 9575.6 of the Business and Professions Code | | 60,000 |
| 112—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers Fund | | 414,414 |
| 113—For support of Bureau of Home Furnishings, Department of Consumer Affairs, payable from the Bureau of Home Furnishings Fund | | 936,069 |
| 114—For support of Nurses' Registry, payable from the Nurses' Registry Fund | | 20,377 |
| 115—For support of Bureau of Electronic and Appliance Repair, Department of Consumer Affairs, payable from the Electronic and Appliance Repair Fund | | 751,801 |
| 116—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund | | 123,660 |
| 117—For support of Division of Consumer Services, Department of Consumer Affairs, to be transferred to Item 118 | | 1,080,565 |
| 118—For support of the Department of Consumer Affairs, the sum of $7,762,439 is appropriated from the Consumer Affairs Fund | | (7,762,439) |
| Schedule: | | |
| (a) Division of Administration | 3,164,765 | |
| (b) Division of Investigation | 3,125,564 | |
| (c) Division of Consumer Services | 1,457,432 | |
| (d) Building maintenance and operation | 1,095,243 | |

| ITEM | | AMOUNT |
|---|---|---|
| (e) Amount payable from the General Fund (Item 117) | -1,080,565 | |
| 119—For support of the Consumer Advisory Council.. | | 62,733 |
| 120—For support of the Department of Fair Employment and Housing | | 5,565,833 |
| Schedule: | | |
| (a) I. Prevention and Elimination of Discrimination in Employment and Housing | 7,396,998 | |
| (b) II. Fair Employment and Housing Commission | 263,918 | |
| (c) III. Administration | 714,687 | |
| (d) Federal funds | -2,809,770 | |
| 121—For support of State Fire Marshal | | 3,484,195 |
| Schedule: | | |
| (a) Personal services | 3,613,762 | |
| (b) Operating expenses and equipment | 1,330,159 | |
| (c) Reimbursements | -1,442,726 | |
| (d) Federal funds | -17,000 | |
| 122—For support of Franchise Tax Board | | 78,327,776 |
| Schedule: | | |
| (a) Personal services | 55,474,481 | |
| (b) Operating expenses and equipment | 26,486,646 | |
| (c) Reimbursements | -2,250,451 | |
| (d) Amount payable from the Political Reform Act of 1974 (Item 411) | -1,382,900 | |
| provided, that not more than $1,382,900 shown in categories (a) and (b) of this schedule and any other amounts appropriated for salary and benefit increases may be expended for purposes of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code). | | |
| 123—For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to activities of the Franchise Tax Board, of any new program or increased level of service of an existing program mandated by statute, State Controller | | 25,000 |
| provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs and of subdivision (d) of Section 2231 of the Revenue and Taxation Code. | | |
| 124—For support of Department of General Services | | |

| ITEM | | AMOUNT |
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| | for transfer to the Service Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize; provided, that the money so transferred shall not be available for expenditure after June 30, 1981, and any unencumbered balances as of June 30, 1981, shall be returned to the General Fund | 5,312,499 |
| 124.1—To the Department of General Services, to be transferred to the Contingent Funds of the Assembly and Senate, for the acquisition and installation costs of a monitoring computer in the State Capitol | | 160,000 |
| 125—For allocation by the Department of Finance to the Office of State Architect, Department of General Services, to be transferred to Item 131, for Art in State Buildings | | 200,000 |
| | provided, that in implementing the Art in Public Buildings Program, the State Architect shall consult with and enlist the cooperation of the California Arts Council. | |
| | Provided further, that the funds appropriated in this item shall be expended only for art in new buildings and no more than $100,000 shall be expended per new building. | |
| 126—For support of Department of General Services, to be transferred to Item 131, payable from the State Emergency Telephone Number Account, General Fund | | 197,188 |
| 127—For support of Office of State Architect, Department of General Services, to be transferred to Item 131 payable from the Architecture Public Building Fund | | 1,609,935 |
| 127.1—For expenditure by Office of State Architect, Department of General Services, for identification of potentially unsafe school buildings which were constructed with precast, pretensioned, prestressed concrete roof systems | | 481,000 |
| 128—For support of Department of General Services, to be transferred to Item 131, payable from the Energy and Resources Fund | | 780,000 |
| | provided, that if the amount required to be transferred pursuant to this item is not available from the Energy and Resources Fund, the same amount shall be transferred from funds available from the Building Rental Account and from direct billing. | |
| 129—For expenditure by Office of State Architect, De- | | |

| ITEM | | AMOUNT |
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| | partment of General Services, for the purposes specified in Section 14957 of the Government Code, the sum of $8,480,528 is appropriated from the Architecture Revolving Fund for transfer to Item 131 ..... provided, that any balances in the Architecture Revolving Fund continue to be appropriated by and subject to Section 14957 of the Government Code, and are available for construction and for augmentation of this appropriation; and provided further, that during the 1980–81 fiscal year the Office of State Architect, Department of General Services, shall maintain expenditures for staff to a level commensurate with the funds necessary to maintain a staff sufficient to perform a basic architectural and engineering services workload volume of $45,006,340, as projected to June 30, 1981. provided, that no funds appropriated by this act shall be expended to implement regulations developed by the State Architect pursuant to Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code and Part 5.5 (commencing with Section 19955) of Division 13 of the Health and Safety Code, unless and until the appropriate subcommittee of the committee in each house which considers appropriations holds interim hearings or otherwise reviews, as deemed appropriate by the respective subcommittees, the subject regulations. | (8,480,528) |
| 130 | —For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund, or any special fund, by the provisions of this act that part of such appropriation which is intended to be used and is available, for the purchase or replacement of automobiles and reproduction equipment; and provided, any funds in the Service Revolving Fund may be used to purchase equipment from the General Fund or special funds of the state at the depreciated value at the time of purchase, payable at the option of the Service Revolving Fund over the remaining depreciation period. | |
| 131 | —For support of Department of General Services for activities financed from the Service Revolving | |

| ITEM | | AMOUNT |
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| | Fund, other than the Office of State Printing, the sum of $145,663,305 is appropriated from the Service Revolving Fund | (145,663,305) |
| | Schedule: | |
| | (a) Personal services | 81,243,315 |
| | (b) Operating expenses and equipment | 82,673,698 |
| | (c) Federal funds | −100,000 |
| | (d) Amount payable from the General Fund (Item 124) | −5,312,499 |
| | (e) Amount payable from the General Fund (Item 125) | −200,000 |
| | (f) Amount payable from the Emergency Telephone Number Account, General Fund (Item 126) | −197,188 |
| | (g) Amount payable from the Architecture Public Building Fund (Item 127) | −1,609,935 |
| | (h) Amount payable from the Architure Revolving Fund (Item 129) | −8,480,528 |
| | (i) Amount payable from the State School Building Aid Fund (Item 133) | −1,117,536 |
| | (j) Amount payable from the Deferred Compensation Plan Fund (Item 134) | −186,022 |
| | (k) Amount payable from the State School Deferred Maintenance Fund (Item 135) | −270,000 |
| | (*l*) Amount payable from the Energy and Resources Fund (Item 128) | −780,000 |
| | Provided further, that from any balance in the Service Revolving Fund, the Director of General Services, with the approval of the Director of Finance, may expend funds in excess of the amount appropriated in this item for the purchase of office copier machines, and provided further, that any such amounts authorized by the Director of Finance for the purchase of office copier machines are hereby appropriated from the Service Revolving Fund as a loan to be repaid upon such terms and conditions as prescribed by the Director of Finance. | |
| 131.1 | —For support of Department of General Services, payable from the Motor Vehicle Parking Facility Moneys Account, General Fund | 1,605,535 |

| ITEM | AMOUNT |
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| 132—For expenditure by Office of State Printing, Department of General Services, the sum of $32,716,397 is appropriated from the Service Revolving Fund | (32,716,397) |
| Schedule: | |
| (a) Personal services ..... 14,288,800 | |
| (b) Operating expenses and equipment ..... 18,427,597 | |
| 133—For support of Department of General Services, the sum of $1,117,536 is appropriated from the State School Building Aid Fund for transfer to Item 131 | (1,117,536) |
| 134—For support of Department of General Services the sum of $186,022 is appropriated from the Deferred Compensation Plan Fund portfolio earnings or account for administrative service fees, for transfer to Item 131 | (186,022) |
| 135—For support of Department of General Services, the sum of $270,000 to be transferred to Item 131, payable from the State School Deferred Maintenance Fund | (270,000) |
| 136—For repayment of loan to General Services for the purpose of implementing the State School Deferred Maintenance Program, as authorized by Chapter 282, Statutes of 1979, the sum of $60,000 is appropriated from the State School Deferred Maintenance Fund. Notwithstanding any other provisions of this section, the appropriation made by this item is available for repayment of expenditures incurred during the 1979–80 fiscal year | (60,000) |
| 137—For reimbursement of local agencies and service suppliers or communications equipment companies for costs incurred pursuant to Sections 41137, 41137.1, 41138, and 41140 of the Revenue and Taxation Code, Department of General Services, payable from the State Emergency Telephone Number Account, General Fund | 4,814,818 |
| 138—For support of Intergovernmental Personnel Act Advisory Council, payable from federal funds provided that the amount specified by this item constitutes federal funds as defined in Section 8.6. | (677,830) |
| 139—For local assistance, Intergovernmental Personnel Act Advisory Council, payable from federal funds provided that the amount specified by this item constitutes federal funds as defined in Section 8.6. | (846,170) |
| 140—For support of State Personnel Board | 20,903,350 |
| Schedule: | |
| (a) Personal services ..... 14,658,129 | |

| ITEM | | AMOUNT |
|---|---|---|
| | (b) Operating expenses and equipment | 12,092,339 |
| | (c) Reimbursements | −4,643,426 |
| | (d) Amount payable from the Cooperative Personnel Services Revolving Fund (Item 141) | −1,203,692 |

provided, that calculations of specific percentage differences in salaries between state civil service employees and nonstate employees shall be submitted to the Legislature upon the request of the chairman of the committee in each house which considers appropriations or the Chairman of the Joint Legislative Budget Committee, or his designee, unless such information pertains to civil service classes represented by an exclusive bargaining agent under the provisions of the State Employer-Employee Relations Act and a memorandum of understanding has not yet been submitted to the Legislature for approval; however, information relative to those classes shall be released by the State Personnel Board and submitted to the Legislature, upon request as herein specified, immediately following the time a memorandum of understanding affecting those classes is submitted to the Legislature.

Provided further, that $147,200 of the funds specified in category (a) is authorized for 4.6 analyst positions and one clerical position, which positions may only be used for the purpose of continuing the conduct of the State Personnel Board's compensation surveys to provide data to enable the Legislature to evaluate compensation increases negotiated by the Governor or his representative.

Provided further, that none of the funds specified for the jobs program shall be used for defraying the payroll cost of a participant unless the employer of the participant pays at least 20 percent of such payroll cost.

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| 141—For support of State Personnel Board, to be transferred to Item 140, the sum of $1,203,692 is appropriated from the State Personnel Board Cooperative Personnel Services Revolving Fund | | (1,203,692) |
| 142—For support of Board of Administration of the Public Employees' Retirement System, to be transferred to Item 143 | | 39,464 |

142.1—For support of Public Employees' Retirement System, for costs incurred by the Board of Admin-

| ITEM | | AMOUNT |
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| | istration of the Public Employees' Retirement System in administering the provisions of the Volunteer Firefighters' Length of Service Award System pursuant to Section 50956 of the Government Code, to be transferred to Item 143, the sum of $67,074 is appropriated from the Volunteer Firefighters' Length of Service Award System Fund | (67,074) |
| 143—For support of Board of Administration of the Public Employees' Retirement System, the sum of $17,422,883 is appropriated from the Public Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code | | (17,422,883) |
| Schedule: | | |
| (a) Personal services | 13,496,472 | |
| (b) Operating expenses and equipment | 7,137,955 | |
| (c) Reimbursements | −1,034,475 | |
| (d) Amount payable from the General Fund (Item 142) | −39,464 | |
| (e) Amount payable from the Public Employees' Contingency Reserve Fund (Item 144) | −1,781,834 | |
| (f) Amount payable from the Legislators' Retirement Fund (Item 146) | −123,560 | |
| (g) Amount payable from the Judges' Retirement Fund (Item 145) | −165,137 | |
| (h) Amount payable from the Volunteer Firefighters' Length of Service Award System Fund (Item 142.1) | −67,074 | |

Provided, that $200,000 of the funds to develop a more sophisticated actuarial system shall be expended only after a 30-day prior notification by the Department of Finance to the Joint Legislative Budget Committee as to the scope of the project.

Provided further, that $46,022 of the funds for two programmer positions be expended only after a 30-day prior notification by the Department of Finance to the Joint Legislative Budget Committee as to the scope of the project.

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| | Provided further, that 1.75 of the three positions proposed for 1980–81 as funded in category (h), may be established not sooner than 30 days after the Department of Finance notifies the Chairman of the Joint Legislative Budget Committee in writing of the necessity therefor or not sooner than such lesser time as the chairman of the committee, or his or her designee, may in each instance determine. | |
| 144—For support of Board of Administration of the Public Employees' Retirement System, for transfer to Item 143, the sum of $1,781,834 is appropriated from the Public Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code | | (1,781,834) |
| 145—For support of Public Employees' Retirement System, for costs incurred by the Board of Administration of the Public Employees' Retirement System in administering the provisions of the Judges' Retirement Law pursuant to Section 75005 of the Government Code, to be transferred to Item 143, the sum of $165,137 is appropriated from the General Fund to the Judges' Retirement Fund | | 165,137 |
| 146—For support of the Board of Administration of the Public Employees' Retirement System, for transfer to Item 143, the sum of $123,560 is appropriated from the Legislators' Retirement Fund in accordance with Section 9354 of the Government Code | | (123,560) |
| 147—For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to activities of the Public Employees' Retirement System, of any new program or increased level of service of an existing program mandated by statute, State Controller | | 10,734,840 |
| provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs and of subdivision (d) of Section 2231 of the Revenue and Taxation Code. | | |
| 148—For support of State Teachers' Retirement System, the sum of $8,740,301 is appropriated from the State Teachers' Retirement Fund | | (8,740,301) |
| Schedule: | | |
| (a) Personal services | 5,957,693 | |

| ITEM | | AMOUNT |
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| (b) Operating expenses and equipment | 3,064,433 | |
| (c) Reimbursements | −190,000 | |
| (d) Amount payable from the Teacher Tax-Sheltered Annuity Fund (Item 149) | −91,825 | |
| 149—For support of State Teachers' Retirement System, for costs incurred in operating the tax-sheltered annuity program pursuant to Section 22231 of the Education Code, to be transferred to Item 148, the sum of $91,825 is appropriated from the Teacher Tax-Sheltered Annuity Fund | | (91,825) |
| 150—For support of Department of Veterans Affairs .. Schedule: | | 1,614,681 |
| (a) Personal services | 1,798,683 | |
| (b) Operating expenses and equipment | 320,768 | |
| (c) Amount payable from the Veterans' Farm and Home Building Fund of 1943 (Item 152) | −504,770 | |
| 151—For educational assistance to veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 899 of the Military and Veterans Code .. provided, that no funds appropriated by this item, except as specified below, may be expended to provide financial assistance for the education of dependents of non-California veterans killed or totally disabled as a result of active military service and of non-California servicemen currently missing in action. Provided further, that this restriction shall not apply to dependents receiving such financial assistance in, or prior to, fiscal year 1978–79. Provided further that "non-California veteran" means persons not meeting the requirements of Section 980 of the Military and Veterans Code. | | 1,333,250 |
| 152—For support of Department of Veterans Affairs, to be transferred to Item 150, the sum of $504,770 is appropriated from the Veterans' Farm and Home Building Fund of 1943 | | (504,770) |
| 153—For support of Veterans' Home of California ..... Schedule: | | 14,194,672 |
| (a) Personal services | 17,164,094 | |
| (b) Operating expenses and equipment | 6,134,703 | |
| (c) Reimbursements | −3,813,925 | |
| (d) Federal funds | −5,290,200 | |

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| provided, that the Veterans' Home of California shall collect from home members, after due consideration of income and family status, fees and charges for domiciliary, nursing home, and hospital care. | | |
| provided, that any reimbursements or federal funds received by the Veterans' Home of California in excess of the amounts set forth in categories (c) and (d) of this item shall revert to the unappropriated surplus of the General Fund in a manner prescribed by the Department of Finance, unless expenditure of such funds is authorized by the Department of Finance. Such authorization shall not become effective sooner than 30 days after notification in writing of the Joint Legislative Budget Committee or such lesser time as the committee or its designee may, in each instance, determine. | | |
| 154—For contribution to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code | | 840,000 |

## BUSINESS AND TRANSPORTATION

### Business

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|---|---|---|
| 155—For support of Department of Alcoholic Beverage Control | | 12,304,627 |
| Schedule: | | |
| (a) Personal services | 10,153,807 | |
| (b) Operating expenses and equipment | 2,375,820 | |
| (c) Reimbursements | −225,000 | |
| 156—For support of Alcoholic Beverage Control Appeals Board | | 252,328 |
| Schedule: | | |
| (a) Personal services | 217,600 | |
| (b) Operating expenses and equipment | 34,728 | |
| 157—For support of State Banking Department, payable from the State Banking Fund | | 5,383,989 |
| Schedule: | | |
| (a) Personal services | 4,294,525 | |
| (b) Operating expenses and equipment | 1,189,464 | |
| (c) Reimbursements | −100,000 | |

| ITEM | | AMOUNT |
|---|---|---|
| 158—For support of Department of Corporations ..... | | 7,936,487 |
| Schedule: | | |
| (a) Personal services ..... | 9,462,394 | |
| (b) Operating expenses and equipment ..... | 1,955,889 | |
| (c) Reimbursements ..... | −3,481,796 | |
| provided, that, notwithstanding the provisions of Section 1382 of the Health and Safety Code, any payments received pursuant to that section shall be credited to this item as reimbursements and are hereby appropriated for the purposes of this item. | | |
| 159—For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to activities of the Department of Corporations, of any new program or increased level of service of an existing program mandated by statute, State Controller .. | | 3,780 |
| provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs and of subdivision (d) of Section 2231 of the Revenue and Taxation Code. | | |
| 160—For support, Department of Economic and Business Development ..... | | 3,869,401 |
| Schedule: | | |
| (a) Support ..... | 3,869,401 | |
| (b) Federal funds per Section 8.6 ..... | (176,483) | |
| provided, that no funds appropriated by this item shall be allocated to a rural small business development corporation or rural development corporation. | | |
| Provided further, that an urban or rural development corporation shall provide in its plan to establish funding independent of state resources, pursuant to subdivision (c) of Section 14125 of the Corporations Code, a timetable (in the form prescribed by the executive director) indicating the increasing proportion of nonstate support to be received by the corporation on a year-by-year basis. The Office of Small Business Development shall then execute, pursuant to subdivision (a) of Section 14126 of the Corporations Code, an agreement with the corporation which provides that the corporation establish its regional small business development corporation loan guarantee fund within a trust fund established by the office, | | |

ITEM AMOUNT

which trust fund has been specifically and exclusively created for the purpose of receiving such funds. The trust agreement shall provide that the regional corporation shall receive an increasing percentage of interest income, as determined by the Small Business Development Board, from its loan guarantee fund upon a showing, acceptable to the board, that the corporation has successfully met the timetable of its plan to establish financial independence from the state.

Provided further, that funds expended from the Economic Development Grant and Loan Fund shall be for the purposes specified in Section 15327 of the Government Code.

Provided further, that the Office of Small Business Development shall in the execution of its responsibilities in the Century Freeway Project provide loan and management assistance to small businesses, as defined by Section 14010 of the Corporations Code, within the Century Freeway corridor assuring the most even geographical distribution of resources possible.

Provided further, that the department shall execute a 304 grant and loan program which specifically provides for economic assistance not only to urbanized areas, but also to those less populated regions which exhibit the potential for viable business and economic growth.

160.1—For support, Department of Economic and Business Development, for transfer to a rural small business development corporation or rural development corporation ..... 200,000

provided, that the amount appropriated by this item shall be held in reserve until reappropriated by the Legislature for the purposes of Section 14029.8 of the Corporations Code.

161—To the Department of Economic and Business Development for transfer to the Small Business Expansion Fund for the purposes of Chapter 924, Statutes of 1977 ..... 3,500,000

provided, that no funds shall be allocated from this item to a rural small business development corporation or a rural development corporation.

Provided further, that to the extent it is legally valid, as determined by the Attorney General, $1,200,000 of the funds appropriated by this item for loan guarantee funds for businesses affected by the Century Freeway Project shall be payable

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| | from the State Highway Account in the State Transportation Fund; if the Attorney General determines that that use of funds in that account would not be legally valid, the $1,200,000 shall be payable from the General Fund. | |
| | Provided further, that none of the $1,200,000 may be encumbered any sooner than 30 days after written notification of intention to encumber is provided to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee. | |
| 161.1 | —To the Department of Economic and Business Development for transfer to the Small Business Expansion Fund for the purposes of Section 14029.8 of the Corporations Code ..... | 800,000 |
| | provided, that the funds appropriated by this item shall be held in reserve until reappropriated by the Legislature for the purposes of Section 14029.8 of the Corporations Code. | |
| 162 | —For local assistance, Department of Economic and Business Development, for transfer to the California Economic Development Grant and Loan Fund ..... | 1,700,000 |
| | Schedule: | |
| | (a) State share ..... 1,700,000 | |
| | (b) Federal funds per Section 8.6 .....(1,924,000) | |
| | provided, that to the extent it is legally valid, as determined by the Attorney General, $1,075,000 of the funds appropriated by this item for grants and loans for businesses affected by the Century Freeway Project shall be payable from the State Highway Account in the State Transportation Fund; if the Attorney General determines that the use of funds in that account would not be legally valid, the $1,075,000 shall be payable from the General Fund. | |
| | Provided further, that none of the $1,075,000 may be encumbered any sooner than 30 days after written notification of intention to encumber is provided to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee. | |
| 163 | —For support of Department of Housing and Community Development ..... | 10,918,909 |
| | Schedule: | |
| | (a) Personal services ..... 10,310,779 | |

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|---|---|---|
| | (b) Operating expenses and equipment | 10,203,381 |
| | (c) Reimbursements | −4,796,556 |
| | (d) Amount payable from the Mobilehome Revolving Fund | −2,681,203 |
| | (e) Amount payable from Housing Predevelopment Loan Fund | −125,928 |
| | (f) Amount payable from Urban Housing Development Loan Fund | −43,602 |
| | (g) Federal funds | −318,215 |
| | (h) Amount payable from the Housing Rehabilitation Loan Fund | −128,114 |
| | (i) Amount payable from Chapter 1043, Statutes of 1979 | −250,000 |
| | (j) Amount payable from Energy and Resources Fund, Item 164 | −610,000 |
| | (k) Amount payable from Motor Vehicle Account, State Transportation Fund, Item 164.5 | −641,633 |

provided, that before the Controller transfers the $500,000 appropriated pursuant to this item for the affordable housing design competition to the Department of Housing and Community Development, a report shall be prepared jointly by the Department of Housing and Community Development, the Secretary of Business and Transportation, and the Office of Appropriate Technology concerning the specific plans for use of the funds and the plans for involvement of private sector developers and architects in the projects, and such report shall be submitted to the Legislature.

Provided further, that the Controller shall not transfer to the Department the $42,500 for the new deputy director position until the Director of the Department of Housing and Community Development first certifies in writing to the Controller that he has obtained from the Director of Finance and the Secretary of the Business and Transportation Agency an evaluation of the person considered for selection for the position, together with recommendations.

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| 164 | —For support of the Department of Housing and Community Development, payable from the Energy and Resources Fund, to be transferred to Item 163 | 610,000 |

| ITEM | | AMOUNT |
|---|---|---|
| 164.5—For support of the Department of Housing and Community Development, payable from the Motor Vehicle Account, State Transportation Fund, to be transferred to Item 163 | | 641,633 |
| 165—For local assistance, Department of Housing and Community Development | | 4,972,000 |
| Schedule: | | |
| (a) Farm Worker Housing Grant Program, for transfer to the Farmworker Housing Grant Fund | 2,500,000 | |
| (b) Low income home management training program | 175,000 | |
| (c) Housing Predevelopment Loan program for transfer to Housing Predevelopment Loan Fund | 225,000 | |
| (d) Urban Housing Development Loan Program, for transfer to the Urban Housing Development Loan Fund | 1,675,000 | |
| (e) Housing Advisory Service | 397,000 | |
| (f) Federal funds per Section 8.6 | (5,300,000) | |
| 166—For support of Department of Insurance | | 8,818,040 |
| Schedule: | | |
| (a) Personal services | 10,121,442 | |
| (b) Operating expenses and equipment | 2,807,192 | |
| (c) Reimbursements | −3,650,437 | |
| (d) Amount payable from the Insurance Commissioners Regulatory Trust Fund | −460,157 | |
| 168—For support of Department of Real Estate, payable from the Real Estate Fund | | 14,749,090 |
| Schedule: | | |
| (a) Personal services | 10,315,074 | |
| (b) Operating expenses and equipment | 3,747,814 | |
| (c) Education and research | 389,202 | |
| (d) Recovery act | 537,000 | |
| (e) Reimbursements | −240,000 | |
| provided, the Commissioner of Real Estate shall transfer $2,500,000 from the portion for education and research in the separate account established pursuant to Section 10450.6 of the Business and Professions Code to the Real Estate Fund. | | |
| 169—For support of Department of Savings and Loan, payable from the Savings and Loan Inspection Fund | | 6,540,874 |
| Schedule: | | |

| ITEM | | AMOUNT |
|---|---|---|
| | (a) Personal services | 4,877,745 |
| | (b) Operating expenses and equipment | 1,682,550 |
| | (c) Reimbursements | −19,421 |

Transportation

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| 170—For support, California Transportation Commission, payable from the Transportation Planning and Development Account, State Transportation Fund | | 968,005 |
| 171—For support, Aeronautics Program, Department of Transportation, payable from the Aeronautics Account, State Transportation Fund | | 1,500,803 |
| Schedule: | | |
| | (a) Aeronautics | 1,524,645 |
| | (b) Reimbursements | −23,842 |
| provided, that $112,000 of the amount appropriated by this item shall be transferred to Item 443 for support of air services activities. | | |
| 172—For support, Highway Transportation Program, Department of Transportation, payable from the State Highway Account, State Transportation Fund | | 463,180,124 |
| Schedule: | | |
| | (a) Maintenance | 245,453,396 |
| | (b) Rehabilitation | 44,537,205 |
| | (c) Operational improvements | 67,388,523 |
| | (d) Operations | 38,831,698 |
| | (e) Local assistance | 14,148,754 |
| | (f) Program development | 12,664,013 |
| | (g) New facilities | 74,520,532 |
| | (h) Administration | 60,842,242 |
| | (i) Reimbursements | −8,738,292 |
| | (j) Federal funds | −86,467,947 |

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provided, that up to 10 percent of any of the amounts scheduled in this item may be transferred to Item 180 or Item 513, as authorized under the provisions of Section 168 of the Streets and Highways Code, and provided, further, that any federal reimbursements shall be from any federal funds deposited in the State Highway Account, State Transportation Fund.

Provided further, that funds appropriated by this item shall be available for support of those projects which have been included in a State Transportation Improvement Plan adopted by the California Transportation Commission.

Provided further, that except as otherwise provided below, no funds appropriated by this act or made available for encumbrance from any other source may be used to pay the salary of the Director of Transportation after February 1, 1981.

Provided further, that the Director of Transportation shall prepare a comprehensive report and submit this report to the members of the Senate Finance Committee, the Assembly Committee on Ways and Means, the Office of the Legislative Analyst, and the Department of Finance, no later than November 1, 1980, which report clearly indicates that significant, remedial action has been taken, which has improved, and will continue to improve, the operations of the Department of Transportation.

Provided further, that on November 15, 1980, the Department of Transportation, pursuant to the provisions of Section 28 of this act, shall submit a request for deficiency authorization from the State Highway Account, State Transportation Fund for the purpose of paying the salary of the Director of Transportation for the period February 1, 1981, through June 30, 1981.

173—For support, Highway Transportation Program, Department of Transportation payable from the California Environmental License Plate Fund .... 49,375

174—For support, Mass Transportation Program, Department of Transportation, payable from the Transportation Planning and Development Account, State Transportation Fund ..... 5,047,286

Schedule:

(a) Mass transportation ..... 7,681,191

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(b) Reimbursement for purposes of Section 7204.4 of the Revenue and Taxation Code ..... —339,804
(c) Reimbursements ..... —1,055,066
(d) Federal funds ..... —1,239,035

provided, that funds expended in 1979–80 for the purpose of auditing AMTRAK shall be deducted from the $63,000 expenditure authorization for that activity in 1980–81.

Provided further, that 30 days prior to allocation of funds for rail capital projects, the Department of Transportation shall provide the following information to the California Transportation Commission, the Department of Finance, the fiscal committees of the Legislature, and the Joint Legislative Budget Committee:

(1) A description of the project.
(2) The cost of the project.
(3) Funding sources for the project.
(4) A time schedule for completion of the project.

Provided further, that the Department of Transportation shall prepare an update of its Rail Passenger Development Plan prior to December 1, 1980. It shall be consistent with expenditures proposed in the Governor's Budget and shall, at a minimum, identify:

(1) Each rail passenger service and rail capital project funded with, or proposed to be funded with, state funds.
(2) Costs and revenues for each service and project identified. Revenues shall be identified by fund source.

These data shall be displayed by year as follows:

(i) Actual expenditures and revenues for 1979–80.
(ii) Estimated costs and revenues for 1980–81.
(iii) Proposed costs and revenues for 1981–82.

| ITEM | | AMOUNT |
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| | Provided further, that $75,000 from category (a) shall be used by the Department of Transportation to study and determine the feasibility of reinstating passenger rail service between the Cities of San Francisco and Monterey, and the department shall report thereon to the Legislature on or before January 1, 1981. | |
| 175—For support, Mass Transportation Program, Department of Transportation payable from the State Highway Account, State Transportation Fund | | 127,319 |
| 176—For support, Transportation Planning Program, Department of Transportation, payable from the Transportation Planning and Development Account, State Transportation Fund | | 4,862,111 |
| | Schedule: | |
| | (a) Transportation planning ..... 8,176,149 | |
| | (b) Reimbursements .....—3,314,038 | |
| | provided, that the department shall assist the California Transportation Commission and the regional agencies in computerization of the Regional Transportation Improvement Program (RTIPs) prior to April 1 each year, through the following: | |
| | (1) Providing project information to the regions, in a standardized format, concerning projects for which data is readily available from the department's computerized data base. | |
| | (2) Reviewing data submitted by the regions concerning projects, prior to April 1, to assure that the data is compatible with the standardized STIP format and can be input to the department's computerized data base. | |

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| | (3) Assisting rural agencies, and urban agencies with limited-data-processing capabilities, in loading appropriate project data on the STIP computer system (on a reimbursement basis, if appropriate). Notwithstanding the above provisions, the department shall maintain the integrity of its computerized data base and, therefore, shall have full control of any input of changes or additions to the information in the data base. | |
| 177—For transfer by the State Controller from the Aeronautics Account, State Transportation Fund, to the Transportation Planning and Development Account, State Transportation Fund, as prescribed by Section 21682.5 of the Public Utilities Code for appropriation as specified in this act for expenditures by the California Transportation Commission and the Department of Transportation for transportation planning and research..... | | (30,000) |
| 178—For transfer by the State Controller from the State Highway Account, State Transportation Fund, to the Transportation Planning and Development Account, State Transportation Fund, as prescribed by Section 194 of the Streets and Highways Code for appropriation as specified in this act for expenditures by the California Transportation Commission and the Department of Transportation for transportation planning and research ..... | | (8,030,221) |
| Schedule: | | |
| (a) State funds..... | 4,030,221 | |
| (b) Federal funds ..... | 4,000,000 | |
| 179—For local assistance, Aeronautics Program, Department of Transportation, for allocation by the Department of Transportation, payable from the Aeronautics Account, State Transportation Fund in accordance with Sections 21602 and 21684.5 of the Public Utilities Code ..... | | 700,351 |
| 180—For local assistance, Highway Transportation Program, Department of Transportation, payable from the State Highway Account, State Transportation Fund ..... | | 39,986,400 |
| Schedule: | | |
| (a) Local assistance ..... | 168,327,400 | |
| (b) Federal funds ..... | 128,341,000 | |

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provided, that up to 10 percent of any amounts scheduled in this item may be transferred to Item 172 or Item 513, as authorized under the provisions of Section 168 of the Streets and Highways Code, and provided, further, that any federal reimbursements shall be from any federal funds deposited in the State Highway Account, State Transportation Fund.

Provided further, that funds appropriated by this item shall be available for allocation by the California Transportation Commission to those projects which have been included in a State Transportation Improvement Plan adopted by the Commission.

182—For local assistance, Mass Transportation Program, Department of Transportation, for allocation by the California Transportation Commission, payable from the State Highway Account, State Transportation Fund, in accordance with the provisions of Sections 199 and 199.1 of the Streets and Highways Code ..... 54,900,000

182.1—For local assistance, Mass Transportation Program, Department of Transportation, payable from the Transportation Planning and Development Account, State Transportation Fund..... 47,444,000

Schedule:

(a) Mass transportation..... 49,124,000

(b) Federal funds.....—1,680,000

provided, that of the amounts scheduled in this item, the $35,000,000 for guideway projects shall be allocated by the California Transportation Commission; provided further, that none of the amounts scheduled in this item shall be expended by the Department of Transportation for the purpose of studying mass transit alternatives in South Lake Tahoe unless the study conforms with the requirements established by the Urban Mass Transportation Administration for analysis of mass transportation capital outlay alternatives; provided further, that the $6,444,000 of discretionary funds shall be subject to allocation by the Secretary of the Business and Transportation Agency for purposes of transportation for low-mobility individuals, including the elderly and handicapped, except that none of the $6,444,000 may be encumbered sooner than 30 days after a written report on the proposed projects is submitted to the chairman of the fiscal committee of each house and the

| ITEM | | AMOUNT |
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| | Chairman of the Joint Rules Committee; and provided further, that the $5,000,000 for intermodal transfer facilities shall be allocated by the California Transportation Commission. | |
| | Provided further, that the Department of Transportation shall recalculate the 1980–81 funding level for the State Transit Assistance (STA) program after the budgets for the Department of Transportation, the California Transportation Commission, and the Institute of Transportation Studies are adopted by the Legislature. | |
| | Beginning with fiscal year 1980–81, the level of funding for the State Transit Assistance program shall be based on the estimated sales tax transfer from the Retail Sales and Use Tax Fund to the Transportation Planning and Development Account and estimated interest earned on funds in the Transportation Planning and Development Account. The level of funding for the STA program in 1980–81 shall also be augmented by the amount of one-half of the unencumbered balance in the Transportation Planning and Development Account as of July 1, 1979. | |
| | If insufficient Transportation Planning and Development Account revenues are available in 1980–81 to fund both (1) commitments to programs other than the STA program and (2) the level of STA funding specified above, then the level of funding for the STA program in 1981–82 shall be augmented by any shortfall in 1980–81 STA funding. | |
| 183 | —For local assistance, Transportation Planning Program, Department of Transportation, payable from the Transportation Planning and Development Account, State Transportation Fund..... | 2,031,500 |
| | Schedule: | |
| | (a) Transportation planning ..... 6,031,500 | |
| | (b) Federal funds .....—4,000,000 | |
| 184 | —For support of the Office of Traffic Safety, payable from the Motor Vehicle Account, State Transportation Fund ..... | 201,724 |
| | Schedule: | |
| | (a) State share..... 201,724 | |
| | (b) Federal funds per Section 8.7 ... ..(6,000,000) | |
| 185 | —For local assistance of the Office of Traffic Safety, payable from federal funds..... | (9,000,000) |
| | provided, that the amount specified by this item constitutes federal funds as defined in Section 8.7. | |

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| 186—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Account, State Transportation Fund | | 267,435,661 |
| Schedule: | | |
| (a) Personal services | 216,802,750 | |
| (b) Operating expenses and equipment | 54,425,659 | |
| (c) Reimbursements | −1,722,800 | |
| (d) Federal funds | −669,948 | |
| (e) Amount payable from the Abandoned Vehicle Trust Fund (Item 186.2) | −1,400,000 | |

provided, that funds to support more than 37 service desk operator positions in the Los Angeles Communications Center be first provided from any federal funds available to support such positions and that any unencumbered state funds appropriated for such purposes shall not be encumbered for any other purpose and shall revert to the Motor Vehicle Account in the State Transportation Fund.

Provided further, that none of the $150,000 appropriated for communications technology research shall be expended unless the scope and cost of any such research is approved by the Director of Finance and 30 days prior written notification is provided to the Joint Legislative Budget Committee.

Provided further, that two reserves shall be established for funds in category (b) as follows: $49,130 for Stephen P. Teale Consolidated Data Center charges exceeding $386,300 during fiscal year 1980–81 and $211,788 for increases in future leasing costs.

Provided further, that the department shall notify the Joint Legislative Budget Committee of (1) the expenditure of funds from the Teale Data Center charges reserve and (2) the negotiated monthly rents of leased facilities not later than 30 days after the expenditure of funds or the determination of such rents, except that if actual or negotiated costs are lower than the reserves provided in this item, any unencumbered balance shall not be encumbered for any other purpose and shall revert to the Motor Vehicle Account in the State Transportation Fund.

Provided further, that the department shall comply with all rules and regulations promulgat-

| ITEM | | AMOUNT |
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| | ed by the State Board of Control concerning the use of state-owned motor vehicles under Sections 13950 to 13955, inclusive, of the Government Code. | |
| 186.1 | —For transfer to, and in augmentation of, Item 186, Department of the California Highway Patrol, for increases in gasoline prices in excess of budgeted projections, payable from the Motor Vehicle Account, State Transportation Fund ..... provided, that none of the funds appropriated by this item shall be transferred to Item 186 unless and until authorized in writing by the Director of Finance. | 2,500,000 |
| 186.2 | —For support of the Department of the California Highway Patrol, payable from the Abandoned Vehicle Trust Fund, to be transferred to Item 186.. provided, that the appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (b) of Section 9250.7 of the Vehicle Code during the 1980–81 fiscal year. | 1,400,000 |
| 187 | —For payments of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, the sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Motor Vehicle Account, State Transportation Fund..... provided, that the Director of Finance shall report allocations from this item in the same manner as required for reporting allocations from Item 492 of this act. | (1,000,000) |
| 188 | —To the Department of the California Highway Patrol, for advance authority for the department to incur automotive equipment purchase obligations in an amount not to exceed $2,500,000 during the 1980–81 fiscal year, for delivery beginning in the 1981–82 fiscal year, the sum of $2,500,000 is hereby appropriated from the Motor Vehicle Account, State Transportation Fund ..... | (2,500,000) |
| 189 | —For support of Department of Motor Vehicles.... to be transferred to the Motor Vehicle Account, State Transportation Fund, Item 190 of this act for anatomical donor designation program and petit jury panel selection. | 205,926 |
| 190 | —For support of Department of Motor Vehicles, payable from the Motor Vehicle Account, State Transportation Fund ..... Schedule: | 134,209,439 |

| ITEM | | AMOUNT |
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| | (a) Personal services | 129,704,300 |
| | (b) Operating expenses and equipment | 44,417,888 |
| | (c) Reimbursements | −11,331,809 |
| | (d) Amount payable from the General Fund (Item 189) | −205,926 |
| | (e) Amount payable from the Motor Vehicle License Fee Account, Transportation Tax Fund (Item 192) | −22,818,267 |
| | (f) Amount payable from the California Environmental License Plate Fund (Item 193) | −3,535,706 |
| | (g) Amount payable from the State Bicycle License and Registration Fund (Item 194) | −88,908 |
| | (h) Amount payable from the Harbors and Watercraft Revolving Fund (Item 195) | −1,932,133 |
| 190.1 | —For support of the Department of Motor Vehicles, payable from the Motor Vehicle Account, State Transportation Fund ..... provided, that the funds appropriated by this item shall only be encumbered for the purchase and installation of the production equipment required by the Correctional Industries program, Department of Corrections, to produce fully reflectorized license plates for the Department of Motor Vehicles. | 400,000 |
| 191 | —For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, the sum of $500,000, or so much thereof as may be necessary, is appropriated from the Motor Vehicle Account, State Transportation Fund ..... provided, that the Director of Finance shall report allocations from this item in the same manner as required for reporting allocations from Item 492 of this act. | (500,000) |
| 192 | —For support of Department of Motor Vehicles, payable from the Motor Vehicle License Fee Account, Transportation Tax Fund ..... to be transferred to Item 190, as provided by Section 11003 of the Revenue and Taxation Code. | 22,818,267 |
| 193 | —For support of Department of Motor Vehicles, payable from the California Environmental License Plate Fund ..... | 3,535,706 |

| ITEM | | AMOUNT |
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| to be transferred to Item 190, as provided by Section 21191 of the Public Resources Code. | | |
| 194—For support of Department of Motor Vehicles, payable from the State Bicycle License and Registration Fund ..... to be transferred to Item 190, as provided by Section 39001 of the Vehicle Code. | | 88,908 |
| 195—For support of Department of Motor Vehicles, the sum of $1,932,133 is appropriated from the Harbors and Watercraft Revolving Fund ..... to be transferred to Item 190, for undocumented vessel registration and fee collection. | | (1,932,133) |
| 196—For support of Traffic Adjudication Board, payable from the Driver Training Penalty Assessment Fund ..... | | 1,173,045 |
| Schedule: | | |
| (a) Personal services ..... | 895,569 | |
| (b) Operating expenses and equipment ..... | 683,109 | |
| (c) Reimbursements ..... | −405,633 | |
| 197—For support of the Stephen P. Teale Consolidated Data Center, Business and Transportation Agency, the sum of $21,049,338 is appropriated from the Stephen P. Teale Consolidated Data Center Revolving Fund ..... provided, that the limitations of Item 493 shall not apply to any deficiency expenditure authorization for the Stephen P. Teale Consolidated Data Center. | | (21,049,338) |
| 197.1—For transfer to the Stephen P. Teale Consolidated Data Center Revolving Fund upon written approval of the Department of Finance, for the expansion of the Stephen P. Teale Consolidated Data Center at a separate location ..... provided, that the amount transferred pursuant to this item shall be a temporary loan to be repaid by the Stephen P. Teale Consolidated Data Center Revolving Fund by July 1, 1986, upon such terms and conditions as may be prescribed by the Department of Finance. | | 2,923,000 |
| Provided further, that such terms and conditions shall provide for the recovery of appropriate loan repayment amounts and data center operations costs from the users of the additional site funded by this item. | | |
| Provided further, that the separate location for which funds are appropriated in this item shall be leased with an option to purchase. | | |

ITEM AMOUNT

Provided further, that notwithstanding Section 28.2, the Director of General Services, acting on behalf of the Stephen P. Teale Consolidated Data Center, shall enter into a lease with a purchase option agreement for the purpose of expanding the data center at a separate location, if such agreement is approved by the State Public Works Board, and the Chairman of the Joint Legislative Budget Committee, or his designee, has been provided 30 days to review the proposed agreement and documentation identifying, in a floorspace layout format, the proposed uses of all locations to be occupied by the data center, including the identification and placement of computing and related equipment, for the 1980–81 and 1981–82 fiscal years and a feasibility study report, or reports, for the additional computing equipment acquired by funds provided in this item. Such feasibility study or studies shall be approved by the Department of Finance and shall be prepared in accordance with Sections 4920 to 4928, inclusive, of the State Administrative Manual.

RESOURCES

198—To Resources Agency for support of Waterways Management Planning Program pursuant to Chapter 761, Statutes of 1971, and the California Wild and Scenic Rivers Act (commencing with Section 5093.50) of the Public Resources Code.... 310,469
provided, that the Secretary for Resources shall not request or recommend the adoption of new regulations for special treatment areas on the Smith River until the Smith River Plan is submitted to the Legislature.

199—To Resources Agency for grants to public and private higher education for use as a maximum of two-thirds of the local matching share for projects under the National Sea Grant College and Program Act of 1966, as provided in subdivision (d) of Section 6217 of the Public Resources Code ..... 500,000

200—For subvention to California Tahoe Regional Planning Agency ..... 415,650
Schedule:
(a) Local assistance ..... 265,650
(b) Attorney General contract services ..... 150,000

| ITEM | | AMOUNT |
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| | provided, that expenditures from the appropriation made by this item shall be subject to Sections 15, 16, 18, and 28. | |
| 201—For support of California Conservation Corps .... | | 21,132,731 |
| | Schedule: | |
| | (a) Personal services ..... 8,258,660 | |
| | (b) Operating expenses and equipment ..... 23,247,642 | |
| | (c) Reimbursements .....—10,038,555 | |
| | (d) Amount payable from the State Energy Resources Conservation and Development Special Account, General Fund (Item 202) —335,016 | |
| | provided, that the appropriation under this item shall be reduced by the Director of Finance in an amount equal to any federal Public Law 95-93 funds received in excess of the $6,932,349 scheduled in category (c), unless the Joint Legislative Budget Committee has been notified pursuant to Section 28. | |
| | Provided further, that the appropriation under this item shall be reduced by the Director of Finance in an amount equal to any reimbursements received for work projects in excess of the $151,200 scheduled in category (c), unless the Joint Legislative Budget Committee has been notified pursuant to Section 28. | |
| 202—For support of the Solar Energy and Conservation Program in the California Conservation Corps, to be transferred to Item 201, payable from the State Energy Resources Conservation and Development Special Account, General Fund ..... | | 335,016 |
| 203—For support of State Energy Resources Conservation and Development Commission, payable from the State Energy Resources Conservation and Development Special Account, General Fund ..... | | 19,581,922 |
| | Schedule: | |
| | (a) Personal services ..... 15,434,263 | |
| | (b) Operating expenses and equipment ..... 12,506,989 | |
| | (c) Transfer from State Energy Resources Conservation and Development Reserve Account ..... —337,054 | |
| | (d) Federal funds .....—6,929,108 | |
| | (e) Amount payable from the Motor Vehicle Account, State Transportation Fund (Item 204) ..... —947,785 | |
| | (f) Reimbursements..... —145,383 | |

ITEM AMOUNT

provided, that, except as otherwise provided below, no funds appropriated by this item shall be available for contracted legal representation or services related to appealing any court decision or the decision of any agency or commission of the federal government rendered against the Public Utilities Commission or the State Energy Resources Conservation and Development Commission concerning the use of nuclear power for generating electrical energy nor for contract costs of legal services for initiating, intervening, appealing, or otherwise participating in court actions or federal administrative actions concerning the issues surrounding nuclear power or power plants which are proposed for construction or actually constructed or operated within California or which provide electrical energy to California.

Provided further, that funds appropriated by this item may be encumbered for the legal services described above only if the Attorney General has declined to undertake such representation or provide such services upon the written request of the State Energy Resources Conservation and Development Commission. Failure by the Attorney General to positively respond in writing within 30 days upon receipt of written request (or such lesser time if a denial in writing is received) shall constitute denial.

Provided further, that within such 30-day period, the State Energy Resources Conservation and Development Commission, upon authorization by the Governor, may undertake any action necessary, including, but not limited to, filing legal notices and papers necessary to protect and preserve rights in pending legal actions.

Provided further, that nothing in this item shall be construed to affect constitutional rights or duties.

Provided further, that the State Energy Resources Conservation and Development Commission may continue or renew any contract between the commission and any person which was in effect as of June 30, 1980, for the purpose of completing services specified in the contract pertaining to any case or controversy pending before a state or federal court or a state or federal agency on the effective date of this section.

204—To State Energy Resources Conservation and De-

| ITEM | | AMOUNT |
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| | velopment Commission, to be transferred to Item 203, payable from the Motor Vehicle Account, State Transportation Fund | 947,785 |
| 205—For support of Solid Waste Management Board.. Schedule: | | 1,519,030 |
| | (a) Personal services | 2,779,636 |
| | (b) Operating expenses and equipment | 14,117,555 |
| | (c) Federal funds | −3,657,161 |
| | (d) Amount payable from the State Litter Control, Recycling and Resource Recovery Fund (Item 206) | −11,471,000 |
| | (e) Amount payable from the Energy and Resources Fund (Item 207) .. | −250,000 |

provided, that $250,000 shall be allocated by the board for the mobile pyrolyzer either from category (e), if the Energy and Resources Fund is established prior to September 15, 1980, or from category (d), if the Energy and Resources Fund is not established prior to September 15, 1980.

Provided further, that the board shall use up to $200,000 from the State Litter Control, Recycling, and Resource Recovery Fund for a contract study and report on the economics of recycling and resource recovery. The report shall include:

(1) The market conditions and economic factors which control recycling and resource recovery in California.

(2) An identification of market constraints which limit recycling and resource recovery.

(3) Proposals for specific actions which the board or other public agencies could take to stimulate demand for recycled materials.

Provided further, that the board shall allocate up to $200,000 from its public awareness and education funds for a contract study and report on alternative approaches to public awareness and education efforts, and to formulate an overall plan for the education and public awareness program.

Provided further, that up to $40,000 of the amount made available in category (d) shall be used by the board to purchase miscellaneous supplies for distribution to paper recycling programs in educational and public institutions.

206—For support of the State Solid Waste Management

| ITEM | | AMOUNT |
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| | Board, for the purposes of the Litter Control, Recycling, and Resource Recovery Act of 1977 (commencing with Section 68000 of the Government Code), to be transferred to Item 205, payable from the State Litter Control, Recycling, and Resource Recovery Fund | 11,471,000 |
| | provided, that notwithstanding the 5 percent expenditure requirement for program management and administrative costs contained in Section 68052 of the Government Code, the board shall follow Section 68042 of the Government Code in allocating the funds appropriated by this item. | |
| 207 | —For support of the Solid Waste Management Board, to be transferred to Item 205, payable from the Energy and Resources Fund | 250,000 |
| 208 | —For support of State Air Resources Board | 4,371,747 |
| | Schedule: | |
| | (a) Personal services | 15,477,832 |
| | (b) Operating expenses and equipment | 27,512,051 |
| | (c) Reimbursements | −741,244 |
| | (d) Federal funds | −1,800,920 |
| | (e) Amount payable from the Motor Vehicle Account, State Transportation Fund (Item 209) | −18,851,811 |
| | (f) Amount payable from the Automotive Repair Fund (Item 210) | −1,362,393 |
| | (g) Amount payable from the California Environmental License Plate Fund (Item 211) | −1,216,478 |
| | (h) Amount payable from the Air Pollution Control Fund (Item 213) | −607,594 |
| | (i) Amount payable from the Vehicle Inspection Fund (Item 214) | −13,909,732 |
| | (j) Amount payable from the State Energy Resources Conservation and Development Special Account, General Fund (Item 212) | −127,964 |
| | provided, that $113,503 of the amount transferred to this item from Item 209 shall be used by the board for surveillance directed at tampering with, and maladjustment of, emission control devices by dealers. | |
| 209 | —For support of vehicular program, State Air Resources Board, to be transferred to Item 208, payable from the Motor Vehicle Account, State Transportation Fund | 18,851,811 |

| ITEM | | AMOUNT |
|---|---|---|
| 210—For support of State Air Resources Board, to be transferred to Item 208, payable from the Automotive Repair Fund | | 1,362,393 |
| 211—For support of State Air Resources Board, to be transferred to Item 208, payable from the California Environmental License Plate Fund | | 1,216,478 |
| 212—For support of the cogeneration program, State Air Resources Board, to be transferred to Item 208, payable from the State Energy Resources Conservation and Development Special Account, General Fund | | 127,964 |
| 213—For support of the State Air Resources Board, to be transferred to Item 208, payable from the Air Pollution Control Fund | | 607,594 |
| 214—For the purposes of Chapter 20.4 (commencing with Section 9889.50) of Division 3 of the Business and Professions Code, to be transferred to Item 208, State Air Resources Board, payable from the Vehicle Inspection Fund | | 13,909,732 |
| 215—For assistance to counties in the operation of local air pollution control districts, State Air Resources Board, in accordance with Chapter 5 (commencing with Section 39800) of Part 2 of Division 26 of the Health and Safety Code | | 4,033,000 |
| provided, that the amount appropriated by this item shall be reduced by order of the Director of Finance by the amount of any other funds that become available for the purposes of this item during the 1980–81 fiscal year. | | |
| 216—For assistance to counties in the operation of local air pollution control districts, State Air Resources Board, in accordance with Chapter 5 (commencing with Section 39800) of Part 2 of Division 26 of the Health and Safety Code, payable from the Motor Vehicle Account, State Transportation Fund | | 3,311,420 |
| 217—For support of the Colorado River Board of California | | 158,568 |
| Schedule: | | |
| (a) Personal services | 382,172 | |
| (b) Operating expenses and equipment | 93,532 | |
| (c) Reimbursements | −317,136 | |
| 218—For support of Department of Conservation | | 8,865,319 |
| Schedule: | | |
| (a) Personal services | 8,274,478 | |
| (b) Operating expenses and equipment | 4,363,562 | |

| ITEM | | AMOUNT |
|---|---|---|
| (c) California Institute of Technology seismograph network | 57,000 | |
| (d) Reimbursements | −944,962 | |
| (e) Federal funds | −378,741 | |
| (f) Amount payable from State Highway Account, State Transportation Fund (Item 219) | −11,400 | |
| (g) Amount payable from California Water Fund (Item 220) | −11,400 | |
| (h) Amount payable from Strong-Motion Instrumentation Program Fund (Item 222) | −1,472,581 | |
| (i) Amount payable from the California Environmental License Plate Fund (Item 221) | −310,637 | |
| (j) Amount payable from the Energy and Resources Fund (Item 223) | −700,000 | |
| 219—For support of Department of Conservation to fund the state share of the California Institute of Technology seismograph network, to be transferred to Item 218, payable from the State Highway Account, State Transportation Fund | | 11,400 |
| 220—For support of Department of Conservation to fund the state share of the California Institute of Technology seismograph network, to be transferred to Item 218, payable from the California Water Fund | | 11,400 |
| 221—For support of Department of Conservation to fund digitized mapping activities, to be transferred to Item 218, payable from the California Environmental License Plate Fund | | 310,637 |
| 222—For support of Department of Conservation, in carrying out the functions of the Division of Mines and Geology, to be transferred to Item 218, payable from the Strong-Motion Instrumentation Program Fund | | 1,472,581 |
| 223—For support of Department of Conservation to fund soils data and digitized mapping activities, to be transferred to Item 218, payable from the Energy and Resources Fund | | 700,000 |
| 224—For support of Department of Forestry | | 100,567,637 |
| Schedule: | | |
| (a) Personal services | 90,126,158 | |
| (b) Operating expenses and equipment | 35,692,462 | |
| (c) Fire protection contract—counties | 8,812,284 | |

| ITEM | | AMOUNT |
|---|---|---|
| | (d) Fire protection contract—United States Forest Service | 2,828,359 |
| | (e) Reimbursements | −26,995,811 |
| | (f) Federal funds | −1,524,059 |
| | (g) Amount payable from Professional Forester Registration Fund (Item 226) | −68,900 |
| | (h) Amount payable from California Environmental License Plate Fund (Item 227) | −143,906 |
| | (i) Amount payable from Timber Tax Fund (Item 228) | −16,292 |
| | (j) Amount payable from Renewable Resources Investment Fund (Chapter 1104/79) | −133,373 |
| | (k) Amount payable from the Forest Resources Improvement Fund (Item 229) | −6,796,285 |
| | (*l*) Amount payable from the Energy and Resources Fund (Item 231) | −1,000,000 |
| | (m) Unallocated reduction | −213,000 |

provided, that the $213,000 unallocated reduction in category (m) shall result in reduction in departmental administration and shall not result in reduced fire suppression activities.

Provided further, that an amount not more than $100,000 in emergency fire suppression and detection costs and related emergency revegetation costs may be expended from the amounts appropriated for categories (a) and (b) without approval of the Department of Finance.

Provided further, that $1,000,000 appropriated by this item may be expended only for relocation expenses or other costs associated with the termination of the Orange County Fire Protection contract; and provided further, that no such expenditure shall be made unless approved by the Department of Finance.

| | | |
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| 225 | For allocation by the Director of Finance to the Department of Forestry for emergency fire suppression | 5,000,000 |
| 226 | For support of Department of Forestry, in carrying out the function of forester registration, to be transferred to Item 224, payable from the Professional Forester Registration Fund | 68,900 |

| ITEM | | AMOUNT |
|---|---|---|
| 227—For support of Department of Forestry to fund a soil erosion study, to be transferred to Item 224, payable from the California Environmental License Plate Fund | | 143,906 |
| 228—For support of Department of Forestry, to be transferred to Item 224, the sum of $16,292 is appropriated from the Timber Tax Fund | | (16,292) |
| 229—For support of Department of Forestry, to fund the Forest Resources Improvement Program, to be transferred to Item 224, payable from the Forest Resources Improvement Fund | | (6,796,285) |
| provided, that $550,000 of the amount appropriated by this item shall be used to continue support of the reforestation project on state school lands administered by the State Lands Commission. | | |
| Provided further, that $195,651 of the amount appropriated by this item shall be used for support of the timber harvest plan review program. | | |
| Provided further, that $120,000 of the amount appropriated by this item shall be used for support of the tree people project. | | |
| 230—For transfer to the General Fund in accordance with subdivision (a) of Section 4799.13 of the Public Resources Code, for the costs of operation of the State forests for the period January 1, 1980 through June 30, 1981, the sum of $1,862,261 is appropriated from the Forest Resources Improvement Fund | | (1,862,261) |
| 231—For support of Department of Forestry to fund vegetation management, land conservation projects, and timber harvest plan review activities, to be transferred to Item 224, payable from the Energy and Resources Fund | | 1,000,000 |
| 232—For support of State Lands Commission | | 6,793,960 |
| Schedule: | | |
| (a) Personal services | 7,291,689 | |
| (b) Operating expenses and equipment | 2,483,524 | |
| (bx) Environmental impact reports | 630,000 | |
| (c) Reimbursements | −862,822 | |
| (d) Reimbursements payable under the provisions of Chapter 138, Statutes of 1964 (First Extraordinary Session) | −2,248,431 | |
| (e) Amount payable from the California Environmental License Plate Fund (Item 233) | −425,000 | |
| (f) Federal funds | −75,000 | |

| ITEM | | AMOUNT |
|---|---|---|
| 233—For support of State Lands Commission to fund a shore zone study of Lake Tahoe and a study of the Owens Dry Lake, to be transferred to Item 232, payable from the California Environmental License Plate Fund | | 425,000 |
| provided, that if Senate Bill No. 1591 of the 1979–80 Regular Session (SB 1591) is enacted, the $250,000 appropriated in this item for the Owens Dry Lake study shall not be available for expenditure and shall revert to the California Environmental License Plate Fund on order of the Director of Finance. | | |
| Provided further, that if SB 1591 is not passed by the Legislature, or chaptered, this shall be considered an expression of intent that the Owens Dry Lake study not be conducted and the funds appropriated in this item for such study shall not be available for expenditure and shall revert to the California Environmental License Plate Fund on order of the Director of Finance. | | |
| 235—For support of Seismic Safety Commission | | 362,883 |
| Schedule: | | |
| (a) Personal services | 235,743 | |
| (b) Operating expenses and equipment | 127,140 | |
| 236—For transfer to the Fish and Game Preservation Fund (Item 239), solely for the support of existing programs devoted to nongame species management and protection and environmental protection | | 4,395,324 |
| 237—For transfer to the Fish and Game Preservation Fund, as determined by the Department of Finance pursuant to Sections 712 and 7149.3 of the Fish and Game Code, the total amount of fees that would otherwise have been collected for sport fishing licenses and stamps and for hunting licenses and tags issued free of charge | | 517,000 |
| 238—For transfer to the Fish and Game Preservation Fund (Item 239), for the support of programs relating to environmental protection, management of nongame species Natural Areas Management, Klamath River Salmon Enhancement, and for printing the California Fish and Wildlife Plan, Department of Fish and Game, payable from the California Environmental License Plate Fund | | 852,436 |

| ITEM | | AMOUNT |
|---|---|---|
| 238.1—For implementation of the soil restoration element of the San Lorenzo River watershed management plan, Department of Fish and Game, payable from the Energy and Resources Fund.... | | 300,000 |
| 239—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, and for the purchase of land for game production, improvement of waterfowl areas and research in game management under provisions of the Pittman-Robertson Act, fish restoration and management projects under the provisions of the Dingell-Johnson Act, and for commercial fisheries research and development projects under the provisions of the Commercial Fisheries Research and Development Act (Bartlett Act), Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item ..... | | 32,969,740 |
| Schedule: | | |
| (a) Personal services ..... | 35,018,174 | |
| (b) Operating expenses and equipment ..... | 21,410,069 | |
| (c) Reimbursements ..... | −4,605,756 | |
| (d) Federal funds ..... | −9,948,369 | |
| (e) Amount payable from the General Fund (Item 236) ..... | −4,395,324 | |
| (f) Amount payable from the California Environmental License Plate Fund (Item 238) ..... | −852,436 | |
| (g) Amount payable from Item 240 (market crab) ..... | −83,139 | |
| (h) Amount payable from Item 241 (migrating waterfowl) ..... | −845,000 | |
| (i) Amount payable from Item 242 (training) ..... | −327,991 | |
| (j) Amount payable from Item 243 (native species preservation) ..... | −33,031 | |
| (k) Amount payable from the Renewable Resources Investment Fund | −1,069,327 | |
| (*l*) Amount payable from the Energy and Resources Fund (Item 243.1) | −1,298,130 | |
| provided, that $362,000 of the amount appropriated by this item shall not be encumbered by the Department of Fish and Game for support of com- | | |

| ITEM | AMOUNT |
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| mercial fishery management programs and related law enforcement activities unless legislation is chaptered prior to January 1, 1981, which continues commercial fishing license fees and taxes at the rates in effect on December 31, 1979. Provided further, that $700,000 of the funds appropriated by Chapter 1304 of the Statutes of 1976 shall be used in the 1980–81 fiscal year for maintenance dredging of Upper Newport Bay or for a desiltation basin in the Upper Newport Bay. | |
| 240—For transfer to the Fish and Game Preservation Fund (Item 239), for the support of investigations into the decline of the market crab in state waters, Department of Fish and Game, payable from the Fish and Game Preservation Fund..... | 83,139 |
| 241—For transfer to the Fish and Game Preservation Fund (Item 239), for the support of projects for the purpose of protecting and propagating migratory waterfowl and for the preservation of wetlands, Department of Fish and Game, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 3700 of the Fish and Game Code ..... | 845,000 |
| 242—For transfer to the Fish and Game Preservation Fund (Item 239), for the support of the education or training of department employees, Department of Fish and Game, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 12018 of the Fish and Game Code ..... | 327,991 |
| 243—For transfer to the Fish and Game Preservation Fund (Item 239), for the support of programs related to native species conservation and enhancement as prescribed in the Native Species Conservation and Enhancement Act, Department of Fish and Game, payable from the Native Species Conservation and Enhancement Account in the Fish and Game Preservation Fund ..... | 33,031 |
| 243.1—For transfer to the Fish and Game Preservation Fund (Item 239), for the support of the Environmental Review and Evaluation program and the Instream Flow Analysis program, Department of Fish and Game, payable from the Energy and Resources Fund..... | 1,298,130 |
| 244—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund ..... | 330,111 |
| Schedule: | |
| (a) Personal services ..... | 259,056 |

| ITEM | | AMOUNT |
|---|---|---|
| (b) Operating expenses and equipment | 71,055 | |
| provided, that any money in the Wildlife Restoration Fund in excess of the appropriation made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code. | | |
| 245—For support of Department of Boating and Waterways, to be transferred to Item 246 | | 249,004 |
| 246—For support of Department of Boating and Waterways, the sum of $2,304,545 is appropriated from the Harbors and Watercraft Revolving Fund | | (2,304,545) |
| and in addition thereto, any amounts received from federal grants or other sources. | | |
| Schedule: | | |
| (a) Personal services | 1,731,470 | |
| (b) Operating expenses and equipment | 802,079 | |
| (c) Feasibility determinations | 20,000 | |
| (d) Amount payable from General Fund (Item 245) | −249,004 | |
| (e) Boating safety financial assistance | 243,542 | |
| (f) Federal funds | −243,542 | |
| 247.1—For beach erosion control, local assistance, Department of Boating and Waterways, payable from the Energy and Resources Fund | | 1,700,000 |
| Schedule: | | |
| (a) Sunset Cliffs project—City of San Diego | 1,100,000 | |
| (b) Santa Barbara Beach project—City of Santa Barbara | 600,000 | |
| provided, that none of the funds specified in category (a) for the Sunset Cliffs project or in category (b) for the Santa Barbara Beach project may be encumbered unless and until each project is approved by the California Coastal Commission and an environmental impact report has been approved. | | |
| 248—For loans to cities, counties, or districts pursuant to Sections 70.2 and 71.4 of the Harbors and Navigation Code, Department of Boating and Waterways, the sum of $9,178,000 is appropriated from the Harbors and Watercraft Revolving Fund | | (9,178,000) |
| Schedule: | | |
| (a) Channel Islands Harbor | 700,000 | |
| (b) Coyote Point Marina | 500,000 | |
| (c) Downtown Shoreline Marina | 3,900,000 | |
| (d) Monterey Harbor | 300,000 | |
| (e) Oakland Embarcadero Marina | 1,500,000 | |

| ITEM | | AMOUNT |
|---|---|---|
| | (f) Richmond Marina ..... 852,000 | |
| | (g) Santa Barbara Harbor ..... 1,176,000 | |
| | (h) Spud Point, Bodega Bay ..... 200,000 | |
| | (i) Planning loans ..... 50,000 | |
| | provided, that none of the funds specified in category (e) for the Oakland Embarcadero Marina project may be encumbered unless and until that project is approved by the Bay Conservation and Development Commission. | |
| 249— | For grants for construction and development of small craft launching facilities to cities, counties, districts, or other public agencies pursuant to Section 72.5 of the Harbors and Navigation Code, Department of Boating and Waterways, the sum of $1,758,000 is appropriated from the Harbors and Watercraft Revolving Fund ..... | (1,758,000) |
| | Schedule: | |
| | (a) El Granada ..... 417,000 | |
| | (b) Floating restrooms ..... 100,000 | |
| | (c) Ice House Reservoir ..... 183,000 | |
| | (d) Lake McCloud ..... 266,000 | |
| | (e) Las Palmas ..... 153,000 | |
| | (f) Loon Lake ..... 50,000 | |
| | (g) Oyster Point Marina ..... 333,000 | |
| | (h) Park Moabi ..... 50,000 | |
| | (i) Ramp repairs ..... 50,000 | |
| | (j) Union Valley ..... 156,000 | |
| 250— | For allotment, pursuant to Section 663.7 of the Harbors and Navigation Code, for boating safety and enforcement programs, Department of Boating and Waterways, the sum of $2,081,814 is appropriated from the Harbors and Watercraft Revolving Fund ..... | (2,081,814) |
| 251— | For allocation by the Director of Finance to provide for repairs, authorized by the Director of Finance, of damage at small craft harbor facilities constructed pursuant to Sections 70.2, 71.4, and 72.5 of the Harbors and Navigation Code, caused by emergency conditions, including but not limited to tidal waves or severe storms, and for payment of deficiencies in appropriations for the Department of Boating and Waterways which may be authorized by the Director of Finance; the sum of $100,000, or so much thereof as may be necessary, is appropriated from the Harbors and Watercraft Revolving Fund ..... | (100,000) |
| 252— | For support of California Coastal Commission .... | 5,767,204 |
| | Schedule: | |

| ITEM | | AMOUNT |
|---|---|---|
| (a) Personal services | 5,230,910 | |
| (b) Operating expenses and equipment | 2,436,974 | |
| (c) Coastal Energy Impact Program Grants | 2,064,000 | |
| (d) Reimbursements | −54,000 | |
| (e) Federal funds | −4,047,580 | |
| (f) BCDC Grants | 310,000 | |
| (g) Amount payable from the California Environmental License Plate Fund (Item 253) | −173,100 | |
| 253—For support of the California Coastal Commission, to be transferred to Item 252, payable from the California Environmental License Plate Fund | | 173,100 |
| 254—For assistance to local governments, California Coastal Commission, for coastal planning assistance as provided in Section 16 of Chapter 1330 of the Statutes of 1976, as amended by Section 28 of Chapter 1331 of the Statutes of 1976 | | 356,425 |
| Schedule: | | |
| (a) Assistance to local planning agencies | 1,701,425 | |
| (b) Federal funds | −1,345,000 | |
| 255—For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to activities of the California Coastal Commission, of any new program or increased level of service of an existing program mandated by statute, State Controller | | 400,000 |
| provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs and of subdivision (d) of Section 2231 of the Revenue and Taxation Code. | | |
| Provided further, that none of the funds appropriated in this item may be approved for disbursement to any local entity unless the California Coastal Commission has first determined that federal funds are not available. | | |
| 256—For support of Department of Parks and Recreation | | 61,241,808 |
| Schedule: | | |
| (a) Personal services | 54,629,803 | |
| (b) Operating expenses and equipment | 22,907,353 | |

| ITEM | | AMOUNT |
|---|---|---|
| | (bb) Prenegotiation planning, outside appraisal, and legal services ..... | 535,000 |
| | (c) Reimbursements ..... | −7,933,339 |
| | (d) Federal funds ..... | −1,940,598 |
| | (e) Amount payable from State Parks and Recreation Fund (Item 257) | −4,330,228 |
| | (f) Amount payable from Off-Highway Vehicle Fund (Item 258) ..... | −1,845,154 |
| | (g) Amount payable from Harbors and Watercraft Revolving Fund (Item 259) ..... | −281,029 |
| | (h) Amount payable from Energy and Resources Fund (Item 260) ..... | −500,000 |
| | provided that contracts for outside legal services related to land acquisition projects are exempt from approval by the Attorney General. | |
| | Provided further, that $30,000 of the amount appropriated by this item shall be used for lifeguard services and equipment at the southernmost portion of San Buenaventura State Beach. | |
| 257—For support of Department of Parks and Recreation, to be transferred to Item 256 by the State Controller, payable from the State Parks and Recreation Fund ..... | | 4,330,228 |
| 257.1—To the Department of Parks and Recreation, for expenditure by the department for maintenance and repair of highways in units of the state park system, the sum of $1,500,000 is hereby appropriated for transfer by the State Controller from the Highway Users Tax Account in the Transportation Tax Fund to the State Parks and Recreation Fund, as prescribed by subdivision (a) of Section 2107.7 of the Streets and Highways Code ..... | | (1,500,000) |
| 258—For support of Department of Parks and Recreation, to be transferred to Item 256 by the State Controller, payable from the Off-Highway Vehicle Fund ..... | | 1,845,154 |
| 259—For support of Department of Parks and Recreation, to be transferred to Item 256 by the State Controller, the sum of $281,029 is appropriated pursuant to subdivision (d) of Section 663.7 of the Harbors and Navigation Code, Harbors and Watercraft Revolving Fund ..... | | (281,029) |
| 260—For support of Department of Parks and Recreation, to be transferred to Item 256 by the State Controller, payable from the Energy and Resources Fund ..... | | 500,000 |
| 260.1—For grants to federal agencies, counties, cities, or | | |

| ITEM | | AMOUNT |
|---|---|---|
| cities and counties pursuant to subdivision (a) of Section 38270 of the Vehicle Code, Department of Parks and Recreation, payable from the Off-Highway Vehicle Fund to be available for expenditure during the 1980–81, 1981–82, and 1982–83 fiscal years | | 5,763,534 |
| Schedule: | | |
| (a) County of Monterey, Laguna Seca Mini Bike Course | 123,750 | |
| (b) County of Sacramento, Prairie City | 1,248,500 | |
| (c) County of Sacramento, Prairie City Operation and Maintenance | 204,284 | |
| (d) County of San Bernardino, Glen Helen Off-Highway Vehicle Park | 470,000 | |
| (e) County of Stanislaus, La Grange Off-Highway Vehicle Park planning | 20,000 | |
| (f) County of Stanislaus, Frank Raines Off-Highway Vehicle Park | 760,000 | |
| (g) City of Marysville, Riverfront Off-Highway Vehicle Park | 409,050 | |
| (h) U.S. Forest Service, Tahoe National Forest OHV facilities | 186,150 | |
| (i) U.S. Forest Service, Lake Tahoe Basin Management Unit, OHV facilities | 94,500 | |
| (j) U.S. Forest Service, Inyo National Forest OHV facilities | 121,400 | |
| (k) U.S. Forest Service, El Dorado National Forest OHV facilities | 105,000 | |
| (*l*) U.S. Forest Service, Sierra National Forest OHV facilities | 232,000 | |
| (m) U.S. Forest Service, Cleveland National Forest OHV facilities | 275,000 | |
| (n) U.S. Forest Service, Mendocino National Forest OHV facilities | 185,000 | |
| (o) Bureau of Land Management, Folsom District OHV facilities | 505,600 | |
| (p) Bureau of Land Management, Bakersfield District OHV facilities | 29,000 | |
| (q) Bureau of Land Management, Ukiah District OHV facilities | 127,000 | |
| (r) Bureau of Land Management, Riverside District OHV facilities | 667,300 | |
| 260.2—For local assistance, Department of Parks and Recreation, payable from the California Environmental License Plate Fund | | 450,000 |

| ITEM | | AMOUNT |
|---|---|---|
| Schedule: | | |
| (a) City of Berkeley—North Berkeley Waterfront Park at the Berkeley Marina, construction and development | 250,000 | |
| (b) City of Richmond—Marsh project | 200,000 | |
| 261—For local assistance grants to counties, cities, cities and counties, and districts, payable from federal funds | | (22,939,847) |
| (a) National Historic Preservation Act of 1966 | 800,000 | |
| (b) Land and Water Conservation Fund Act of 1965 | 22,139,847 | |
| provided, that the amount specified by this item constitutes federal funds as defined in Section 8.7. | | |
| 262—For support of Department of Parks and Recreation, Division of Exposition and State Fair, and for payment of principal and interest on revenue bonds to meet the provisions of Section 15849 of the Government Code | | 3,544,673 |
| (a) Personal services | 3,249,132 | |
| (b) Operating expenses and equipment | 4,162,251 | |
| (c) Payment of interest and principal on revenue bonds | 1,130,000 | |
| (d) Operating revenues payable from Item 263 | −4,579,708 | |
| (e) Amount payable from the Fair and Exposition Fund | −265,000 | |
| (f) Reimbursements | −152,002 | |
| provided, that no more than the amount actually needed to pay any deficit in principal and interest on the revenue bonds shall be made available for expenditure from subitem (c) of this item; and provided further, that the amount appropriated by subdivision (a) of Section 19622 of the Business and Professions Code shall be transferred by the State Controller to this item. | | |
| Provided further, that all funds appropriated by this act to the Division of the California Exposition and State Fair in the Department of Parks and Recreation shall be transferred, by the Director of Finance, to the California State Fair and Exposition if SB 1743 or AB 3173 is enacted creating such entity. | | |
| 263—For support of the Department of Parks and Recreation, Division of Exposition and State Fair, to be transferred to Item 262 by the State Controller | | |

| ITEM | | AMOUNT |
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| provided, that the expenditures from the appropriation made by this item shall not exceed those operating revenues deposited in the General Fund by the Division of Exposition and State Fair. | | 4,579,708 |
| 264—For support of the Santa Monica Mountains Conservancy | | 281,730 |
| Schedule: | | |
| (a) Personal services | 188,230 | |
| (b) Operating expenses and equipment | 93,500 | |
| 266—For support of San Francisco Bay Conservation and Development Commission | | 699,583 |
| Schedule: | | |
| (a) Personal services | 749,484 | |
| (b) Operating expenses and equipment | 318,616 | |
| (c) Reimbursements | −368,517 | |
| 267—For reimbursement in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to the San Francisco Bay Conservation and Development Commission, of any new program or increased level of service of an existing program mandated by statute, State Controller | | 23,000 |
| provided, that allocations made to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs and of subdivision (d) of Section 2231 of the Revenue and Taxation Code. | | |
| 268—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize, for support of Department of Water Resources, including cooperative work with other agencies | | 22,252,200 |
| Schedule: | | |
| (a) Continuing formulation of the California Water Plan | 11,897,500 | |
| (b) Implementation of the State Water Resources Development System | 2,746,900 | |
| (c) Public safety and prevention of damage | 10,341,300 | |
| (d) Services | 3,518,100 | |
| (f) Reimbursements | −4,540,900 | |
| (g) Federal funds | −1,460,700 | |
| (h) Amount payable from the State | | |

ITEM AMOUNT

Energy Resources Conservation and Development Special Account, General Fund (Item 268.1) —250,000

provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1981; and any unencumbered balances shall be returned to the General Fund as of June 30, 1981; and that expenditures for general management and technical services not exceed $6,783,400 and $10,382,700, respectively, without prior approval of the Department of Finance.

Provided further, that the $250,000 for a photovoltaic demonstration project shall not be expended until the Department of Finance determines that funds are available from nonstate participants to complete the project.

268.1—For support of the Department of Water Resources Photovoltaic Project; to be transferred to Item 268, payable from the State Energy Resources Conservation and Development Special Account, General Fund ..... 250,000

provided, that the $250,000 appropriated by this item shall not be encumbered until the Department of Finance determines that funds are available from nonstate participants to complete the project.

259.1—For expenditure by the Department of Water Resources, for a cooperative water conservation education program with schools, utilities, and water districts, for water conservation demonstration gardens, and for a project for use of integrated pest management on levees, payable from the Energy and Resources Fund ..... 259,700

270—For support, Department of Water Resources, payable from the Energy and Resources Fund.... 2,927,500

Schedule:

(a) Agricultural water conservation .. 2,150,000

(b) Reverse osmosis desalter project 777,500

271—For expenditure by the Department of Water Resources, in accordance with Chapters 1 (commencing with Section 12570), 2 (commencing with Section 12639), 3 (commencing with Section 12800), 3.5 (commencing with Section 12840), and 4 (commencing with Section 12850) of Part 6 of Division 6 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of cooperation by the state for major

| ITEM | | AMOUNT |
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| flood control projects adopted by the Legislature, for small flood control projects approved under Section 12750 of the Water Code, and for watershed protection and flood prevention projects as authorized pursuant to Chapter 4 (commencing with Section 12850) of Part 6 of Division 6 of the Water Code, and administrative costs, Department of Water Resources ..... | | 5,000,000 |
| provided, that no expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the federal agencies concerned and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project. | | |
| 272—For support of State Water Resources Control Board ..... | | 12,743,601 |
| Schedule: | | |
| (a) Personal services ..... | 20,606,242 | |
| (b) Operating expenses and equipment ..... | 9,210,828 | |
| (c) Reimbursements ..... | −773,554 | |
| (d) Federal funds ..... | −10,830,716 | |
| (e) Amount payable from State Clean Water Fund ..... | −5,469,199 | |
| provided, that the Department of Finance shall reduce this item by the amount of reimbursements for fee increases and statutory adjudications received which are in excess of the budgeted reimbursements. | | |

## HEALTH AND WELFARE

| | | |
|---|---|---|
| 273—For support of the State Council on Developmental Disabilities, payable from federal funds ..... | | (3,270,116) |
| provided, that the amount specified by this item constitutes federal funds as defined in Section 8.6. | | |
| (a) Personal services ..... | 341,830 | |
| (b) Operating expenses and equipment ..... | 475,699 | |
| (c) Community program development ..... | 981,034 | |
| (d) Allocation for area boards ..... | 1,471,553 | |

| ITEM | | AMOUNT |
|---|---|---|
| | provided, that the State Council on Developmental Disabilities, pursuant to its mandate set forth in Section 4540 of the Welfare and Institutions Code, shall utilize up to $100,000 of its federal allocation, pursuant to Public Law 95-602, as amended, for a special committee, which shall include broad-based community and consumer participation and consultants, including out-of-state experts as determined by the state council. The Department of Finance shall participate in the work of the special committee and shall take necessary steps to ensure expeditious implementation of the special committee's mandate. The special committee shall identify the barriers and obstacles to developing and sustaining residential programs, including all applicable support services, in clients' preferred home communities and in the environment which is least restrictive for individual liberty as determined by each individual's assessed needs. The special committee shall develop an action plan with a timetable for eliminating barriers and obstacles. Such plan shall include an analysis of existing studies and reports and shall examine barriers including, but not limited to, zoning, licensing, "startup" funding, rates, and standards. A report of this special committee shall be submitted to the Legislature no later than December 19, 1980, and shall include recommendations. | |
| 274—For support of area boards on developmental disabilities | | —0— |
| | (a) Personal services ..... 945,778 | |
| | (b) Operating expenses and equipment ..... 525,775 | |
| | (c) Reimbursements ..... —1,471,553 | |
| 275—For support of the Health and Welfare Agency Consolidated Data Center the sum of $14,347,698 is appropriated from the Health and Welfare Consolidated Data Center Revolving Fund | | (14,347,698) |
| | Provided, that the limitations of Item 492 shall not apply to any deficiency expenditure authorization for the Health and Welfare Agency Consolidated Data Center. | |
| 276—For support of the Office of Statewide Health Planning and Development | | 1,231,663 |
| | Schedule: | |
| | (a) Personal services ..... 4,646,965 | |

| ITEM | | AMOUNT |
|---|---|---|
| | (b) Operating expenses and equipment | 4,124,612 |
| | (c) Reimbursements | −2,069,631 |
| | (d) Federal funds | −3,037,488 |
| | (e) Amount payable from Health Facilities Construction Loan Insurance Fund | −339,050 |
| | (f) Amount payable from the Hospital Building Account, Architecture Public Building Fund | −1,967,973 |
| | (g) Amount payable from other appropriations | −125,772 |

provided, that the Director of Statewide Health Planning and Development may give public notice relative to proposing or amending any rule and regulation which could result in increased cost to any program administered by the Office of Statewide Health Planning and Development only after approval by the Department of Finance as to the availability of funds; and provided further, that any rule or regulation adopted by the Director of Statewide Health Planning and Development during the 1980–81 fiscal year which adds to the cost of any program administered by the Office of Statewide Health Planning and Development shall only be effective on and after the date upon which it is approved as to the availability of funds by the Department of Finance.

Provided further, that continued funding for the Health Professions Career Opportunity Program, after fiscal year 1980–81, is contingent upon the Legislature providing specific statutory authority for this program.

| | | |
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| 277—For local assistance for the health manpower program, grants and loans to community and free clinics, Office of Statewide Health Planning and Development | | 3,830,183 |
| Schedule: | | |
| (a) Family physician training | 6,215,072 | |
| (b) Community and free clinic limited facility grant and loan program | 617,561 | |
| (c) Amount payable from Chapter 885, Statutes of 1979 | −3,002,450 | |

Notwithstanding the provisions of Section 2 of this act, the funds appropriated in this item for contracts with: accredited medical schools, programs which train primary care physician's assistants,

| ITEM | | AMOUNT |
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| | hospitals or other health care delivery systems located in California, which meet the standards of the Health Manpower Policy Commission established pursuant to Chapter 1 (commencing with Section 69270) of Part 42 of Division 5 of Title 3 of the Education Code, shall be available for fiscal years 1981–82, 1982–83, and 1983–84. Provided further, the amount appropriated by this item shall only be used for such contracts which commence on or after July 1, 1981. | |
| 278—For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to activities of the Office of Statewide Health Planning and Development, of any new program or increased level of service of an existing program mandated by statute, State Controller..... provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs and of subdivision (d) of Section 2231 of the Revenue and Taxation Code. | | 211,860 |
| 279—For support of Department on Aging and Commission on Aging..... Schedule: | | 1,189,874 |
| | (a) Support, Department on Aging.... 67,349,176 | |
| | (b) Support, Commission on Aging.... 232,421 | |
| | (c) Reimbursements ..... −2,500 | |
| | (d) Federal funds..... −66,389,223 | |
| 280—For support of the Department of Alcohol and Drug Programs ..... Schedule: | | 6,001,367 |
| | (a) Personal services ..... 5,575,074 | |
| | (b) Operating expenses and equipment ..... 2,088,604 | |
| | (c) Special projects ..... 964,868 | |
| | (d) Research center..... 500,000 | |
| | (e) Reimbursements ..... −40,545 | |
| | (f) Federal funds ..... −3,086,634 | |
| | provided, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Item 281. | |

ITEM AMOUNT

281—For local assistance for alcoholism programs in accordance with the provisions of Part 2 (commencing with Section 11775) of Division 10.5 of the Health and Safety Code, Department of Alcohol and Drug Abuse ..... 34,056,542
Schedule:
(a) County-based programs ..... 39,300,978
(b) Federal funds ..... —5,244,436
provided, that the Department of Finance may authorize the transfer of funds from this item to the Health Care Deposit Fund for the state's share of expenditures for alcoholism services provided to persons eligible under the California Medical Assistance Program.

282—For local assistance for narcotics and drug abuse programs in accordance with the provisions of Part 3 (commencing with Section 11860) of Division 10.5 of the Health and Safety Code, Department of Alcohol and Drug Abuse ..... 27,911,908
Schedule:
(a) Local assistance ..... 53,933,944
(b) Federal funds ..... —26,022,036
provided, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Item 302 for purposes of paying the cost of local assistance, narcotics and drug abuse programs.

Provided further, that the Department of Finance may authorize the transfer of funds from this item to the Health Care Deposit Fund for the state's share of expenditures for narcotics and drug abuse services provided to persons eligible under the California Medical Assistance Program.

Provided further, that of the total amount appropriated by this item, the department shall make $327,000 available for increases in reimbursements to residential facilities to meet the costs of licensing standards.

283—For support of the Governor's Advisory Committee on Child Development Programs appointed pursuant to Section 8254 of the Education Code 105,972

284—For support of Department of Health Services .. 76,286,618
Schedule:
(a) Personal services ..... 92,166,456
(b) Operating expenses and equipment ..... 55,944,446
(c) For transfer to the Health Care Deposit Fund ..... 31,018,719

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| | (d) Reimbursements | —13,818,989 |
| | (e) Federal funds | —4,776,099 |
| | (f) Amount payable from other appropriations | —593,337 |
| | (g) Amount payable from Hazardous Waste Control Account, General Fund | —1,912,143 |
| | (h) Amount payable from Motor Vehicle Account, State Transportation Fund (Item 285) | —338,864 |
| | (i) Amount payable from Health Care Deposit Fund | —74,447,525 |
| | (k) Amount payable from General Fund loan to the Genetic Disease Testing Fund in accordance with Section 6 of Chapter 1037, Statutes of 1977 | —7,208,979 |
| | (*l*) Federal funds per Section 8.6 | (43,428,806) |
| | (m) Court ordered attorney fees | 2,933 |
| | (n) Nursing home investigation teams | 250,000 |

provided, that the funds appropriated in subitem (c) shall be transferred by the Controller to the Health Care Deposit Fund to match federal funds for support of the Department of Health Services; provided further, notwithstanding any other provisions of law, that the Director of Health Services may give public notice relative to proposing or amending any rule or regulation which could result in increased cost to any program administered by the Department of Health Services only after approval by the Department of Finance as to the availability of funds; provided further, that any rule or regulation adopted by the Director of Health Services shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.

Provided further, that should any additional federal funds become available to support venereal disease programs currently operated pursuant to state law by the Department of Health Services, such funds shall be used in lieu of funds appropriated by this item for the same purpose to the extent consistent with federal law or regulations.

Provided further, that any funds appropriated by this item for grants and contracts for lupus erythematosus research shall be subject to the

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provisions of Section 3 of Chapter 983, Statutes of 1978. The members of the appropriations committee established by that section may retain the services of a special consultant, part-time consultant, or contractee to do the monitoring required by that chapter, provided that the expense of such monitoring, including compensation, shall not exceed 4 percent of the funds appropriated.

Provided further, that when a date for a public hearing has been established for a change in a medical assistance program rule or regulation or the Department of Finance has approved a state plan amendment, the fiscal committees and the Joint Legislative Budget Committee shall be notified if the annual General Fund cost of the proposed change is estimated at $500,000 or more. In notifying the Legislature, the Department of Finance shall include cost estimates and appropriate narrative material describing the amendments and the reasons necessitating the change. Such cost estimates shall indicate full and partial year cost, source of funds and projected costs in future years.

Provided further, that no more than $91,075 of the funds appropriated in this item and $76,035 in federal funds shall be available for the purpose of processing appeals resulting from the department's hospital cost control program. From these funds new positions may be administratively established if required to process hospital appeals and if approved by the Department of Finance. Funds not used for processing hospital appeals shall not be available for other purposes.

Provided further, that no funds appropriated pursuant to category (n) shall be expended unless and until Senate Bill No. 1512 of the 1979–80 Regular Session is enacted.

285—For support of Department of Health Services, to be transferred to Item 284 payable from the Motor Vehicle Account, State Transportation Fund..... 338,864

286—For transfer to the Public Health Federal Fund to reflect the grants received for special project activities..... (89,052,995)

provided that the amount specified by this item constitutes federal funds as defined in Section 8.6. Schedule:

(a) Special projects ..... (92,686,333)

(b) Reimbursements ..... (−3,633,338)

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287—For transfer to the Health Care Deposit Fund to provide for the state's share of the California Medical Assistance Program expenditures for medical care and services, other than induced abortions ..... 2,158,958,500

Schedule:

(a) State share.....2,158,958,500

(b) Federal funds per Section 8.7 .....(1,757,689,800)

provided, except as otherwise provided in this item, that the amounts authorized to be expended by Items 287, 288, and 289 shall fully cover the state's share of payments for medical care and services as defined in the Welfare and Institutions Code, county administration and fiscal intermediary services for the 1980–81 fiscal year; provided further, that notwithstanding any other provision of law, funds transferred from Items 287, 288, and 289 to the Health Care Deposit Fund by the State Controller shall not exceed the state's share, determined pursuant to a plan approved by the Director of Finance, of bills for services and administration approved for payment as certified by the Director of Health Services.

Provided further, that after June 30, 1981, a transfer to the Health Care Deposit Fund from Items 287, 288, and 289 shall be permitted to meet the total General Fund obligation incurred pursuant to those items respectively.

Provided, that notwithstanding any other provision of law, any federal and county funds received under the provisions of Section 14157 of the Welfare and Institutions Code during the 1980–81 fiscal year, for expenditures for health care services pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code, made from funds transferred to the Health Care Deposit Fund from the General Fund in prior years, shall be transferred from the Health Care Deposit Fund to the General Fund.

Provided, that notwithstanding any other provision of law, the disposition of any money recovered for previously paid health care services provided pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code shall be as follows:

(1) If recovered from a third party who is civilly liable or under a contractual obligation, the

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nonfederal share shall, after being deposited in the Health Care Deposit Fund, be transferred to the General Fund.

(2) If recovered by the state for settlement of hospital cost report audits, both federal and nonfederal shares are hereby appropriated and shall be expended as soon as practicable for medical care and services as defined in the Welfare and Institutions Code.

(3) If not otherwise provided for in this proviso, the nonfederal share shall, after being deposited in the Health Care Deposit Fund, be transferred to the General Fund.

Provided, that notwithstanding any other provision of law, accounts receivable, for recoveries as described in this item, shall have no effect upon the positive balance of the General Fund or the Health Care Deposit Fund.

Provided, that notwithstanding any other provision of law, money recovered as described in this item required to be transferred from the Health Care Deposit Fund to the General Fund shall be credited by the State Controller to the General Fund without regard to the appropriation from which it was drawn.

Provided further, that funds appropriated by this item for the Mediscreen Program shall be allocated and administered in conjunction with funds appropriated in Item 290 for the Child Health Disability Prevention Program.

Provided further, that the Department of Health Services shall reimburse hospitals operated by the University of California for medical teaching purposes, where the university is responsible for the operating costs of such a hospital, at rates for services to Medi-Cal patients which results in the minimum General Fund liability for the care of such patients.

Provided further, that the General Fund shall make a loan available not to exceed $45 million to be transferred from time to time as needed to the Health Care Deposit Fund to meet cash needs.

Provided further, that the Department of Health Services shall report quarterly to the Department of Finance regarding loans and repayments made under this proviso.

Provided further, that such loans are subject to the repayment provisions of Section 16351 of the

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Government Code. Provided further, that any additional loan requirement in excess of $45 million shall be processed in the manner prescribed by Section 16351 of the Government Code.

Provided further, that the amount authorized to be expended by this item is also subject to the provision relating to the increased costs of rules or regulations contained in Item 284.

Provided further, that no funds appropriated by this item shall be used for payment to any provider of durable medical equipment under a pilot program in Fresno and Madera Counties operating pursuant to Article 7 (commencing with Section 14490) of Chapter 8 of Part 3 of Division 9 of the Welfare and Institutions Code, who sells its services or goods outside the geographic area of the pilot program without complying with the treatment authorization request procedure of the Department of Health Services.

Provided further, that no General Fund money appropriated pursuant to this item shall be loaned for the purpose of meeting Short-Doyle program fiscal obligations or to cover federal Short-Doyle program audit exceptions.

287.5—For transfer to the Health Care Deposit Fund to provide for the Medical Assistance Program expenditures for induced abortions ..... 9,304,800

Schedule:

(a) State share ..... 9,304,800

(b) Federal funds for Section 8.7 .... (3,376,100)

provided, that none of the funds appropriated by this item shall be used to pay for abortions, except under any of the following circumstances:

(a) Where the life of the mother would be endangered if the fetus were carried to full term.

(b) Where the pregnancy is ectopic.

(c) Where the pregnancy results from an act punishable under Section 261 of the Penal Code, and such act has been reported, within 60 days, to a law enforcement agency or a public health agency which has immediately reported it to a law enforcement agency, and the abortion occurs during the first trimester.

(d) Where the pregnancy results from an act punishable under Section 261.5 of the Penal Code, and the female is under 18 years of age, and the abortion is performed no later than the first trimester, provided the female's parent or guard-

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ian or, if none, an adult of the female's choice is notified at least five days prior to the abortion by the physician who performs the abortion. Regulations governing the notice requirement shall be promulgated by the State Director of Health Services.

(e) Where the pregnancy results from an act punishable under Section 285 of the Penal Code, and such act has been reported to a law enforcement agency or a public health agency which has immediately reported it to a law enforcement agency and the abortion occurs no later than during the second trimester.

(f) Where it is determined by prenatal studies limited to amniocentesis, fetal blood sampling, fetal antiography, ultrasound, X-ray, or maternal blood examination that the mother is likely to give birth to a child with a major or severe genetic or congenital abnormality due to the presence of chromosomal abnormalities, neural tube defects, biochemical diseases, hemoglobinopathies, sex-linked diseases, and infectious processes.

(g) Where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term, when so certified under penalty of perjury by two physicians, one of whom, where practicable, is a specialist in the affected medical discipline, and documentation thereof is provided with the claim for payment.

Provided further, that nothing in this item shall be interpreted to prohibit payment for drugs or devices to prevent implantation of the fertilized ovum.

Provided further, that limitation on payment for abortions provided for in this item shall apply only to abortions performed after August 15, 1980.

Provided further, that in every case, there be, prior to abortion, appropriate counseling regarding the situation, complications, risks, benefits, and alternatives.

Provided further, that the State Department of Health Services provide the Legislature by May 1, 1981, a report listing the number of abortions theretofore paid for during fiscal year 1980–81 pursuant to this act, with such report to specify the number of abortions performed under each category, and further specify the reasons or condi-

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tions within each category which qualified the particular pregnancy for the abortion and payment pursuant to this item.

Provided further, that if any of the provisions of this item or the application thereof to any person or circumstances is stayed, enjoined, otherwise delayed, or invalidated by court action, the Department of Finance shall authorize the State Controller to transfer from Item 287 to this item such sums determined by the Director of Finance which are necessary to provide for the costs of those abortions fundable as a result of such court action. The Department of Finance shall give the Legislature notice of any such authorization within 30 days after the authorization.

288—For transfer to the Health Care Deposit Fund to provide for the state's share of the California Medical Assistance Program expenditures for county administration ..... 98,341,763

Schedule:

(a) State share..... 98,341,763

(b) Federal funds per Section 8.7 .....(48,448,190)

provided, that pursuant to Section 14154 of the Welfare and Institutions Code, the Department of Health Services shall continue the implementation of the County Administrative Cost Control Plan and expand the provisions of the plan to control eligibility determination costs at county hospitals and all costs for other outstationed eligibility functions.

Provided further, that the Department of Health Services shall report by October 1, 1980 to the Legislature and the Department of Finance, cost-of-living increases to be reimbursed to each county in excess of 9 percent for the 1980–81 fiscal year with an explanation of the reasons therefor.

Provided further that recoveries of advances made to counties in prior years pursuant to Section 14153 of the Welfare and Institutions Code are hereby reappropriated to the Health Care Deposit Fund for reimbursement of those counties where allowable costs exceeded the amounts advanced; provided further, that recoveries in excess of the amounts required to fully reimburse allowable costs shall be transferred to the General Fund.

Provided further, that the department shall prepare budget change proposals to justify county

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projects which will add to the total cost of county administration in the 1980–81 or 1981–82 fiscal year.

Provided further, that the amount authorized to be expended by this item is also subject to the applicable provision relating to the increased costs of rules or regulations contained in Items 284 and the provisions relating to the state's share of payments and transfers to the Health Care Deposit Fund contained in Item 287.

289—For transfer to the Health Care Deposit Fund to provide for the state's share of the California Medical Assistance Program expenditures for fiscal intermediary services ..... 25,785,240

Schedule:

(a) Fiscal intermediary services—(new contractor) ..... 19,154,400

provided, that of the funds appropriated for this category, not more than $14,365,800 may be encumbered any sooner than 30 days after written notice of the necessity therefor is provided to the chairman of the committee in each house which considers appropriations, the chairman of the committee in each house which considers bills relating to public health and welfare, and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the Chairman of the Joint Legislative Budget Committee, or his designee, may determine.

(b) Medicare crossover contracts..... 1,624,400

(c) Fiscal intermediary services—Medi-Cal intermediary operations 4,164,800

(d) State Controller, check-writing activity ..... 836,521

(e) State Treasurer, warrant redemption ..... 5,119

(f) Federal funds per Section 8.7.....(37,355,072)

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Provided, that change orders to the fiscal intermediary contract for amounts exceeding $250,000 shall be approved by the Department of Finance not sooner than 30 days after written notification of the change order to the chairman of the committee in each house which considers appropriations, the chairman of the committee in each house which considers bills relating to public health and welfare, and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the Chairman of the Joint Legislative Budget Committee, or his designee, may designate.

Provided further, that the amount authorized to be expended by this item is also subject to the applicable provision relating to the increased costs of rules or regulations contained in Item 284 and the provisions relating to the state's share of payments and transfers to the Health Care Deposit Fund contained in Item 287.

Provided further, that if there are changes or potential changes in federal funding, written notification of such changes shall be provided to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee. Such notification shall include proposed corrective action, including an implementation schedule, if the potential or actual change represents a decrease in federal funding.

Provided further, that the Department of Health Services shall, in consultation with the fiscal intermediary and affected provider groups, design and implement, as soon as possible, a physicians/supplier claims form which will be optically scannable and which will collect sufficient data to permit the fiscal intermediary's medical claims processing system to be certified for maximum federal fiscal participation. The Director of Health Services shall issue written status reports on September 15 and December 15, 1980, to the Assembly Ways and Means Committee, the Senate Finance Committee, and the Joint Legislative Budget Committee describing measures taken to achieve these goals, and problems yet to be resolved.

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|---|---|---|
| 290—For assistance to cities, counties, and local public and private agencies for child health disability prevention services, Department of Health Services | | 7,956,874 |
| Schedule: | | |
| (a) Child health disability prevention in accordance with Article 3.4 (commencing with Section 320), Chapter 2, Part 1, Division 1, of the Health and Safety Code | 13,979,997 | |
| (b) Child health disability prevention, supplemental program | 2,000,000 | |
| (c) For transfer to the Health Care Deposit Fund | 2,580,291 | |
| (d) Amount payable from the Health Care Deposit Fund | -10,603,414 | |
| (e) Federal funds per Section 8.6 | (8,023,123) | |
| provided, that upon order of the Department of Finance, the State Controller shall transfer funds from subitem (c) to the Health Care Deposit Fund for the state's share of expenditures for child health disability prevention services provided to persons eligible under the California Medical Assistance Program. | | |
| 291—For transfer to Items 287, 290, 292, and 293, upon order of the Department of Finance, for the state's share of rate increases for providers of health care services under the California Medical Assistance Program; the Child Health Disability Prevention Program, Article 3.4 (commencing with Section 320), Chapter 2, Part 1, Division 1, Health and Safety Code; the California Children Services Program, Article 2 (commencing with Section 248), Chapter 2, Part 1, Division 1, Health and Safety Code; Family Planning Services, Section 14503, Welfare and Institutions Code and the Genetically Handicapped Persons Program, Section 340, Health and Safety Code | | 54,120,681 |
| Schedule: | | |
| (a) State share | 54,120,681 | |
| (b) Federal funds per Section 8.7 | (41,420,459) | |
| Provided, that the reimbursement rate for any procedure or service shall not be increased to exceed the Medicare rate for a comparable procedure or service, nor shall the reimbursement rate for any procedure or service which is currently above the Medicare rate be increased above its current level. | | |

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| | Provided further, that provider services shall be reimbursed at a rate which is not less than 9 percent higher than the reimbursement rate for each service or charge which was in effect on June 30, 1980. | |
| 291.1—For transfer to Item 287, upon order of the Department of Finance, for the state's share of rate increases for providers of health care services through skilled nursing facilities, intermediate care facilities, and prepaid health plans, under the California Medical Assistance Program ..... | | 40,759,040 |
| Schedule: | | |
| (a) State share ..... | 40,759,040 | |
| (b) Federal funds per Section 8.7 .....(39,981,620) | | |
| provided, that the Department of Health Services shall monitor skilled nursing facilities and intermediate care facilities to ensure that wage and benefit increases are implemented as provided by Chapter 19, Statutes of 1978. | | |
| 292—For assistance to cities, counties and local public and private nonprofit agencies for health services, Department of Health Services ..... | | 53,030,464 |
| Schedule: | | |
| (a) For a tuberculosis control program in accordance with the provisions of Sections 3279 to 3295 and 3315 to 3317, inclusive, of the Health and Safety Code..... ..... | 397,765 | |
| (b) Local health agencies, districts, and private nonprofit agencies, in accordance with the provisions of Article 3 (commencing with Section 300), Chapter 2, Part 1, Division 1 of, Chapter 8 (commencing with Section 1100), Part 2, Division 1 of, and Chapter 7 (commencing with Section 3380), Division 4 of the Health and Safety Code ..... | 10,708,302 | |
| (c) Special medical care program ..... | 5,269,343 | |
| Subschedule: | | |

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|---|---|---|---|
| | (1) Renal dialysis program in accordance with Article 7.7 (commencing with Section 417), Chapter 2, Part 1, Division 1 of the Health and Safety Code | 781,523 | |
| | (2) Genetically handicapped person's program in accordance with Article 3.6 (commencing with Section 340) of Chapter 2 of Division 1 of the Health and Safety Code | 4,487,820 | |
| (d) | Genetic disease prevention | | 1,052,255 |
| (e) | Tay-Sachs disease screening | | 428,653 |
| (f) | Immunization assistance | | 1,293,306 |
| (g) | Dental disease program | | 1,800,000 |
| (h) | Indian health services in accordance with Article 14 (commencing with Section 429.30), Chapter 2 of Part 1 of Division 1 of the Health and Safety Code | | 2,665,129 |
| (i) | Family planning services in accordance with Sections 14503 and 14504 of the Welfare and Institutions Code | | 36,916,658 |
| (j) | Maternal and child health services | | 9,362,198 |
| (k) | Perinatal health care | | 947,448 |
| (*l*) | Rural health in accordance with Part 4 (commencing with Section 1185) of Division 1 of the Health and Safety Code | | 3,873,073 |
| (m) | Farmworker health care | | 914,203 |
| | Subschedule: | | |
| | (1) Foreign Medical Graduate Pilot Program | 250,000 | |
| | (2) Farmworker health projects | 664,203 | |
| (n) | Federal funds | | —18,755,341 |
| (o) | Amount payable from other appropriations | | —3,842,528 |

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provided, that should influenza vaccine, or funding for influenza vaccine, become available to the state, such resources or funds shall be used in lieu of equivalent funds appropriated from the General Fund for such purpose to the extent that the same target population is served.

Provided further, that teenagers shall receive priority consideration for services provided pursuant to funding in category (i).

Provided further, that the department shall implement a repayment system for the genetically handicapped person's program which shall include, but not be limited to, the following:

(1) No repayments shall be required for families whose previous year's adjusted gross income is below 200 percent of the AFDC Minimum Basic Standards of Adequate Care, plus a monthly allowance for the higher cost of living for the disabled person in the household, as allowed by the Supplemental Security Income Program.

(2) Repayment obligations for families that do not meet the above criteria shall be the actual cost of care to the program, up to 200 percent of the family's total state tax liability.

(3) The repayment system shall not take property or assets into account in determining repayment obligations.

(4) An appeals system shall be made available to adjust repayment obligations on the basis of the substantial changes in income since the previous tax year or on the basis of unavoidable family expenses which dramatically reduce disposable income in the current year.

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Provided further, that funds provided under the Foreign Medical Graduate Pilot Program scheduled in category (m) shall be contracted with a university who shall establish admission standards. Any foreign medical graduate may apply; however, priority shall be given to agricultural workers. These funds shall not be used to finance any student through the program more than once.

Provided further, that the Department of Health Services is authorized to receive funds from Item 297, upon approval of the Director of Finance, to administratively establish staff positions to administer the High-Risk Infant Followup Project.

293—For assistance to cities, counties, and local public and private nonprofit agencies for California children's services, Department of Health Services .. 30,842,968

Schedule:

(a) Services to physically handicapped children in accordance with provisions of Article 2 (commencing with Section 248) of Chapter 2 of Division 1 of the Health and Safety Code ..... 36,673,168

(b) Federal funds ..... —4,704,700

(c) Family repayments ..... —1,125,500

provided, that any person who is eligible for and is receiving services under the program funded by this item shall not be denied services or suffer an interruption of services because of any relocation within this state.

provided, that any person who is eligible for and is receiving services under the program funded by this item shall not be denied services or suffer an interruption of services because of any relocation within this state.

Provided further, that the department shall implement a repayment system for the California Children's Services program which shall include, but not be limited to, the following:

(1) No repayment shall be required for families whose previous year's adjusted gross income is below 200 percent of the AFDC Minimum Basic Standards of Adequate Care, plus a monthly allowance for the higher cost of living for the dis-

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|---|---|---|
| | abled person in the household, as allowed by the Supplemental Security Income Program. | |
| | (2) Repayment obligations for families that do not meet the above criteria shall be the actual cost of care to the program, up to 200 percent of the family's total state tax liability. | |
| | (3) The repayment system shall not take property or assets into account in determining repayment obligations. | |
| | (4) An appeals system shall be made available to adjust repayment obligations on the basis of substantial changes in income since the previous tax year or on the basis of unavoidable family expenses which dramatically reduce disposable income in the current year. | |
| 294—For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to activities of the Department of Health Services, of any new program or increased level of service of an existing program mandated by statute, State Controller ..... | | 180,000 |
| provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs and of subdivision (d) of Section 2231 of the Revenue and Taxation Code. | | |
| 295—For support of the Department of Developmental Services ..... | | 14,497,437 |
| Schedule: | | |
| (a) Personal services ..... | 16,445,738 | |
| (b) Operating expenses and equipment ..... | 5,637,887 | |
| (c) Reimbursements ..... | −223,623 | |
| (d) Amount payable from Item 297 (c) | −7,362,565 | |

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Provided further, that the Director of Developmental Services may give public notice relative to proposing or amending any rule or regulation which could result in increased cost to any program administered by the Department of Developmental Services only after approval by the Department of Finance as to the availability of funds.

Provided further, that any rule or regulation adopted by the Director of Developmental Services during the 1980–81 fiscal year which adds to the cost of any program administered by the Department of Developmental Services shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.

Provided further, that the Director of Developmental Services shall implement the automated pharmacy record project not sooner than 30 days after submittal of a feasibility study report, approved by the Department of Finance, on the project to the Joint Legislative Budget Committee, in accordance with Section 4 of this act.

Provided further, that the Director of Developmental Services shall implement the automated uniform fiscal systems required by Section 4631 of the Welfare and Institutions Code and Item 271 of the Budget Act of 1979 not sooner than 30 days after submittal of a feasibility study report, approved by the Department of Finance, on the project to the Joint Legislative Budget Committee, in accordance with Section 4 of this act and Section 4637 of the Welfare and Institutions Code.

296—For support of the state hospitals in the Department of Developmental Services ..... —0—

Schedule:

(a) State hospitals.....398,352,714
(b) Payable from Item 297(a) .....—287,064,870
(c) Payable from appropriations to the Department of Mental Health106,455,554
(d) Reimbursements .....—4,505,772
(e) Payable from Item 297.1 ..... —326,518

provided, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Items 297, 297.1, 301, 302, and 302.1.

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|---|---|---|---|
| 297—For local assistance for the developmental disabilities program, Department of Developmental Services | | | 483,681,405 |
| Schedule: | | | |
| (a) State hospital services | | 287,064,870 | |
| (b) For contracts with regional centers | | 159,445,248 | |
| (1) Operations | 61,382,324 | | |
| (2) Purchase of services | 76,206,808 | | |
| a. Out-of-home care | 39,865,835 | | |
| b. Day programs | 13,377,684 | | |
| c. Medical services | 3,238,428 | | |
| d. Other services | 19,724,861 | | |
| (3) Price and provider rate increase | 21,856,116 | | |
| (c) Protective living services | | 7,362,565 | |
| (d) Program Development Fund (Sec. 4677, W & I Code) | | 1,620,400 | |
| (e) Developmental Disabilities Prevention Project | | 1,006,010 | |
| (f) Amount payable from the Program Development Fund | | −1,620,400 | |
| (g) Cultural center for the handicapped | | 63,685 | |
| (h) Community living continuums | | 2,500,000 | |
| (i) Work activity program | | 23,569,077 | |
| (j) Amount payable from Item 271(h), Budget Act of 1979 as reappropriated by Section 10.08, Budget Act of 1980 | | −1,000,000 | |
| (k) Special project activities | | -0- | |
| (1) Special project activities | 3,199,282 | | |
| (2) Reimbursements | −2,487,087 | | |
| (3) Federal funds | −712,195 | | |
| (*l*) Amount payable from Energy and Resources Fund | | −80,050 | |
| (m) Special pilot projects | | 750,000 | |
| (n) Program Development Fund—community placement of state hospital residents | | 3,000,000 | |

provided, that of the amount appropriated for category (n), not more than $2,000,000 may be encumbered sooner than 30 days after written notice of the necessity therefor is provided to the chairman of the committee in each house which considers appropriations and the Chairman of the

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Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of the committee or the chairman's designee may determine.

Provided further, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Items 296, 297.1, 301, 302, and 302.1; provided further, that the Department of Finance may authorize the transfer of funds from this item to the Health Care Deposit Fund for the state's share of expenditures for developmental disabilities services provided to persons eligible under the California Medical Assistance Program.

Provided further, that the Department of Developmental Services shall comply with the provisions of Article 3 (commencing with Section 4300) of Chapter 2 of Division 4 of the Welfare and Institutions Code; and provided further, that no position shall be administratively established nor shall any authorized position be redirected to replace the person appointed as chief executive officer of the state hospital.

Provided further, that the Department of Developmental Services shall not use positions or funds budgeted in the state hospitals elsewhere in the department.

Provided further, that, notwithstanding any other provision of law, the Director of the Department of Developmental Services shall establish guidelines for the expenditure of funds budgeted for the regional centers.

Provided further, that, notwithstanding provisions of Section 27 or any other provision of law, the Director of the Department of Developmental Services may authorize the transfer of funds between subcategories (b) (2) (a), (b) (2) (b), (b) (2) (c) and (b) (2) (d) in such amounts as the director deems necessary, provided further, that the Department of Developmental Services shall furnish quarterly reports of such transfers to the Department of Finance identifying the assumptions and necessity therefor.

Provided further, that commensurate with the submittal of quarterly reports on transfers, the department shall report on the expenditure estimates of all subcategories of category (b).

Provided further, that the Department of De-

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velopmental Services' proposed allocations for level-of-care staffing in state hospitals that serve the developmentally disabled shall be submitted to the Department of Finance for review and approval in July and again on a quarterly basis. The department's July submittal shall include the results of an independent audit of data and instruments used to propose staffing adjustments due to changes in client characteristics. The July and each quarterly reports shall include an analysis of the client characteristics of admissions and discharges in addition to information on any changes in characteristics of current residents.

Provided further, that the Department of Developmental Services shall develop a methodology for determining regional center operations contract totals using uniform salary levels and uniform formulas for calculating fringe benefits and operating expenses, and reflecting regional variation in prevailing salary levels consistent with prevailing rates recommended by the State Personnel Board for state employee salaries. Such a methodology shall be used by the department to determine contract totals proposed for regional center operations in fiscal year 1981–82.

Provided further, that the Department of Developmental Services shall complete its case leveling study and Systems Evaluation Package reviews of all regional centers to determine the number of active and inactive cases and shall submit a report on its findings to the Department of Finance for approval on or before September 15, 1980. If the data from the Department of Developmental Services report, which is approved by the Department of Finance, indicates that existing caseload figures should be adjusted to account for inactive cases or that caseload growth, forecast in the budget is not materializing, the Department of Finance shall reallocate funds as necessary to appropriately adjust regional center operations and shall report to the Joint Legislative Budget Committee by October 15, 1980, on the amount of such adjustments.

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Provided further, that the amount specified in category (n) shall be used solely for community placement of state hospital residents currently identified by the Department of Developmental Services as being appropriate for such placement and allocation of funds in this category is subject to the approval of the Department of Finance.

Provided further, that funds expended under category (m), special pilot projects, shall be used for funding three regional center pilot projects demonstrating a request for proposed model, testing client-specific financing as distinct from facility rates in decreasing inappropriate hospital placements. The Department of Developmental Services shall develop the pilot project design and shall implement the project by January 1, 1981, with the advice of the area boards and the State Council on Developmental Disabilities. The Department of Developmental Services shall submit a progress report on these projects to the Legislature no later than March 1, 1982.

Provided further, that no funds shall be expended from categories (m) and (n) and $1,500,000 of the funds in category (h) may not be expended until the state plan for Title XIX has been amended and approved by the federal government to permit California to receive increased federal funds.

Provided further, that, upon order of the Director of Finance, the controller shall transfer such funds as are necessary, between category (e) of this item and Item 284, in order to provide continued funding of the high-risk infant followup project. This transfer shall occur no later than October 1, 1980.

297.1—For allocation to the state hospitals for programs for the developmentally disabled, Department of Developmental Services ..... 326,518

provided, that the Department of Finance may authorize the expenditure of funds appropriated by this item only to the extent that (1) anticipated declines in the state hospital population have failed to occur, or (2) the actual cost of living needed for food has exceeded the 30 percent per person increase over 1978–79 actual cost as provided in Item 297.

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| | Provided further, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Items 296, 297, 301, 302, and 302.1. | |
| 298—For local assistance for the developmental disabilities program, Department of Developmental Services, payable from the Energy and Resources Fund | | 80,050 |
| 299—For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to activities of the Department of Developmental Services, of any new program or increased level of service of an existing program mandated by statute, State Controller | | 43,438 |
| | provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs and of subdivision (d) of Section 2231 of the Revenue and Taxation Code | |
| 300—For support of the Department of Mental Health Schedule: | | 12,341,008 |
| | (a) Personal services | 20,053,586 |
| | (b) Operating expenses and equipment | 10,671,323 |
| | (c) Amount payable from other appropriations | —14,605,587 |
| | (d) Reimbursements | —1,690,816 |
| | (e) Federal funds | —1,705,514 |
| | (f) Amount payable from Chapter 1058, Statutes of 1979 | —181,984 |
| | (g) Amount payable from Chapter 1172, Statutes of 1979 | —200,000 |
| | provided, that the Director of Mental Health may give public notice relative to proposing or amending any rule or regulation which could result in increased cost to any program administered by the Department of Mental Health only after approval by the Department of Finance as to the availability of funds; and provided further, that any rule or regulation adopted by the Director of Mental Health during the 1980–81 fiscal year which adds to the cost of any program administered by the Department of Mental Health shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance. | |

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Provided further, that the Department of Mental Health shall present to the Joint Legislative Budget Committee and the fiscal committees of each house by October 1, 1980, a three-year plan which is to be updated annually, for state hospitals for the mentally disordered which is based on joint county-state planning for regional needs and on a detailed and methodologically sound level of care study of the current state hospital population performed jointly by county and state staff. The plan shall include provision for regional programs at state hospitals, or facilities comparable to state hospitals, for the core group of persons needing long-term secure institutional care.

Provided further, that there shall be oversight of the planning process by a task force convened and chaired by the director or his designee which shall be comprised of the director, the hospital director of each state hospital serving the mentally disabled, representatives of private providers, and representatives of the Conference on Local Mental Health Directors. This task force shall meet at least once a month until the plan is completed. The plan shall include consideration of capital outlay requirements as needed to develop regional programs, whether in the community or at state facilities, and a description of all major obstacles to county purchase or operation, or both, of state hospitals.

Provided further, that no more than $80,000 of the funds appropriated in this item or from any other source may be expended for the continued development of a hospital patient care system, and the system shall be limited to the admissions and discharge functions until such time as the Department of Mental Health has done all of the following:

(1) Submitted to the Joint Legislative Budget Committee a plan developed jointly with the Department of Developmental Services for automating state hospital operations. The components of the plan shall be those specified in the supplemental report language adopted for this item.

(2) Proposed and supplied to the Joint Legislative Budget Committee a work plan for the Mental Health Information System project which does not require that the work to be

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performed be based on the automated patient care system already selected by the Department of Mental Health.

(3) Contracted with a consultant to determine the most appropriate hospital automation system for the state hospitals. The specific requirements of the contract shall be those identified in the supplemental report language adopted for this item. The department shall provide a statement of work to be performed by the consultant to the Joint Legislative Budget Committee and include that statement as part of the contract. For the purposes of the study, the department may contract on a sole source basis with the consultant selected for the Mental Health Information System project.

Provided further, that no developmental effort relating to the automated patient care system may occur after September 30, 1980, if the consultant's report recommends a system different than the one selected by the department.

Provided further, that the department shall provide the Joint Legislative Budget committee by September 1, 1980, a tentative description of data processing activities for the 1980–81 fiscal year. The components of the description shall be those specified in the supplemental report language adopted for this item. The department shall provide updates to this description on a quarterly basis to the joint committee.

Provided further, that none of the funds appropriated by this item may be used for the acquisition of additional data-processing equipment or services sooner than 30 days after the department has provided the Joint Legislative Budget Committee and the appropriate fiscal subcommittees a statewide management informations systems plan which has received the approval of the State Data Processing Management Office.

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Provided further, that the department shall allocate funds for the support and operation of the Office of Mental Health Social Services to the counties. The counties may determine the level of services to be purchased from the Department of Mental Health or any other provider of protective social services, provided that the level of protective social services may not be reduced below the July 1, 1980, level.

Provided further, that the provision of services through the Office of Mental Health Social Services shall be exempt from the state hiring freeze process.

Provided further, that counties electing to increase or reduce the level of services to be purchased from the Department of Mental Health after July 1, 1980, shall notify the Director of Mental Health six months in advance of the date of such increase or reduction.

Provided further, that if the county elects to directly provide protective social services in lieu of purchasing such services from the Department of Mental Health, the guidelines of the Department of Mental Health which were applied to counties so electing prior to July 1, 1980, shall apply, and it is the intent of this proviso to enable the transfer of state employees to county employment in such a way that personnel benefits are protected.

Provided further, that the department shall provide, not later than December 1, 1980, a report on the Health Training Centers to the fiscal committees of each house and the Joint Legislative Budget Committee, which report shall include (1) a description of the training provided, clients served and the benefits resulting from training, (2) a plan for operating on a reimbursement basis in 1981–82, and (3) a proposed fee schedule.

301—For support of the hospitals for the mentally ill for judicially committed patients and patients committed pursuant to the Penal Code, Department of Mental Health ..... 55,451,473

Schedule:

(a) State-operated services ..... 51,819,369
(b) Community-based programs ..... 3,520,804
(c) Program evaluation and patient tracking system ..... 111,300

provided, that upon order of the Department of

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| | Finance, the State Controller shall transfer such funds as are necessary between this item and Items 296, 297, 302, and 302.1 | |
| 302 | —For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 5 (commencing with Section 5000) of the Welfare and Institutions Code, Department of Mental Health | 480,198,973 |
| | Schedule: | |
| | (a) State-operated services ..... 127,406,001 | |
| | (b) Local mental health services ..... 297,545,472 | |
| | (c) Community residential treatment programs and community support services ..... 26,350,000 | |
| | (d) Prevention programs ..... 817,500 | |
| | (e) Community residential treatment systems pursuant to Chapter 1233, Statutes of 1978 ..... 13,080,000 | |
| | (f) Alternatives to state hospital services ..... 15,000,000 | |
| | and in addition, any amounts transferred from the Health Care Deposit Fund shall augment and be available for expenditure for the purposes specified in category (b). | |
| | Provided, that the Department of Finance may authorize the transfer of funds from this item to the Health Care Deposit Fund for the state's share of expenditures for mental health services provided to patients eligible under the California Medical Assistance Program. | |
| | Provided further, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Items 282, 296, 297, 301, and 302.1. | |
| | Provided further, that county Short-Doyle planning estimates, allocations or reallocations to counties be approved by the Department of Finance and certified by the Department of Mental Health as to the source and availability of funds, and that such action would not create a deficiency. | |
| | Provided further, that the Department of Mental Health shall comply with the provisions of Article 3 (commencing with Section 4300) of Chapter 2 of Division 4 of the Welfare and Institutions Code; and provided further, that no position shall be administratively established nor shall any au- | |

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thorized position be redirected to replace the person appointed as chief executive officer of the state hospital.

Provided further that the Department of Mental Health shall not use positions or funds budgeted in the state hospitals elsewhere in the department.

Provided further, that by February 15, 1981, the Department of Mental Health shall submit to the Legislature a detailed implementation plan for a pilot project involving at least three counties whereby the counties, rather than being allocated hospital days, would receive an equivalent allocation of funds with which they could purchase services from state hospitals or other providers. It is the intent of this proviso to increase local mental health program determination of the role and use of state hospitals.

Provided further, that the amount specified category (c) shall be used solely for continuation of programs initiated pursuant to Item 275(d) of the Budget Act of 1979 and for the development and operation of local 24-hour nonhospital treatment programs and community support services that will permit diversion to local facilities for minors or for persons described in Sections 5150, 5250, 5260, 5300, 5358, and 6000 of the Welfare and Institutions Code or Section 4011.6 of the Penal Code who would be otherwise served through local or state hospitals; provided, that no county shall receive an allocation from category (c) unless the county maintains its expenditures for 24-hour, nonhospital treatment programs and community support services at the levels at which they were funded by the state and county in 1979–80 fiscal year; and provided further, that such funds shall be allocated on the basis of county plans approved by the Department of Mental Health and upon approval of the Department of Finance.

The Department of Mental Health, in consultation with the Conference of Local Mental Health Directors, shall develop guidelines for the allocation of funds specified in category (c) which provide for allocation on the basis of demonstrated need, taking into consideration the number of patients who are inappropriately placed in local acute care hospital or state hospital care.

Provided further, that the amount specified in

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category (f) shall be used solely for the purpose of establishing such nonhospital community-based services, or, when approved by the Department of Mental Health, other appropriate community-based services, deemed necessary to reduce admissions to, and use of, state hospitals.

Provided further, that funds in category (f) shall be utilized by the Department of Mental Health to initiate performance contracts with counties for the reduction in state hospital utilization. The Department of Mental Health shall evaluate the effectiveness of each contract in achieving reductions in state hospital utilization from the level of its 1980–81 patient day allocations upon approval of the Department of Finance. The Department of Mental Health shall report on the effectiveness of programs initiated under this provision to the Joint Legislative Budget Committee by December 31, 1981.

Provided further, that $10,000,000 of the amount specified in category (f) shall be allocated to fund proposals submitted by local mental health programs to serve clients who are now inappropriately served in a state hospital setting. "Inappropriately served" refers to clients needing acute care of less than 30 days duration, clients with severe nursing care or personal care needs that could be met in a community-based skilled nursing facility with supplementary staffing, and persons whose needs are for a range of transitional living programs.

Provided further, that $5,000,000 of the amount specified in category (f) may be allocated to fund regionally based facilities or programs that are identified in the three-year plan mandated under Item 300; however, a part or all of these funds may be allocated to fund proposals submitted by local mental health programs to serve clients who are now inappropriately served in a state hospital setting, if, on or after October 1, 1980, the Director of Mental Health determines that no county-submitted proposals for regionally based facilities or programs are appropriate for funding during the 1980–81 fiscal year.

Provided further than $10,000,000 in category (c) shall be expended based on the "Woodlake Model" with $3,600,000 of this total for community residential treatment programs pursuant to Chap-

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| | ter 1233, Statutes of 1978. Priority consideration shall be given to programs serving minorities, patients' rights, children and adolescents and jail treatment. | |
| | Provided further, that the department shall, in at least three counties, conduct a study of the feasibility and validity of the standards in each of the categories in the model, the impact on more heavily utilized categories of funding less heavily utilized categories, and the impact of implementation of the model on state hospital utilization. | |
| | Provided further, that the department shall annually reduce non-level-of-care positions to account for decreased expenditures resulting from population declines. | |
| 302.1 | —For allocation to the state hospitals for programs for the mentally ill, Department of Mental Health | 214,465 |
| | provided, that the Department of Finance shall authorize the expenditure of funds appropriated by this item only to the extent that (1) anticipated declines in the state hospital population have failed to occur or (2) the actual cost of living needed for food has exceeded the 30 percent per person increase over 1978–79 actual cost as provided in Item 302. | |
| | Provided further, that upon order of the Department of Finance, the State Control shall transfer such funds as are necessary between this item and Items 296, 297, 297.1, 301, and 302. | |
| 303 | —For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to activities of the Department of Mental Health, of any new program or increased level of service of an existing program mandated by statute, State Controller | 313,660 |
| | provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs and of subdivision (d) of Section 2231 of the Revenue and Taxation Code. | |
| 304 | —For support of Employment Development Department | 17,876,423 |
| | Schedule: | |
| | (a) Work incentive programs, as specified in Division 2 (commenc- | |

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| | ing with Section 5000) of the Unemployment Insurance Code, for transfer by the State Controller to the Unemployment Administration Fund ..... | 4,711,994 |

provided, that the State Controller shall transfer these funds only at such time as federal funds are deposited in the Unemployment Administration Fund and no transfer so made shall exceed 12.5 percent of the amount of federal funds so deposited; and provided, further, the amount available for transfer shall be reduced by the amount in cash or in kind available from other sources as the state's share of the work incentive program, as determined by the Employment Development Department and certified to the State Controller; however, such reduction shall not include an amount up to $1,500,000 to be utilized for the payment of training-related expenses, allowances, stipends, and child care for WIN registrants so that such individuals may receive employment services provided under Division 2 (commencing with Section 5000) of the Unemployment Insurance Code while in applicant status and such amount shall also be exempt from the 12.5 percent limit of this provision.

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| (b) | Service Center Program as specified in Section 301.5 of the Unemployment Insurance Code..... | 5,353,900 |
| (c) | Office of Economic Opportunity and, in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item ..... | 441,250 |

provided, that no funds may be expended for this category unless and until federal matching funds are available for the purpose of funding this office; provided further, that positions funded by this category shall be used only for authorized activities of the Office of Economic Opportunity.

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| (d) | Job Agents Program as specified in Division 3 (commencing with Section 9000) of the Unemployment Insurance Code ..... | 2,183,698 |

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| (e) Youth Employment and Development Act of 1977 as specified in Part 1 of Division 3 (commencing with Section 9800) of the Unemployment Insurance Code | 5,000,000 | |
| (f) California Jobs Tax Credit Program, pursuant to Chapter 1182, Statutes of 1979 | 185,581 | |
| (g) Federal funds per Section 8.6 | (167,751,069) | |
| (h) Federal funds per Section 8.7 | (1,605,090,061) | |
| 305—For support of Employment Development Department, payable from the Department of Employment Development Contingent Fund and in addition thereto, any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance. Provided further, that Item 491 of this act shall not apply to any deficiency expenditure authorization for the purposes authorized by the appropriation made by this item. | | 5,098,495 |
| 306—For administration of unemployment compensation disability benefits, Employment Development Department, the sum of $37,089,748 is appropriated from the Unemployment Compensation Disability Fund | | (37,089,748) |
| 308—For support of Department of Rehabilitation | | 18,033,154 |
| Schedule: | | |
| (a) I. Vocational rehabilitation of the disabled | 11,871,364 | |
| (1) Total program | 105,321,934 | |
| (2) Reimbursements | −4,251,273 | |
| (3) Federal funds | −89,199,297 | |
| (b) II. Small business and job development | 361,720 | |
| (1) Total program | 4,130,122 | |
| (2) Special Deposit Fund—Vending Stands Account—fees | −885,425 | |

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| | (3) Federal funds—Special Deposit Fund—Vending Stands Account—fees ..... —1,307,624 | |
| | (4) Federal funds ..... —1,575,353 | |
| | (c) III. Development of community rehabilitation resources ..... | 158,534 |
| | (1) Total program ..... 2,881,317 | |
| | (2) Federal funds ..... —2,722,783 | |
| | (d) IV. Habilitation services ..... | 5,641,536 |
| | (1) Total program ..... 33,147,840 | |
| | (2) Reimbursements —25,644,209 | |
| | (3) Federal funds ..... —1,862,095 | |

provided, that the Department of Rehabilitation shall identify $100,000 from category (d) to finance a community-based pilot project for the newly blind elderly.

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| | (e) V. General ..... | —0— |
| | (1) Departmental administration ..... 12,016,185 | |
| | (2) Amount chargeable to programs I through IV ..... —12,016,185 | |

provided, that upon approval of the Director of Finance, the above programs may be augmented from other budget items in this act where funds have been budgeted for transfer to the Department of Rehabilitation for the programs contained in this budget item. Provided further, that such transfers shall enable the state to make maximum utilization of available federal funds.

Provided further, that no funds appropriated in this item or administered by the Department of Rehabilitation shall be used to provide hearing aids to persons not otherwise eligible for Department of Rehabilitation assistance.

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| 308.1 | —To the Department of Rehabilitation for a report on the communications needs of the deaf and hearing impaired ..... | 75,000 |

provided, that the funds appropriated by this item shall be used by the department to contract for a report on the communications needs of the deaf and hearing impaired.

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| 309 | —For support of Department of Social Services, together with any grants made available by the federal government for support of the Department of Social Services ..... | 40,965,364 |

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| | Schedule: | |
| | (a) Personal services | 76,944,377 |
| | (b) Operating expenses and equipment | 23,002,718 |
| | (c) Special items of expense | 13,804,654 |
| | (d) For transfer to the Health Care Deposit Fund | 2,637,522 |
| | (e) Amount payable from the Health Care Deposit Fund | −6,359,539 |
| | (f) Reimbursements | −342,840 |
| | (g) Federal funds | −66,559,757 |
| | (h) Attorney fees Pursuant to Section 10962 of the Welfare and Institutions Code | 16,050 |
| | (i) Amount payable from Item 309.1 | −2,177,821 |

provided, that the Director of Finance may authorize the transfer of funds from categories (a) and (b) to Item 312(h) in order to allow counties to perform the facilities evaluation function.

Provided further, that no funds appropriated by this item shall be encumbered unless every rule or regulation adopted and every all-county letter issued by the Department of Social Services which adds to the cost of any program is approved by the Department of Finance as to the availability of funds before it becomes effective. In making the determination as to availability of funds to meet the expenditures of a rule, regulation, or all-county letter which would increase the costs of a welfare program, the Director of Finance shall consider the amount of the proposed increase on an annualized basis, the effect such change would have on the expenditure limitations for such program set forth in this act, the extent to which the rule, regulation, or all-county letter constitutes a deviation from the premises under which the expenditure limitations were prepared, or any additional factors relating to the fiscal integrity of such program or the state's fiscal situation.

Provided further, that no funds shall be available for rules, regulations, or all-county letters implementing program changes for which expenditures are prohibited by other provisions of this act.

Provided further, that the $96,096 budgeted for county training shall be expended only for county training pursuant to the provisions of the department's local agency special training program.

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Provided further, that the $900,000 (all funds) budgeted for electronic data processing shall be expended only for EDP, including workload and rate adjustments.

Provided further, that the department shall not establish special consultants positions funded through temporary help funds prior to 30 days written notification to the Joint Legislative Budget Committee.

Provided further, that the department shall enter into an interagency agreement with the California Conservation Corps for the purposes of allowing foster teenagers to join that program. This agreement should be operational on July 1, 1980; however, no funds under this item shall be expended after September 1, 1980, without such agreement.

Provided further, that funds appropriated by this item may be transferred to the Health Care Deposit Fund to be matched by federal funds for administrative services rendered under the Medi-Cal Program.

309.1—For transfer to Item 309, support of the Department of Social Services, upon the approval of the Department of Finance, together with any funds made available by the federal government, for the development of a centralized delivery system (CDS) ..... 2,177,821

Schedule:

(a) Centralized Delivery System ..... 4,158,281

(b) Federal funds ..... −1,980,460

provided, that the department's feasibility study report shall include an identification of (1) the total state and local resources required and schedule of events necessary to implement CDS, (2) an identification of the impact of CDS on current county EDP operations, and (3) an identification of how CDS will take into consideration the design of existing county EDP systems (for example, welfare case data management system).

Provided further, that the department shall not encumber the $720,006 ($360,003 General Fund and $360,003 federal funds) for the 32 undefined positions for the CDS project sooner than 30 days after notification in writing of the purpose and classification of these positions to the Chairman of the Joint Legislative Budget Committee.

Provided further, that any amount of the $720,-

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006 not encumbered for approved, budgeted positions for CDS shall revert to the unappropriated surplus of the General Fund.

310—For state supplementary payment program for aged, blind, and disabled, as provided in Article 1 (commencing with Section 12000) to Article 5 (commencing with Section 12200), inclusive, of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, Department of Social Services ..... 1,241,672,397

Schedule:

(a) General Fund ..... 965,472,397

(b) Amount transferred from Federal Revenue Sharing Fund (Item 485) 276,200,000

provided, that for the fiscal year 1980–81, the necessary portion of amounts appropriated by this item shall be used for the period July 1, 1980, to December 31, 1980, inclusive, to increase payments by the average of the percentage change in the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics. The necessary portion of the funds appropriated by this item shall be used for the period January 1, 1981, to June 30, 1981, inclusive, to provide for payments in an amount equal to the amounts in effect on June 30, 1980, adjusted by 13 percent.

Provided further, that the Director of Finance may transfer up to $33,083,500 appropriated in this item, to be matched with federal funds, to Item 309 or Item 313 for the state and county cost of administering food stamp benefits as may be required by federal law, no sooner than 30 days after written notification to the Chairman of the Joint Legislative Budget Committee, or such sooner time as the Chairman or his or her designee may determine.

Provided further, that in order to maximize federal reimbursements for state funds erroneously expended by the federal government for the state supplementary payment program, the Director of Finance may authorize the transfer of up to $302,297 from the General Fund from this item to Item 309 for the purpose of conducting a complete state review of the federal quality assessment sample for the program.

Provided further, that the department shall not expend $302,297 for quality control review posi-

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tions if the federal government agrees to a regression formula which projects the state's quality control findings to the entire federal sample for the state supplementary payment program. In the event that the positions are established and the federal government subsequently adopts a regression formula for projecting the state's findings, the positions established shall be abolished.

Provided further, that the Director of Finance may authorize the transfer of up to $6,000,000 of funds appropriated in this item to Item 311.1 for the cost of administering the federal low-income energy assistance program.

Provided further, that funds transferred from the Federal Revenue Sharing Fund pursuant to Item 485 shall be expended prior to the remaining $965,472,397 of general funds in this item.

311—For the costs of the state's share of special adult programs, including (a) special circumstances, as defined in Sections 11212, 12550, and 12551 of the Welfare and Institutions Code, (b) special benefits, pursuant to Sections 12151 and 12553 of the Welfare and Institutions Code, (c) aid to the potentially self-supporting blind, pursuant to Chapter 5 (commencing with Section 13000) of Part 3 of Division 9 of the Welfare and Institutions Code, (d) emergency payments, pursuant to Section 12525 of the Welfare and Institutions Code, and for the payment of aid and administrative costs for (e) temporary assistance for repatriates, (f) Indochinese Refugee Assistance Program residuals, and (g) Cuban Refugees on General Relief, Department of Social Services ..... 4,448,300

Schedule:

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|---|---|
| (a) Special circumstances | 1,861,200 |
| (b) Special benefits | 114,200 |
| (c) APSB | 1,505,300 |
| (d) Emergency payments | 967,600 |
| (e) Temporary assistance for repatriates | 53,000 |
| (f) Indochinese Refugee Assistance Program residuals | 55,650,800 |
| (g) Cuban Refugee—general relief | 293,300 |
| (h) Federal funds | -55,997,100 |

provided, that for the fiscal year 1980–81, the necessary portion of amounts appropriated by this item for category (c) shall be used for the period July 1, 1980, to December 31, 1980, inclusive, to

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increase payments by the average of the percentage change in the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics. The necessary portion of the funds appropriated by this item shall be used for the period January 1, 1981, to June 30, 1981, inclusive, to provide for payments in an amount equal to the amounts in effect on June 30, 1980, adjusted by 13 percent.

311.1—For the cost of the federal low-income energy assistance program, Department of Social Services, payable from the Federal Trust Fund ..... (131,800,000) provided, that the amount specified by this item constitutes federal funds as defined in Section 8.6.

Provided further, that the Director of Finance may authorize the transfer of funds from this item, including any funds transferred to this item from another item, to Item 309 or 313 for the cost of administering the federal low-income energy assistance program.

Provided further, that the Department of Social Services shall provide the Joint Legislative Budget Committee with a copy of the state plan for the low-income energy assistance program 30 days prior to the expenditure of grant funds for this program.

312—For the cost of special social service programs for which federal grants-in-aid are made to the state; for rehabilitative and employment services; for grants or services to local agencies for the extension of child welfare services; for the cost of the adoption programs and care of children, to be expended in accordance with the provisions of Chapter 2 (commencing with Section 16100) of Part 4 of Division 9 of the Welfare and Institutions Code; for the costs incurred by counties, including but not limited to, the required matching funds, for in-home supportive services as provided by Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code; for the cost of local agency special training and statewide demonstration programs; for the cost of providing child development services pursuant to Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1 of the Education Code; and for the cost of facilities evaluation program, pursuant to

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| Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Welfare Safety Code, Department of Social Services | | 186,219,615 |
| Schedule: | | |
| (a) Other county social services | 159,897,106 | |
| (1) Adult and family and children's services | 151,967,787 | |
| (2) 24-hour response .. | 7,929,319 | |
| (b) Specialized adult services | 273,682,316 | |
| (1) In-home supportive services .... | 243,959,439 | |
| (2) Family planning.... | 4,444,444 | |
| (3) Contracted Indochinese Refugee Assistance Program Services | 22,958,795 | |
| (4) Rape victim counseling centers | 207,638 | |
| (5) Maternity care | 2,112,000 | |
| (c) Specialized family and children's services | 85,193,002 | |
| (1) Work Incentive Program | 18,388,300 | |
| (2) Child development | 62,685,256 | |
| (3) Child welfare services | 4,119,446 | |
| (d) Adoptions | 16,860,370 | |
| (e) Demonstration programs | 6,011,894 | |
| (f) Facilities evaluations | 16,215,621 | |
| (g) Reimbursements and transfers | −11,132,425 | |
| (h) Federal funds | −356,902,629 | |
| (i) Amount payable from other appropriations | −3,605,640 | |

Provided, that the Director of Finance may authorize the transfer of funds from category (f) to Item 309, in order to perform the facilities evaluation function in the event the counties fail to perform such function.

Provided further, that any funds specified in categories (a) and (c) (3) of this item shall be available only when matched by 25 percent in county funds.

Provided further, that no funds appropriated in this item may be spent for the expansion or alteration of existing social service programs unless (1) the Legislature has been notified at least 30 days

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prior to the effective date of such expansion or alteration and (2) such notification includes a specific expenditure plan and detailed description of the proposed expansion or alteration.

Provided further, that the Department of Social Services design and recommend to the Legislature by December 15, 1980, specific cost containment mechanisms for the In-Home Supportive Services program, including: (1) description of clear program goals and identification of target population most in need of IHSS, (2) criteria for termination of service, (3) establishment of allowable range of costs for IHSS provided by county employees and individual providers, (4) schedule for quality control reviews and plans for reducing the amount of General Fund money spent in error, and (5) identification of statutory and administrative changes necessary to implement the department's recommendations in (1) to (4), inclusive.

Provided further, that $2,112,000 is appropriated for the Licensed Maternity Care Homes program in lieu of Section 16151 of the Welfare and Institutions Code.

Provided further, that notwithstanding any provision of the Welfare and Institutions Code to the contrary, none of the funds appropriated by this item shall be used to provide cost-of-living increases to county employees in excess of a 9 percent annual average. Counties may grant salary increases in excess of this level, but such increases shall be supported by county funds. The Department shall not compute an amount higher than the 9 percent average increase into their base calculations for the Governor's 1981–82 Budget proposal.

Provided further, that the Director of Finance shall notify the Joint Legislative Budget Committee of the receipt of federal WIN-Child Care augmentations at least 30 days prior to the expenditure of those funds. In the event that no such augmentation is received, $130,000, budgeted as state match, shall revert to the General Fund.

Provided further, that the Director of Finance may authorize the transfer of up to $76,300 from category (e) to Item 309.

Provided further, that upon receipt of the an-

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ticipated 1981 federal fiscal year Title XX allocation, up to $11,946,892 in federal funds not already accounted for in this item shall be reserved to fund legislation enacted prior to June 30, 1981, if such legislation is enacted with an appropriation specifying the purposes for which such funds may be expended. If legislation is not enacted by June 30, 1981, such funds shall be used in lieu of monies appropriated from the General Fund to support Title XX social services programs in this item. The department shall take all necessary measures with the federal government to ensure that this transfer of funds may occur, if necessary.

312.1—For transfer by the Department of Social Services to continue in existence six domestic violence programs pursuant to Chapter 146, Statutes of 1980; provided that the funds appropriated by this item shall be considered a loan repayable from revenue generated pursuant to Chapter 146, Statutes of 1980 ..... 152,000

312.2—For the cost of special social services training, Department of Social Services ..... —0—

Schedule:

(a) County services staff development 2,507,000

(b) University training programs ..... 12,124,000

(1) County welfare staff training ..... 7,324,000

(a) long-term .....1,333,333

(b) short-term .....5,990,667

(2) Foster care ..... 1,733,333

(3) Child care ..... 2,400,000

(4) In-home supportive services ..... 666,667

(c) Reimbursement and transfers ..... —3,031,000

(d) Federal funds ..... —11,600,000

provided, that any federal funds specified in this item shall be available only when matched by 25 percent nonfederal funds.

Provided further, that if the federal funds made available to the state are less than the amount specified in category (d), the reductions required in the programs scheduled in this item shall be made on a proportionate basis.

Provided further, that in no case shall funds in this item be used to finance any graduate student with stipends and other benefits who had not been enrolled in an existing program funded through these funds prior to February, 1980.

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| | Provided further, that stipends may be approved for the training of masters level students in schools of social work when the university training contracts meet the following conditions:<br>(1) Students must be admitted to the school full-time and engaged in studies leading to the degree of Master of Social Work;<br>(2) Students must be verified as being on educational leave with return rights to a Title XX agency;<br>(3) Students must sign a legally binding written commitment to work continuously for a Title XX agency for a period of time equal to the educational leave; and<br>(4) The allowable educational costs charged against Title XX training funds cannot exceed the usual and customary costs of training a master's level social work student, except for those costs that are necessary for the development of additional courses to meet specific training needs identified by Title XX agencies. In such instances, the additional costs should not exceed the usual and customary costs for developing non-Title XX related instructional services and programs. | |
| 312.3 | —For the continuation of the Prevention of Early Teenage Pregnancy demonstration project, Department of Social Services ..... provided, that in order to economically and effectively continue the Prevention of Early Teenage Pregnancy project the department shall, if practicable, renegotiate with the present contractor. | 56,640 |
| 313 | —For the state's share of the nonfederal costs of administering (a) the payment of aid grants as specified in Section 15204.2 of the Welfare and Institutions Code, (b) the child support enforcement program, as specified in Section 15204.2 of the Welfare and Institutions Code, (c) special adult programs and nonmedical out-of-home care, (d) food stamps, as provided by Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the Welfare and Institutions Code, and (e) staff development, Department of Social Services Schedule:<br>(a) AFDC administration ..... 214,979,000<br>(b) Child support administration ..... 63,542,900<br>(c) Administration of Special Adult Programs ..... 2,279,200<br>(d) Food stamp administration ..... 71,028,800 | 97,617,400 |

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|---|---|---|
| | (e) Staff development | 7,273,900 |
| | (f) Indochinese Refugee Assistance Program residuals | 6,230,100 |
| | (g) Cuban general relief | 45,500 |
| | (h) Federal funds | 267,762,000 |

provided, that the department may act in the place of any county and assume direct responsibility for the administration of eligibility and grant determination. Upon recommendation of the Director of Social Services, the Department of Finance may authorize the transfer of funds to Item 309 for this purpose.

Provided further, that during the 1980–81 fiscal year, pursuant to Sections 15204.5 and 18906 of the Welfare and Institutions Code, the Department of Social Services shall continue the implementation of a plan whereby costs for county administration for AFDC and food stamp programs will be effectively controlled within the total state funds appropriated by this item.

Provided further, that notwithstanding any provisions of the Welfare and Institutions Code to the contrary, the total amount of state funds available to the counties for administration of the programs specified in this item shall be limited to the amount appropriated by this item.

Provided further, that no funds appropriated by this item shall be expended for administration of an aid to families with dependent children budgeting system other than a prior-month budgeting system which provides a supplementation no greater than 80 percent.

Provided further, that the Department of Social Services shall report by October 1, 1980 to the Legislature and the Department of Finance, cost-of-living increases to be reimbursed to each county in excess of 9 percent for the 1980–81 fiscal year, with an explanation of the reasons therefor.

Provided, that notwithstanding any other provision of law, the Department of Social Services may withhold state financial support of a county's automated welfare operations if the county does not provide a fiscal accounting of such operations in the form and manner as may be requested by the department; provided further, that the Department of Social Services may enter into an agreement with a county wherein state financial support for the development or modification of

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| county-automated welfare operations is conditioned upon the realization of savings projected by the county. EDP development or modification activities in a county shall be allowed only if the county can demonstrate a need which must be met before the centralized delivery system is scheduled to become operational. | | |
| Provided further, that in the event the federal government does not provide funding for the non-AFDC collection of child support and the non-AFDC determination of paternity, general funds appropriated in (b) shall be allocated by the Department of Social Services to each county for application to 75 percent of their costs in administering the non-AFDC Child Support Enforcement Program. | | |
| 314—For reimbursement of the costs, which relate to activities of the Department of Social Services, of any new program or increased level of service of an existing program mandated by statute, or any new regulations or regulation changes, notwithstanding the provisions of Section 2231 of the Revenue and Taxation Code, Department of Social Services | | 7,927,920 |
| provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute or regulation that mandates the reimbursement of such costs and subdivision (d) of Section 2231 of the Revenue and Taxation Code. | | |
| 315—For support of California Health Facilities Commission payable from the California Health Facilities Commission Fund, in accordance with the provisions of Part 1.7 (commencing with Section 440) of Division 1 of the Health and Safety Code | | 2,100,217 |
| Schedule: | | |
| (a) Personal services | 1,462,102 | |
| (b) Operating expenses and equipment | 849,364 | |
| (c) Reimbursements | −211,249 | |

## EDUCATION

### Education—K–12

| | | |
|---|---|---|
| 316—For support of Department of Education, Superintendent of Public Instruction, and State Board of Education | | 26,353,431 |

| ITEM | | AMOUNT |
|---|---|---|
| | Schedule: | |
| | (a) Personal services | 47,669,796 |
| | (b) Operating expenses and equipment | 60,202,800 |
| | (c) Unallocated: legal | 200,000 |
| | (d) Reimbursements | −4,803,393 |
| | (e) Amounts payable from (Items 322 and 326) the Federal Trust Fund | −33,566,000 |
| | (f) Amounts payable from other support appropriations | −42,695,434 |
| | (g) Amounts payable from local assistance appropriations | −654,338 |

Provided, that the funds specified in category (c) may be expended only upon their allocation to category (b), subject to the approval of the Department of Finance. The Department of Finance shall notify the Chairman of the Joint Legislative Budget Committee upon giving such approval.

Provided further, that, notwithstanding Section 33403 of the Education Code, or any other provision of law, no funds appropriated pursuant to this act shall be used by the Department of Education to prepare evaluation reports on the following programs during the 1980–81 fiscal year:

(1) Indian education centers.

(2) Professional development centers.

Provided further, that $17,500 appropriated by this item shall be used to study the impact of the high school proficiency law on curriculum at the secondary level.

Provided further, that $30,000 appropriated by this item for support of gifted and talented program administration shall be available only if federal funds for the administration of the program are not available.

317—For transfer to Item 316 for support, Department of Education, in lieu of the appropriation made by subdivision (b) of Section 41312, and in lieu of the apportionment of funds specified in Section 41353, of the Education Code, for the state administrative expenses related to the child nutrition program and nutrition education projects ..... 863,790

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| 318—For support, Department of Education, to be transferred to Item 316 for the purposes of developing a driver training course and training the instructional personnel to conduct the course according to provisions of Section 41904 of the Education Code, the sum of $106,143 is appropriated from the Driver Training Penalty Assessment Fund | | 106,143 |
| 319—To the Department of Education, to be transferred to Item 316, for the purpose of administering the California High School Proficiency Examination Program | | 200,000 |
| Schedule: | | |
| (a) Distribution of printed information regarding the California High School Proficiency Examination Program | 15,908 | |
| (b) General administration | 184,092 | |
| provided, that funds specified in category (b) may be allocated by the Director of Finance only when the Superintendent of Public Instruction certifies that application fees are insufficient to support the administration of this program and only in such amount as is necessary to make up the deficiency in fees received. | | |
| 320—For support of Department of Education, to be transferred to Item 316 the sum of $209,584 is appropriated from the State School Building Aid Fund | | (209,584) |
| 321—For support of the Department of Education, for California State Agency for Surplus Property, to be transferred to Item 316 the sum of $33,880,311 is appropriated from the Surplus Property Revolving Fund | | (33,880,311) |
| 322—For support, Department of Education, to be transferred to Item 316, payable from the Federal Trust Fund | | (32,598,422) |
| 323—For support of special schools, Department of Education | | 27,472,064 |
| and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provision of this item. | | |
| Schedule: | | |
| (a) California School for the Blind | 3,705,627 | |
| (1) Support | 4,356,394 | |
| (2) Reimbursements | −650,767 | |

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|---|---|---|
| (b) Diagnostic School for Neurologically Handicapped Children, Northern California | | 1,920,913 |
| (1) Support | 1,986,755 | |
| (2) Reimbursements | −65,842 | |
| (c) Diagnostic School for Neurologically Handicapped Children, Southern California | | 1,895,670 |
| (1) Support | 2,157,702 | |
| (2) Reimbursements | −73,868 | |
| (3) Amount payable from the Federal Trust Fund (Item 324) | −188,164 | |
| (d) California School for the Deaf, Berkeley | | 9,325,539 |
| (1) Support | 10,479,951 | |
| (2) Reimbursements | −1,154,412 | |
| (e) California School for the Deaf, Riverside | | 8,801,939 |
| (1) Support | 9,602,226 | |
| (2) Reimbursements | −800,287 | |
| (f) Diagnostic School for Neurologically Handicapped Children, Central California | | 1,822,376 |
| (1) Support | 1,899,427 | |
| (2) Reimbursements | −77,051 | |

provided, that transfers between items in the above schedule may not be made without the approval of the Department of Finance.

Provided further, that the Department of Finance, on or before December 1, 1980, shall reduce the budget for the State Special Schools to account for projected reductions in the number of residential pupils due to new residential policies.

324—For support of special schools, Department of Education, to be transferred to Item 323(c), payable from the Federal Trust Fund ..... (188,164)

325—For support of Department of Education, Division of Libraries, California Library Services Board and Board of Library Examiners to be transferred to Item 316 ..... 6,037,253

325.1—To the State Librarian, for support of a study of possible locations for the Sutro Library and its contents, preparing and distributing a report regarding such study, and preparing and distributing recommendations based upon such study, as specified herein ..... 2,500

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provided, that as soon as possible after July 1, 1980, a task force shall be assembled to consult and assist in the implementation of the requirements of this item.

Provided further, that the task force shall be composed of six members appointed by the State Librarian, who shall be a seventh member and who shall chair the task force. The appointees, as a group, shall be broadly representative of the interests of Californians from the standpoints of geography, history, cultural and ethnic heritage, and library service.

Provided further, that ex officio members of the task force shall include representatives of the following:

(1) The Department of Finance.
(2) The Office of the Legislative Analyst.
(3) The Senate Committee on Education.
(4) The Assembly Committee on Education.
(5) The Senate Committee on Finance.
(6) The Assembly Committee on Ways and Means.

Provided further, that the study funded pursuant to this item shall include, but shall not be limited to, the following:

(1) The development and review of potential alternative sites for location of the materials now housed in the Sutro Library.
(2) The development and review of alternatives regarding future material acquisitions to augment the existing holdings of the Sutro Library.
(3) The development and review of alternative sources of funding for the Sutro Library.

In considering alternative sites and acquisition policies, the study shall focus on, and take fully into account, the practical fiscal constraints by which the state is bound.

Provided further, that the State Librarian shall report the results of the study, and shall submit recommendations based thereupon, on or before January 1, 1981, to the Joint Legislative Budget Committee, and, to the extent possible, to all agencies and individuals requesting such report and recommendations.

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Provided further, that the funds appropriated by this item may be expended by the State Librarian, with the consent of the Department of Finance, and subject to applicable provisions of law and regulation, for the following purposes:

(1) To employ temporary personnel to carry out the provisions of this item, including, but not limited to, payment of stipends to student interns.

(2) To pay individuals serving on the task force per diem and to otherwise reimburse such individuals for expenses associated with their participation on the task force.

(3) To contract for services or supplies needed to carry out the provisions of this item.

(4) To pay for the preparation, printing, and distribution of the report and recommendations as specified in this item.

326—For support, Department of Education, Division of Libraries, to be transferred to Item 316, payable from the Federal Trust Fund ..... (967,578)

327—For local assistance, Department of Education, for transfer by the State Controller to Section A of the State School Fund in lieu of the appropriations made for the 1980–81 fiscal year pursuant to subdivisions (a) and (b) of Section 75 of Chapter 894 of the Statutes of 1977, for the purpose of making allowances for the School Improvement Program and notwithstanding the third paragraph of Section 87 of Chapter 894 of the Statutes of 1977, there is hereby appropriated pursuant to Article 4 (commencing with Section 52045) of Chapter 6 of Part 28 of the Education Code ..... 152,419,342

Schedule:

(a) For the purpose of making allowances for kindergarten and grades 1 to 6, inclusive ..... 129,053,582

(b) For the purpose of making allowances for grades 4 to 6, inclusive 2,489,100

(c) For the purpose of making allowances for grades 7 to 12 inclusive 20,876,660

provided, that the State Board of Education shall allocate the funds appropriated by this item to each district eligible to receive an allowance on the basis of the per unit of average daily attendance amounts specified in subdivision (b) of Section 52046 of the Education Code, adjusted on a pro rata basis to conform to the amounts appro-

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priated by this item, except that $4,796,000 of the funds appropriated in category (c) shall be allocated for planning grants for grades 7 to 12, inclusive, pursuant to subdivision (a) of Section 52046 of the Education Code.

Provided further, that notwithstanding the provisions of Section 52045 of the Education Code, in computing allowances authorized pursuant to subdivisions (a) and (b) of Section 52046 of the Education Code, the Superintendent of Public Instruction shall not reduce such allowances by the amount per pupil apportioned pursuant to Article 4 (commencing with Section 54160) of Chapter 2 of Part 29 of the Education Code.

328—For local assistance, Department of Education, for transfer by the State Controller to Section A of the State School Fund, in lieu of the amount which would otherwise be appropriated for the Staff Development and Resource Centers Program pursuant to subdivisions (a) and (b) of Section 74 of Chapter 894, Statutes of 1977, for the purpose of making allowances for purposes of Article 1 (commencing with Section 44670) and Article 2 (commencing with Section 44680) of Chapter 3.1 of Part 25 of the Education Code ..... 2,374,768

Schedule:

| | |
|---|---|
| (a) For staff development ..... | 894,018 |
| (b) For resource centers ..... | 735,750 |
| (c) For staff development—resource centers ..... | 745,000 |

provided, that the $4 reimbursement rate specified in Section 2, Chapter 966, Statutes of 1977, shall be increased to four dollars and thirty-six cents ($4.36) for the purpose of allocating funds scheduled in category (a).

Provided further, that $200,000 of the amount scheduled in category (c) shall be utilized to establish appropriate training programs for teachers on waiver in bilingual programs directly or by contract with the existing staff development resource centers, county offices of education, four-year public and private institutions of postsecondary education, bilingual program consortia or a consortium formed by two or more institutions; and any contracts for training programs shall be awarded on a competitive basis in accordance with criteria developed by the Department of Education.

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Provided further, that $545,000 of the amount scheduled in category (c) shall be for staff development resource centers established pursuant to Chapter 3.1 (commencing with Section 44670) of Part 25 of the Education Code for the purpose of providing in-service training for teachers currently on waiver; and provided further, that such funds shall be allocated to those resource centers which are in closest proximity to, and best able to serve, teachers on waiver.

329—For local assistance, Department of Education, for environmental education, payable from the California Environmental License Plate Fund ..... 500,000
Schedule:
(a) For transfer to Item 316 for support ..... 15,131
(b) For local assistance ..... 484,869
provided, that notwithstanding the provisions of Section 39102 of the Health and Safety Code, such funds shall be expended pursuant to the provisions of Chapter 4 (commencing with Section 8700) of Part 6 of Division 1 of Title 1 of the Education Code.

330—For local assistance, Department of Education, to be transferred by the State Controller to Section A of the State School Fund, in lieu of the appropriations made for the 1980–81 fiscal year pursuant to Section 54053, Section 54054, and Section 54056 of the Education Code, and notwithstanding the second paragraph of Section 87 of Chapter 894, Statutes of 1977, for the purposes of the Economic Impact Aid Program, pursuant to Chapter 1 (commencing with Section 54000) of Part 29 of the Education Code ..... 162,015,803

Provided, that, notwithstanding subdivision (b) of Section 54024 of the Education Code, the Superintendent of Public Instruction shall not include entitlements allowed from Part A of Title 1 of the Elementary and Secondary Education Act of 1965 in the calculation of each district's available resources.

Provided further, that $14,752,000 of the funds in excess of $147,263,803 shall be allocated by the Superintendent of Public Instruction pursuant to Section 54041 of the Education Code, to a limited number of districts with high concentrations of limited- and non-English-speaking pupils and other economic impact aid pupils that receive in-

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| | sufficient funds through the economic impact aid formula. No district receiving funds from the Economic Impact Aid Program shall be allocated less than $5,000. | |
| 331—For local assistance, Department of Education, to be expended for the purpose of educationally deprived children payable from the Federal Trust Fund | | (275,892,650) |
| 332—For local assistance, Department of Education, for compensatory education programs: (1) demonstration programs in reading and mathematics pursuant to Chapter 4 (commencing with Section 58600) of Part 31 of the Education Code, and (2) the professional development and program improvement center program as specified in Article 10 (commencing with Section 44630) of Chapter 3 of Part 25 of the Education Code | | 4,073,132 |
| Schedule: | | |
| (a) Demonstration programs in reading and mathematics | 3,356,668 | |
| (b) Professional development centers | 716,464 | |
| provided, that the Department of Education, in utilizing the funds appropriated by this section, shall support the programs in the 1980–81 fiscal year in at least 13 school districts and shall include as criteria for participation a district's efforts to establish a multidistrict project and to obtain and use matching funds from local, state, or federal sources. | | |
| 333—For local assistance, Department of Education, for special elementary school reading instruction program teachers under the Miller-Unruh Reading Act of 1965 | | 15,265,796 |
| 334—For local assistance, Department of Education, to be expended for migrant education, payable from the Federal Trust Fund | | (54,023,314) |
| 335—For local assistance, Department of Education, for special education in lieu of the amount which would otherwise be appropriated pursuant to Sections 14002, 14004.5, 14007, subdivisions (b), (c), and (g) of Section 41304, and Section 56364 of the Education Code. | | 525,457,972 |
| Schedule: | | |

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| (a) | Master plan—<br>For transfer by the State Controller to Section A of the State School Funds for apportionment pursuant to Article 5 (commencing with Section 56300) of Chapter 2 of Part 30 of the Education Code | 215,900,000 |
| (b) | Unallocated—master plan | 11,100,000 |
| (c) | Apportionments—special allowances—for transfer by the State Controller to Section A of the State School Funds for apportionment pursuant to Article 11 (commencing with Section 41880) of Chapter 5 of Part 24 and Section 56039 of the Education Code | 283,300,000 |
| (d) | Development centers—for apportionment to school districts and other eligible agencies pursuant to Chapter 6 (commencing with Section 56800) of Part 30 of the Education Code | 14,600,000 |
| (e) | Sheltered workshops—for school districts and county offices of education for reimbursement of the costs of providing occupational training of physically handicapped and mentally retarded pupils pursuant to Section 56072 of the Education Code. | 207,972 |
| (f) | In-service training for special education teachers | 350,000 |

provided, that moneys appropriated by category (a) of this item shall be used to expand master plan implementation to 45 percent of the children enrolled in special education and shall be allocated to special education service regions on a service model basis in accordance with categories established by Section 56360 of the Education Code, except that the dollar level per service element shall be determined by the Department of Education, subject to the approval of the Department of Finance and notification of the Joint Legislative Budget Committee through procedures of Section 28 of this act.

Provided further, that no moneys appropriated by category (a) of this item shall be allocated to newly established special education service re-

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gions until they certify that they meet the specific eligibility criteria developed by the State Board of Education to determine who is eligible for special education services at least in the learning and communicatively handicapped areas.

Provided further, that when allocating funds in category (a) of this item, the Department of Education shall deduct an amount of funds equivalent to the amount available to county superintendents of schools under subdivisions (a), (b), (c), (d), (f), and (g) of Section 2500 and subdivisions (a) and (b) of Section 2550 of the Education Code.

Provided further, that, notwithstanding any other provision of law, the Superintendent of Public Instruction may allocate funds from the appropriation made by category (d) of this item to school districts or county superintendents of schools in order to increase the reimbursement per child-hour allowed pursuant to Section 56810 of the Education Code from $1.75 to $2.45 to meet cost increases due to inflation and increase the maximum reimbursement for transportation allowed pursuant to Section 56830 of the Education Code from $675 to $875 to meet cost increases due to inflation.

Provided further, that moneys appropriated by category (b) of this item may, subject to the approval of the Department of Finance, be transferred to category (a) and expended for the purposes of category (a) to the extent that the Federal Education for All Handicapped Children Act of 1975 (PL 94-142) funds are less than those budgeted in Item 336(a) of this act. The Department of Finance shall notify the Chairman of the Joint Legislative Budget Committee upon giving such approval.

336—For local assistance, Department of Education, for special education payable from the Federal Trust Fund ..... (102,808,330)

Schedule:

| | |
|---|---|
| (a) For master plan | 25,614,215 |
| (b) For nonmaster plan | 59,766,503 |
| (c) For development centers for the handicapped | 1,073,000 |
| (d) For special projects | 16,354,612 |

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| 337—For local assistance, Department of Education, for vocational education programs, payable from the Vocational Education Federal Fund, after transfer from the Federal Trust Fund | | (52,334,389) |
| Provided, that up to 20 percent of federal funds under Subpart 3, P.L. 94-482, may be transferred to state operations, upon approval by the Director of Finance. The Department of Finance shall notify the Chairman of the Joint Legislative Budget Committee upon giving such approval. | | |
| 337.1—For local assistance, Department of Education, for allocation to unified and high school districts maintaining vocational education programs funded from P.L. 94-482 | | 430,000 |
| provided, that the Superintendent of Public Instruction shall allocate the funds appropriated by this item to school districts whose 1980–81 P.L. 94-482, subpart 2 basic grants are less than their 1979–80 basic grants. The maximum amount allocated pursuant to this item to a school district shall not exceed the difference between the 1979–80 grants and the 1980–81 grants received by that district. | | |
| 338—For local assistance, Department of Education, for career education, payable from the Federal Trust Fund | | (1,537,838) |
| 339—For local assistance, Department of Education, for apportionment to the career guidance center operated by the Office of Superintendent of Schools of the County of San Diego and the center operated by the County of Los Angeles, as described in Section 52340 of the Education Code | | 222,500 |
| 340—For local assistance, Department of Education, for child development programs, for allocation to school districts and other eligible agencies maintaining children's centers and child care programs pursuant to Chapter 2 (commencing with Section 8200) or Chapter 2.5 (commencing with Section 8400) of Part 6 of the Education Code, Department of Education | | 148,179,174 |
| Schedule: | | |
| (a) General child development programs | 139,494,549 | |
| (b) Campus children's centers | 3,966,592 | |
| (c) High-school-age parenting and infant development | 3,427,638 | |
| (d) Migrant day care | 4,577,541 | |
| (e) Special allowances for rent | 316,462 | |

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| (f) | Special allowances for handicapped | 531,505 |
| (g) | Alternative child care program | 23,842,099 |
| (h) | Intergenerational child care | 192,000 |
| (i) | Unallocated inflation | 15,762,882 |
| (j) | Reimbursements | −51,478,889 |
| (k) | Transfer from Item 342, the Federal Trust Fund | −457,000 |
| (*l*) | Administration (shown in Item 316) | (3,614,368) |
| (m) | Campus child care tax bailout | 8,003,795 |

provided, that the 1979–80 average daily enrollment funding standards shall be increased by 9 percent and that no local agency shall receive more than the applicable maximum under such increased funding standards. The funds scheduled in category (i) for unallocated inflation shall be allocated among categories (a), (b), (c), (d), (e), (f), (g), and (h) to provide a 9 percent inflation increase to the average daily enrollment standards.

Provided further, that funds scheduled in category (a) for county child care services shall be allocated subject to the requirements of Section 19.7 of this act.

Provided further, that, notwithstanding any other provision of law, agencies maintaining child care and child development programs funded through this item shall adhere to the following child attendance recording requirements:

Children regularly enrolled in a child care or child development program who are absent on account of illness, quarantine, illness or quarantine of their parent or parents, family emergency requiring travel away from home, or traveling away from home to spend time with a parent or other relative that has been required by a court of law or is in the clear best interest of the child, shall be considered to be in regular attendance for the portion of the day for which they are enrolled, whenever the child care or child development agency certifies that such absence was on account of one of these reasons and is verified by the agency in such manner as the Superintendent of Public Instruction shall require. All enrollment attendance shall be recorded in accordance with the requirements of the Superintendent of Public Instruction.

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Provided further, that $36,856,504 of the funds scheduled in category (a), $36,545 of the funds scheduled in category (c), $106,951 of the funds scheduled in category (g), and $3,330,000 of the funds scheduled in category (i) for district child development programs are used to continue state General Fund revenues provided in fiscal year 1978–79 by Chapter 292 of the Statutes of 1978 in lieu of no longer available district revenues generated by child development permissive taxes levied pursuant to Sections 8329 and 8330 of the Education Code in 1977–78 for such programs.

Provided further, that, notwithstanding Section 8251 of the Education Code, the Department of Education may authorize the disbursement of funds provided by the $36,856,504 included in category (a), $36,545 included in category (c), $106,951 included in category (g), and $3,330,000 included in category (i) in excess of the maximum reimbursement rate to the child development programs which received funds from taxes levied pursuant to Sections 8329 and 8330 of the Education Code for the 1977–78 fiscal year, and in no case shall the amount disbursed to these child development programs exceed 109 percent of the amount required to be made available to child development programs under Section 6.5 of Chapter 332 of the Statutes of 1978 for fiscal year 1978–79.

Provided further, that community college districts which levied child development permissive override taxes pursuant to Sections 8329 and 8330 of the Education Code in the 1977–78 fiscal year and received fiscal relief through Chapter 282 of the Statutes of 1979 shall not receive reimbursement for child care services from the superintendent in excess of 75 percent of the average daily enrollment funding standards for campus child care programs Campus child care programs operated by the University of California, California State University and Colleges, and community colleges that did not levy a permissive override tax in the 1977–78 fiscal year shall receive reimbursement from the superintendent which equals 100 percent of the average daily enrollment funding standards for campus child care programs.

Provided further, that the funds appropriated in category (m) shall be allocated by the Depart-

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ment of Education on order of the Chancellor of the California Community Colleges. The chancellor shall order the allocation of these funds to community college districts which levied child care permissive override taxes in 1977–78 pursuant to Sections 8329 and 8330 of the Education Code in an amount equal to 109 percent of the property tax revenues, tax relief subventions, and state aid required to be made available by the district to its child development program for the 1979–80 fiscal year pursuant to Section 30 of Chapter 1035 of the Statutes of 1979. These funds shall be used only for the purpose of community college child development programs.

Provided further, that funds scheduled in category (d) for migrant day care services shall, in part, be allocated to agencies for the provision of services within state-funded migrant housing centers, and further for the priority provision of services to the resident children.

Provided further, that, notwithstanding any other provision of law, agencies maintaining child care and child development programs in migrant housing centers shall be responsible to the local housing agency contracting with the state, for use of facilities within the migrant housing center.

341—For local assistance, Department of Education, for child development programs for apportionment to school districts and other eligible agencies maintaining preschool programs pursuant to Chapter 2 (commencing with Section 8200) of Part 6 of the Education Code ..... 28,623,386

Schedule:

(a) Total program ..... 28,623,386

(b) Administration (shown in Item 316) ..... (769,237)

provided, that programs with annual per capita costs in excess of $1,461 shall not receive inflation increases for the 1980–81 fiscal year.

Provided further, that $2,344,785 of the inflation funds appropriated in category (a) shall be allocated by the Superintendent of Public Instruction on a sliding scale to programs with annual per capita costs of less than $1,461 to equalize per capita costs to the extent possible within available funding.

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| 342—For local assistance, Department of Education, to be expended for migrant day care and in accordance with provisions of Item 340, payable from the Federal Trust Fund | | (457,000) |
| 343—For local assistance, Department of Education, for Indian education centers, provided that the appropriation made by this item is limited to carrying out the provisions of Article 6 (commencing with Section 33380) of Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code | | 707,656 |
| Schedule: | | |
| (a) Local assistance | 707,656 | |
| (b) Administration (shown in Item 316) | (141,217) | |
| 344—For local assistance, Department of Education, for the Native American Indian Education Program, as provided in Chapter 6.5 (commencing with Section 52060) of Part 28 of the Education Code | | 300,416 |
| Schedule: | | |
| (a) Local assistance | 300,416 | |
| (b) Administration (shown in Item 316) | (29,914) | |
| 345—For local assistance, Department of Education, for maintaining the Bilingual Teacher Corps Program pursuant to Article 2 (commencing with Section 52150) of Chapter 7 of Part 28 of the Education Code | | 2,246,000 |
| 346—For transfer by the State Controller, in lieu of the appropriation provided for in Section 60246 of the Education Code, to the State Instructional Materials Fund, for allocation during the 1980–81 fiscal year, pursuant to Article 3 (commencing with Section 60240) of Chapter 2 of Part 33 of the Education Code | | 42,684,752 |
| Schedule: | | |
| (a) Local assistance | 42,045,545 | |
| (b) For subsequent transfer from the Instructional Materials Fund to Item 316 | 639,207 | |
| provided, that such funds shall be transferred to the State Instructional Materials Fund by the State Controller in amounts claimed by the Department of Education, and that the remaining balance, if any, be transferred to the State Instructional Materials Fund on June 30, 1981. | | |

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| 347—For local assistance, Department of Education for instructional television programs, to be expended in accordance with the provisions of Section 41920 of the Education Code | | 821,364 |
| Schedule: | | |
| (a) Local assistance | 821,364 | |
| (b) Administration (shown in Item 316) | (25,500) | |
| provided, that $130,000 reappropriated by Section 10.19 and $70,000 of the amount appropriated by this item shall be used by the Department of Education to contract to produce and pilot test a semester-length module of study, using a radio-based instructional system, to provide basic skills remediation for students who have experienced difficulty meeting district proficiency standards in reading, writing, or mathematics. The module of study shall focus on the needs of limited English-speaking students. | | |
| 348—For local assistance, Department of Education, for instructional support, payable from the Federal Trust Fund | | (31,474,685) |
| Schedule: | | |
| (a) For school library resources | 16,102,165 | |
| (b) For supplementary centers and services | 14,524,397 | |
| (c) Strengthening the state department | 256,250 | |
| (d) Demonstration centers | 591,873 | |
| 349—For local assistance, Department of Education, for adult basic education, payable from the Federal Trust Fund | | (9,287,237) |
| 350—For local assistance, Department of Education, for transfer to the State Child Nutrition Fund pursuant to Section 41312 of the Education Code for child nutrition programs pursuant to the provisions of Section 41311 and clause (3) of subdivision (a) of Section 41312 of the Education Code | | 37,851,747 |
| Schedule: | | |
| (a) Local assistance | 37,851,747 | |
| (b) Administration (shown in Item 316) | (863,790) | |
| provided, that claims for reimbursement of meals pursuant to this item shall be submitted by school districts not later than September 30, 1981, to be eligible for reimbursement. | | |

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| 351—For local assistance, Department of Education, for child nutrition, in accordance with provisions of Item 350, payable from the Federal Trust Fund | | (296,205,828) |
| 352—For local assistance, Department of Education, for transfer by the State Controller during the 1980–81 fiscal year to Section A of the State School Fund, in lieu of the amount which would otherwise be appropriated for transfer from the General Fund in the State Treasury to Section A of the State School Fund for the 1980–81 fiscal year pursuant to Sections 14002, 14004, 14007, 41301 and 41304 of the Education Code, an amount as needed, in addition to the sums accruing to Section A of the State School Fund from other sources for the purposes specified in this item, for apportionment pursuant to Article 3 (commencing with Section 2550) of Chapter 12 of Part 2, Section 14054, Section 41841.5, Article 10 (commencing with Section 41850), and Article 12 (commencing with Section 41900) of Chapter 5 of Part 24, Section 42238, and Chapter 8 (commencing with Section 52200) of Part 28 of the Education Code, during the 1980–81 fiscal year an amount not to exceed | | 5,819,873,470 |
| Schedule: | | |
| (a) For the purposes of Section 42238 of the Education Code | 5,523,190,001 | |
| (b) For the purposes of Section 2558 of the Education Code | 179,398,300 | |
| (c) For the purposes of Chapter 8 (commencing with Section 52200) of Part 28 of the Education Code | 15,885,170 | |
| (d) For the purposes of Article 12 (commencing with Section 41900) of Chapter 5 of Part 24 of the Education Code | 19,800,000 | |
| (e) For the purposes of Article 10 (commencing with Section 41850) of Chapter 5 of Part 24 of the Education Code | 75,000,000 | |
| (f) For the purposes of augmenting expenditures for purposes of Section 42238 of the Education Code | 6,599,999 | |

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provided, that no funds appropriated by this item shall be expended for the purposes of Section 42243.6 of the Education Code until and unless all such claims have been audited and approved by the State Controller pursuant to that section.

Provided further, that of the funds appropriated by this item, no more than $150,926,000 shall be expended for the purposes of Section 42243.6 of the Education Code. If the Superintendent of Public Instruction receives claims pursuant to Section 42243.6 which in total exceed that amount, such claims shall be referred to the Board of Control for review and possible inclusion of the excess in a subsequent claims bill.

Provided further, that no more than $142,549,001 from category (a) shall be apportioned for adult education funding pursuant to paragraph (4) of subdivision (g) of Section 42238 of the Education Code.

Provided further, that the funds appropriated in category (f) shall be apportioned for adult education pursuant to paragraph (4) of subdivision (9) of Section 42238 of the Education Code in augmentation of the funds appropriated for such purpose from category (a).

Provided further, that no more than $1,080,000 from category (a) shall be apportioned pursuant to Section 41841.5 of the Education Code.

Provided further, that for the purpose of apportioning the funds appropriated pursuant to this item, the Superintendent of Public Instruction shall recalculate the revenue limit of each school district for the 1980–81 fiscal year to exclude therefrom an amount equal to twice the difference between the 1979–80 fiscal year revenue limit calculated pursuant to Section 42237 of the Education Code and a revenue limit calculated for the 1979–80 fiscal year pursuant to that section but which excludes all amounts received pursuant to Chapter 292, Statutes of 1978, as amended by Chapter 332, Statutes of 1978, for fiscal year 1978–79 for purposes of child development; however, the reduction in the 1980–81 revenue limit required to be made by this proviso shall be made only to the extent to which comparable reductions in school apportionments are not required by other legislation enacted at the 1979–80 Regular Session.

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Provided further, that the Department of Education shall allocate no funds from category (d) to any school district which, without the appropriate waiver, imposes fees upon participants in driver training programs or which, prior to the 1980–81 fiscal year, imposed fees for participation in such programs and has not refunded such fees in full to the persons from whom they were collected.

Provided further, that not more than $75,000,000 of the funds appropriated by this item may be allocated for the purpose of reimbursement of home-to-school transportation.

Provided further, that allocations for the purposes of Article 10 (commencing with Section 41850) of Chapter 5 of Part 24 of the Education Code shall for reimbursements of 1979–80 transportation costs, in the 1980–81 fiscal year, be based on the 1978–79 level of assessed valuation for each qualifying district.

Provided further, that all school districts, county offices of education, and community college districts shall, upon request, make facilities available, at cost (including, but not limited to, the pro rata cost of janitorial services and other maintenance activities, utilities, and security services, as well as the cost of making any special repairs directly attributable to the migrant summer school programs), for the operation of migrant summer school programs and, if the Superintendent of Public Instruction determines that requests from legitimate prospective users of such facilities were denied without due cause, the superintendent shall assess a penalty of five thousand dollars ($5,000) or four times the operation cost of the prospective user in alternative facilities, for the period of time requested, whichever is the greater. The penalty amount shall be returned to Section A of the State School Fund.

352.1—For local assistance, Department of Education, for allocation by the Superintendent of Public Instruction to specified school districts, in accordance with the following schedule ..... 1,007,226

Schedule:

(a) Delano Joint Union High School District ..... 250,000

(b) Del Paso Heights Elementary School District ..... 757,226

provided, that such funds shall be deemed emer-

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gency apportionments to the specified school districts within the meaning of Section 41310 of the Education Code.

Provided further, that the Superintendent of Public Instruction shall enter into a contract with each specified school district for repayment of such emergency apportionment pursuant to the provisions of Sections 41321, 41322, 41323, and 41324 of the Education Code.

352.2—For local assistance, Department of Education and Board of Governors of the California Community Colleges, to be allocated in accordance with the following schedule ..... 100,670,070

Schedule:

(a) For transfer to Section A of the State School Fund in augmentation of the amount transferred thereto in category (a) of Item 352 39,380,000

(b) For transfer to Section A of the State School Fund for purposes of allocations to school districts by the Superintendent of Public Instruction ..... 54,720,000

(c) For transfer to Section B of the State School Fund in augmentation of the amount transferred thereto by Item 388.1 ..... 5,070,070

(d) For transfer to Section A of the State School Fund in augmentation of the amount transferred thereto by category (b) of Item 352 ..... 1,500,000

provided, that the funds appropriated by category (a) of this item shall be allocated for the following purposes:

(1) For the purpose of increasing by nine dollars ($9) the maximum inflation adjustment specified in subdivision (d) of Section 42238 of the Education Code.

(2) For the purpose of ensuring that no district receives less in 1980–81 than the amount computed pursuant to subdivision (h) of Section 42238 of the Education Code increased by nine dollars ($9) per average daily attendance.

Provided further, that any district with less than 2501 second principal apportionment units of average daily attendance, the 1979–80 base revenue limit of which district does not exceed 200 percent

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of the statewide average 1979–80 base revenue limit for that type of district as calculated by the Superintendent of Public Instruction, shall receive an allocation from category (a) of this item of not less than 1 percent of such district's 1979–80 base revenue limit per unit of average daily attendance.

Provided further, the Superintendent of Public Instruction shall make the calculations and allocate the funds appropriated in category (b) of this item as follows:

(1) Identify the unified school districts which received state allocations during the 1976–77 fiscal year pursuant to Section 54002 of the Education Code, and determine those districts which had more than 12,002 students in average daily attendance in fiscal year 1975–76, and meet either of the following criteria:

(a) The product of the district factor determined pursuant to Section 54002 of the Education Code and the count for the 1975–76 fiscal year of children from families receiving aid to families with dependent children is equal to or greater than 3,731, or

(b) The district's index of family poverty determined pursuant to subdivision (b) of Section 54002 of the Education Code is greater than 1.5 and the total minority population in the district determined pursuant to the Racial and Ethnic Survey of 1973 is greater than 55 percent.

(2) For districts so identified, multiply the factor determined pursuant to Section 54002 of the Education Code by the district's aid to families with dependent children count for the 1975–76 fiscal year by the factor computed pursuant to subdivision (b) of Section 42233, as it read on July 1, 1976, and by a factor of 1.1 for districts having an

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average daily attendance greater than 58,800 in the 1975–76 fiscal year. The superintendent shall total the result for such districts and shall divide the sum into the amount appropriated by this item.

(3) Allocate to such districts an amount computed by multiplying the per unit amount in paragraph (2) by the district's factor, by the district's aid to families with dependent children count for the 1975–76 fiscal year.

(4) If the sum appropriated for purposes of this section is not sufficient to make the allowances specified in paragraph (3), such allowances shall be reduced proportionately.

(5) The allowance provided pursuant to paragraph (3) shall be deposited in the general fund of each recipient district and may be used for any purpose for which other funds so deposited may be used and shall not be included in the computation of the revenue limit of the district.

Provided further, that the funds specified in category (c) of this item shall be used to increase the inflation adjustment specified in Section 84723 of the Education Code from 7 percent to 9 percent for the 1980–81 fiscal year.

Provided further, that the funds specified in category (d) of this item shall be apportioned by the Superintendent of Public Instruction for the purpose of providing a 9 percent inflation adjustment in the 1980–81 revenue limits of county superintendents of schools.

353—For local assistance, for allocation by the California Library Services Board to eligible libraries and library systems pursuant to Chapter 4 (commencing with Section 18700) of Part 11 of the Education Code, State Librarian ..... 5,229,256

Schedule:

| | |
|---|---|
| (a) System reference ..... | 1,336,486 |
| (b) Transactions ..... | 2,465,527 |
| (c) Consolidations and affiliations .... | 30,520 |

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| | (d) Statewide data base | 463,250 |
| | (e) Special advisory boards | 33,363 |
| | (f) Systems communications and delivery | 900,110 |
| | (g) Administration (shown in Item 316) | (335,826) |

provided, that no funds appropriated from the General Fund by this item may be used for the Minority Information and Services Network during the 1980–81 fiscal year.

354—For local assistance, Department of Education, Division of Libraries, for assistance to public libraries, payable from the Federal Trust Fund .... (4,694,652)
provided, that the State Librarian shall allocate sufficient funds from this item to continue the Minority Information and Services Network during the 1980–81 fiscal year.

355—For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to educational programs, of any new program or increased level of service of an existing program mandated by statute, State Controller..... 82,008,135
Schedule:

| | | |
|---|---|---|
| (a) | For 1980–81 mandated cost claims | 36,574,639 |
| (b) | For Board of Control awards, (1978–79 and 1979–80 costs) ..... | 45,433,496 |

provided, that allocations to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 2231 of the Revenue and Taxation Code.

Provided further, that, notwithstanding any other provision of law to the contrary, the State Controller shall allocate from the funds appropriated by this item to the State Teachers' Retirement System the amount of increased employer costs as a result of Chapter 89, Statutes of 1974.

Provided further, that, notwithstanding any other provision of law to the contrary, the State Teachers' Retirement System shall not bill school districts for increased employer costs as a result of Chapter 89, Statutes of 1974.

356—For support of the California Advisory Council on Vocational Education and Technical Training .... 99,382

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| Schedule: | | |
| (a) Personal services | 154,264 | |
| (b) Operating expenses and equipment | 121,471 | |
| (c) For transfer from Item 356.5, the Federal Trust Fund | −176,353 | |
| 356.5—For support, California Advisory Council on Vocational Education and Technical Training, to be transferred to Item 356, payable from the Vocational Education Federal Fund after transfer from the Federal Trust Fund | | (176,353) |
| 357—For transfer by State Controller, in lieu of the appropriations provided for in Sections 23401 and 23402 of the Education Code, to the Teachers Retirement Fund for State Teachers' Retirement System | | 171,616,000 |
| 358—For support of Commission for Teacher Preparation and Licensing, payable from the Teacher Credentials Fund | | 3,377,223 |
| Schedule: | | |
| (a) Personal services | 2,225,156 | |
| (b) Operating expenses and equipment | 1,172,067 | |
| (c) Federal funds | −20,000 | |
| Higher Education | | |
| 359—For support of California Postsecondary Education Commission | | 1,992,383 |
| Schedule: | | |
| (a) Personal services | 1,619,099 | |
| (b) Operating expenses and equipment | 1,898,856 | |
| (c) Federal funds | −1,517,572 | |
| (d) Reimbursements | −8,000 | |
| 360—For support of University of California, exempt from Section 31 of this act | | 941,978,044 |
| Schedule: | | |
| (a) Support | 941,978,044 | |
| (b) Federal funds per Section 8.7 | (1,140,299,585) | |
| provided, that none of the funds appropriated by this item may be expended to initiate major capital outlay projects, either by contract or lease-purchase agreement, without prior legislative approval. | | |
| Provided further, that of the amount appropriated by this item, $3,297,750 shall be available | | |

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| | for the Student Affirmative Action Program on the condition that nonstate funds in the amount of $789,750 which is the amount equal to the amount of state funds provided for the program in the 1980–81 fiscal year which is in excess of the amount which would have been provided under the percentage of the total program funded by the state in the 1979–80 fiscal year, shall be used solely for Student Financial Aid increases for 1980–81. | |
| 360.1 | —For support of the California Teratogen Registry Program, University of California, exempt from Section 31 of this act ..... | 110,000 |
| 360.2 | —For salary increases and increases in benefits related thereto, to be allocated by the Department of Finance to the Regents of the University of California, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation for faculty and faculty-related positions provided in any increased salary range or rate established on or after July 1, 1980, for the 1980–81 fiscal year by the Regents of the University of California, exempt from Section 31 of this act ..... provided, that increases in compensation provided by increased salary ranges for positions established for the 1980–81 fiscal year shall not result in total annual salary increases of more than $41,-155,000. In addition, it is the intent of the Legislature that the salary increases adopted by the salary fixing authority described above shall be a 9.75 percent across-the-board salary increase. Before the Regents of the University of California establish any increased salary range or rate for the 1980–81 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases. | 41,155,000 |
| 360.3 | —For salary increases and increases in benefits related thereto, to be allocated by the Department of Finance to the Regents of the University of California, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation for nonfaculty positions provided in any increased salary range or rate | |

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| established on or after July 1, 1980, for the 1980–81 fiscal year by the Regents of the University of California, exempt from Section 31 of this act .... provided, that not less than $100,000 of the funds appropriated by this item shall be allocated to provide salary adjustments to employees for salary realignments within their occupational group. | | 41,409,000 |
| Provided, that increases in compensation provided by increased salary ranges for positions established for the 1980–81 fiscal year shall not result in total annual salary increases of more than $41,409,000. In addition, it is the intent of the Legislature that such salary increases adopted by the salary fixing authorities prescribed above, shall be an across-the-board increase of 9.75 percent with a minimum of $100 per month for full-time employees and a prorated share for less than full-time employees. Before the Regents of the University of California establish any increased salary range or rate for the 1980–81 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases. | | |
| 360.5—For the replacement of instructional equipment, University of California, payable from the Capital Outlay Fund for Public Higher Education, exempt from Section 31 of this act ..... | | 9,895,300 |
| 361—For support of a university-wide research program in integrated pest management, University of California, exempt from Section 31 of this act | | 1,616,898 |
| 362—For support of a space-related research program, University of California, exempt from Section 31 of this act ..... | | 1,025,506 |
| 363—For support of a university-wide Institute of Appropriate Technology, University of California, exempt from Section 31 of this act ..... | | 259,155 |
| Schedule: | | |
| (a) General Fund ..... | 43,192 | |
| (b) Energy and Resources Fund ..... | 215,963 | |
| 364—For support of University of California—State Data Program, exempt from Section 31 of this act | | 144,647 |
| 365—For financing undergraduate teaching excellence, University of California, exempt from Section 31 of this act ..... | | 1,569,690 |

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| 366—For the planning of a University of California medical education program in the Fresno-San Joaquin Valley region, exempt from Section 31 of this act | | 89,411 |
| 367—For the support of a University of California medical education program at its Berkeley campus, exempt from Section 31 of this act | | 856,559 |
| 368—For support of a University of California biomedical education program at its Riverside campus, exempt from Section 31 of this act | | 671,493 |
| 369—For a loan, to be allocated by the Department of Finance following the adoption of a resolution by the Regents of the University of California declaring a teaching hospital fiscal emergency, to the University of California to ensure that the University of California teaching hospitals suffer no fiscal penalties in the 1980–81 fiscal year as a result of the Medicare cost reimbursement limits issued pursuant to the authority of paragraph (1) of subsection (v) of Section 1861 of the Social Security Act (para. (1), subsec. (v), Sec. 1395x, Title 42, U.S.C.) and the Medi-Cal program cost reimbursement limits issued pursuant to the authority of Sections 14105, 14106, and 14124.5 of the Welfare and Institutions Code and defined in Section 51508 of Title 22 of the California Administrative Code | | 4,115,600 |

provided, that funds appropriated by this item may be allocated on the basis of estimates by the University of California of the differences for each hospital in the reimbursement limits allowed by the Medicare and Medi-Cal programs and the reimbursement rates claimed by the University of California, considering not only such estimates of differences, but also the financial condition of each hospital.

Provided further, that no allocation may be made sooner than 30 days after notification in writing of the necessity therefor is made to the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of the committee, or his designee, may in such instance determine.

Provided further, that the University of California shall appeal for exceptions to the reimbursement limits pursuant to procedures for requesting such appeals.

Provided further, that any funds allocated un-

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| der the authority of this item shall be repaid to the General Fund with the proceeds of every claim successfully appealed, without regard to fiscal year, as such proceeds become available. | |
| Provided further, the University of California shall report annually in its budget on the status of such appeals. | |
| Provided further, that after the procedures for requesting appeals have been exhausted and all decisions are rendered, the Director of Finance shall determine the amount of the loan to be repaid by the University of California, and such determination shall become final 30 days after notification in writing is made to the Chairman of the Joint Legislative Budget Committee. | |
| 370—For support of University of California program of clinical health sciences education, research, and public service, conducted in conjunction with the Charles R. Drew Postgraduate Medical School, as provided for in Sections 1, 2 and 3 of Chapter 1140 of the Statutes of 1973, exempt from Section 31 of this act ..... | 3,584,160 |
| Provided, that the University of California shall ensure by adequate controls that funds appropriated by this item are expended solely for the support of such programs. | |
| 371—For support of a program of basic and clinical health science education and primary health care delivery research in the field of podiatry, University of California, to be conducted in conjunction with the California College of Podiatric Medicine as provided for in Sections 1 to 4, inclusive, of Chapter 1497, Statutes of 1974, exempt from Section 31 of this act ..... | 747,100 |
| 372—For support of the Institute of Transportation Studies, University of California, payable from the Transportation Planning and Development Account, State Transportation Fund, exempt from Section 31 of this act ..... | 683,796 |
| 373—For research in mosquito control, University of California, exempt from Section 31 of this act, payable from the California Water Fund ..... | 100,000 |
| 374—For support of deferred maintenance and special repair projects, University of California exempt from Section 31 of this act, payable from the Capital Outlay Fund for Public Higher Education..... | 5,000,000 |

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| provided, that notwithstanding the provisions of Section 2 of this act, the appropriation made in this item shall be available for expenditure until June 30, 1982. | | |
| 376—For support of an energy institute, University of California, exempt from Section 31 of this act, payable from the Energy and Resources Fund ..... | | 150,000 |
| provided, that no expenditure may be made from this item unless the university contributes $100,000 to the program from funds not appropriated by this act. | | |
| 377—For support of utilities conservation, University of California, exempt from Section 31 of this act, payable from the Energy and Resources Fund ..... | | 250,000 |
| 378—For support of Hastings College of Law ..... | | 6,215,572 |
| Schedule: | | |
| (a) Personal services ..... | 6,040,948 | |
| (b) Operating expenses and equipment ..... | 2,948,271 | |
| (c) Reimbursements ..... | −1,876,477 | |
| (d) Federal funds ..... | −897,170 | |
| 379—For support of Trustees of the California State University and Colleges and the California State University and Colleges ..... | | 846,114,983 |
| Schedule: | | |
| (a) Instruction ..... | 543,004,851 | |
| (b) Organized research ..... | 77,782 | |
| (c) Public service ..... | 458,302 | |
| (d) Academic support ..... | 100,226,214 | |
| (e) Student service ..... | 118,762,025 | |
| (f) Institutional support ..... | 215,633,519 | |
| (g) Independent operations ..... | 37,182,677 | |
| (h) Reimbursements ..... | −114,136,001 | |
| (i) Federal funds ..... | −55,094,386 | |
| (j) Federal funds per Section 8.7: Foundations and auxiliary operations ..... | (39,400,000) | |
| provided, that the funds appropriated in this item may be reallocated upon order of the Trustees of the California State University and Colleges subject to being reported to the Department of Finance; provided further, that no instructional faculty positions authorized for the 1980–81 fiscal year shall be used for administration, administrative assistance, department chairmanships, or noninstructional research. | | |

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Provided further, that no portion of the funds appropriated in this item for instructionally related activities may be expended for intercollegiate athletics.

Provided further, that reimbursements in excess of the amount budgeted for nonresident tuition shall revert to the General Fund, unless authorized for expenditure by the Department of Finance with written notification to the Joint Legislative Budget Committee and the committee in each house which considers appropriations; provided further, that expenditures from such reimbursement shall not be authorized sooner than 30 days after notification of such approval in writing has been delivered to the chairmen of the legislative fiscal committees, or such lesser time as the chairmen of such committees, or their designee, may in each instance determine.

Provided further, that $1,967,068 appropriated by this item for the differential costs of the writing skills program shall not be expended until the Chancellor of the California State University and Colleges certifies to the Department of Finance that he has approved a plan for each campus which, commencing in 1980–81, describes how such campus shall ensure that incoming students take the English Placement Test (EPT) and requires such students scoring below 150 on the EPT to be placed in a remedial writing program.

Provided further, that the $44,723 appropriated by this item for the position of Director of Learning Services Development within the chancellor's office shall revert to the General Fund on January 1, 1981, if, prior to that date, such position is not filled.

Provided further, that the $1,140,002 for communication cost increases shall be reduced by the amount of any refunds or rebates received from telephone companies.

379.1—For salary increases and increases in benefits related thereto, to be allocated by the Department of Finance to the Trustees of the California State University and Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation for academic and academic-related positions provided in any increased salary range or rate estab-

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| | lished on or after July 1, 1980 for the 1980–81 fiscal year by the Trustees of the California State University and Colleges ..... | 45,503,000 |

provided, that it is the intent of the Legislature that the salary increases adopted by the salary fixing authority described above shall be 9.75 percent across the board.

Provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1980–81 fiscal year shall not result in total annual salary increases of more than $45,503,000.

Provided further, that before the Trustees of the California State University and Colleges establish any increased salary range or rate for the 1980–81 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State University and Colleges or may be made available from the appropriation in this item to meet the cost of such increases.

| | | |
|---|---|---|
| 379.2 | —For salary increases and increases in benefits related thereto, to be allocated by the Department of Finance to the Trustees of the California State University and Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation for nonacademic positions provided in any increased salary range or rate established on or after July 1, 1980, for the 1980–81 fiscal year by the Trustees of the California State University and Colleges ..... | 30,183,000 |

provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1980–81 fiscal year shall not result in total annual salary increases of more than $30,183,000.

Provided further, that not less than $100,000 of the funds appropriated by this item shall be allocated to provide salary adjustments to employees for salary realignments within their occupational group.

In addition, it is the intent of the Legislature that such salary increases adopted by the salary fixing authorities prescribed above, shall be an across the board increase of 9.75 percent with a minimum of $100 per month for full-time employees and a prorated share for less than full-time

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| employees. Before the Trustees of the California State University and Colleges establish any increased salary range or rate for the 1980–81 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State University and Colleges or may be made available from the appropriation in this item to meet the cost of such increases. | | |
| 380—For replacement of batch computer equipment, in addition to and in augmentation of Item 379, Trustees of the California State University and Colleges and the California State University and Colleges | | 4,225,210 |
| 381—For support, California State University and Colleges, for deferred maintenance and special repair projects, payable from the Capital Outlay Fund for Public Higher Education | | 2,964,448 |
| 382—For support, Trustees of the California State University and Colleges, payable from the Energy and Resources Fund | | 647,285 |
| 383—For support of California Maritime Academy | | 3,004,448 |
| Schedule: | | |
| (a) Personal services | 3,029,228 | |
| (b) Operating expenses and equipment | 1,924,119 | |
| (c) Reimbursements | −1,253,023 | |
| (d) Federal funds | −695,876 | |
| 384—For support of Board of Governors of the California Community Colleges | | 3,135,486 |
| Schedule: | | |
| (a) Personal services | 3,960,189 | |
| (b) Operating expenses and equipment | 1,474,887 | |
| (c) Reimbursements | −1,904,034 | |
| (d) Amount payable from Community Colleges Credentials Fund | −389,220 | |
| (e) Amount payable from Community College Fund for Instructional Improvement | −6,336 | |
| provided that a total of $40,000 shall be transferred to the Community College Fund for Instructional Improvement for the purpose of state operations. | | |
| 385—For support of the credentials office of the Board of Governors of the California Community Colleges, payable from the Community Colleges Credentials Fund | | 389,220 |
| 386—For local assistance, Board of Governors of the | | |

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| California Community Colleges for partial financing of the Academic Senate for the California Community Colleges | 67,775 |
| 386.1—For local assistance, Board of Governors of the California Community Colleges, for three student affirmative action pilot projects | 222,000 |
| 387—For community college extended opportunity programs and services, Board of Governors of the California Community Colleges, conducted under the provisions of Article 8 (commencing with Section 69640) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code | 23,196,080 |
| provided, that the board of governors shall allocate funds on a priority basis and to local programs on the basis of need for student financial aid and services. | |
| 388—For transfer to the Community College Fund for Instructional Improvement | 760,000 |
| provided, that the appropriation in this item shall be expended only for grants | |
| 388.1—For local assistance, Board of Governors of the California Community Colleges, for transfer by the State Controller during the 1980–81 fiscal year to Section B of the State School Fund, in lieu of the amount which would otherwise be appropriated for transfer from the General Fund in the State Treasury to Section B of the State School Fund for the 1980–81 fiscal year pursuant to Sections 14020 and 84728 of the Education Code, an amount as needed, in addition to the sums accruing to Section B of the State School Fund from other sources for the purposes specified in this item, for apportionment pursuant to Article 2 (commencing with Section 84720) of Chapter 5 of Part 50 of the Education Code | 1,038,930,930 |
| provided, that no more than 75 percent of the appropriation made by this item shall be disbursed prior to February 1, 1981. | |
| Provided further, that notwithstanding any other provision of law, the Chancellor of the California Community Colleges shall recalculate the revenue limit of each community college district for the 1980–81 fiscal year to exclude the amount of property tax revenues, tax relief subventions, and state aid required to be made available by the district to its child development program for the 1979–80 fiscal year pursuant to Section 30 of Chapter 1035, Statutes of 1979, adjusted by the applica- | |

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| | ble inflation adjustment factor specified by Section 84723 of the Education Code for that district. Provided further, that notwithstanding any other provision of law, the Chancellor of the California Community Colleges shall reduce the apportionment to each community college district pursuant to this item by an amount equal to the 12.5 percent local matching funding required by Item 328 of Chapter 259 of the Statutes of 1979 for the purposes of funding campus child care. Notwithstanding Section 8328 of the Education Code, the reduction in apportionments resulting from this paragraph shall not reduce the level of funding provided by community college districts to their child development programs. | |
| 388.2—For local assistance, Board of Governors of the California Community Colleges, for transfer by the State Controller during the 1980–81 fiscal year to Section B of the State School Fund, in lieu of the amount which would otherwise be appropriated for transfer from the General Fund in the State Treasury to Section B of the State School Fund for the 1980–81 fiscal year pursuant to Sections 14020, 84301, and 84729 of the Education Code, for funding the excess direct instructional cost of providing special facilities, special educational materials, educational assistance, mobility assistance, transportation, program accountability, and program developmental services for handicapped students enrolled at community colleges | | 17,222,000 |
| 389—For support of the Student Aid Commission | | 3,852,495 |
| Schedule: | | |
| (a) Personal services | 2,738,291 | |
| (b) Operating expenses and equipment | 2,913,263 | |
| (c) Amount payable from the State Guaranteed Loan Reserve Fund (Item 392) | −1,769,059 | |
| (d) Federal funds | −30,000 | |
| 390—For awards in the Cal Grant Program under provisions of Article 4 (commencing with Section 69560), Article 5 (commencing with Section 69580), and Article 6 (commencing with Section 69600) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code, Student Aid Commission | | 74,911,595 |
| Schedule: | | |
| (a) Scholarships (Cal Grant (a)) | 58,930,068 | |

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|---|---|---|
| | (b) College opportunity grants (Cal Grant (b)) ..... 25,345,277 | |
| | (c) Occupational education and training grants (Cal Grant (c)) ..... 3,036,150 | |
| | (d) Federal funds ..... 12,399,900 | |
| | provided, that upon order of the Director of Finance, the State Controller shall transfer such funds as are necessary between these categories. | |
| 391—For grant awards and graduate fellowship awards under provisions of Education Code Section 10104 and under provisions of Article 9 (commencing with Section 69670) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code, for awards under provisions of Sections 2193.75 through 2193.78 of the Business and Professions Code, and for scholarship awards under provisions of Section 4709 of the Labor Code, Student Aid Commission ..... | | 4,252,700 |
| | Schedule: | |
| | (a) Fellowships for graduate study .... 2,698,000 | |
| | (b) Clinical training program ..... 500,000 | |
| | (c) Dependents of deceased or disabled peace officers program ..... 15,000 | |
| | (d) Bilingual teacher development grants ..... 1,039,700 | |
| | provided, that upon order of the Director of Finance, the State Controller shall transfer funds as are necessary between these subitems and between this item and Item 390. | |
| 392—For support of the Student Aid Commission, the sum of $1,769,059 is appropriated from the State Guaranteed Loan Reserve Fund for transfer to Item 389 ..... | | (1,769,059) |
| | Schedule: | |
| | (a) Guaranteed Student Loan Program ..... 43,433 | |
| | (b) State Guaranteed Student Loan Program, for purposes of Chapter 1201, Statutes of 1977 ..... 1,725,626 | |

## YOUTH AND ADULT CORRECTIONAL AGENCY

| | | |
|---|---|---|
| 393—For support of Department of Corrections ..... | | 318,840,853 |
| | Schedule: | |
| | (a) I. Reception and diagnosis ..... 3,908,450 | |
| | (b) II. Institutional program ..... 273,528,991 | |

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|---|---|---|
| | (c) III. Community Correctional Program ..... 30,180,784 | |
| | (d) IV. Administration ..... 19,245,331 | |
| | (e) Reimbursements ..... −7,359,182 | |
| | (f) Federal funds ..... −69,979 | |
| | (g) Amount payable from Corrections Training Fund (Item 401) ..... −593,542 | |
| | provided, that funds appropriated to accommodate projected institutional population levels in excess of those which actually materialize, if any, shall revert to the General Fund, unless the encumbrance of such funds is authorized by the Department of Finance, not sooner than 30 days after notification in writing of the necessity therefor, to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee. | |
| 393.1 | —For support of the Department of Corrections to provide community reentry bed services ..... | 2,000,000 |
| 394 | —For payment of worker's compensation claims of inmates pursuant to Sections 3364.55, 3365, and 3370 of the Labor Code and Section 2700 of the Penal Code; and for payment of unemployment insurance and disability insurance claims of, and for support of Department of Corrections, Employment Development Department, and California Unemployment Insurance Appeals Board for claims of inmates pursuant to Chapter 5.8 (commencing with Section 1480) of Part 1 of Division 1 of the Unemployment Insurance Code, Department of Corrections ..... | 2,420,630 |
| | provided, that expenditures made pursuant to this item shall be charged to the fiscal year in which the warrant is issued by the State Controller. | |
| 395 | —For support of the Department of Corrections, payable from the Inmate Welfare Fund ..... | (7,137,052) |
| | Schedule: | |
| | (a) Personal services ..... 1,175,675 | |
| | (b) Operating expenses and equipment ..... 5,884,777 | |
| | (c) Inmate pay ..... 76,600 | |
| | provided, that additional expenditures may be made for the purposes of this item if revenue is available and in accordance with Section 28. | |

| ITEM | | AMOUNT |
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| 396—For support of the Correctional Industries program, Department of Corrections, in accordance with Chapter 5 (commencing with Section 2700) of Title 1 of Part 3 of the Penal Code, payable from the Correctional Industries Revolving Fund ..... | | (26,244,008) |
| Schedule: | | |
| (a) Personal services ..... | 7,258,807 | |
| (b) Operating expenses and equipment ..... | 18,585,701 | |
| (c) Inmate pay ..... | 999,500 | |
| (d) Reimbursements ..... | −600,000 | |
| provided, that additional expenditures may be made for the purposes of this item if revenue is available and in accordance with Section 28. | | |
| 397—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Division 3 (commencing with Section 3000) of the Welfare and Institutions Code and the Western Interstate Corrections Compact (commencing with Section 11190 of the Penal Code), in accordance with the provisions of Section 26749 of the Government Code ..... | | 249,500 |
| provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such transportation costs were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller. | | |
| 398—For expenses of returning fugitives from justice from outside the state, in accordance with the provisions of Sections 1389, 1549 and 1557 of the Penal Code ..... | | 1,127,934 |
| provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller, and any restitution received by the state for such expenses be credited to the appropriation of the year in which the State Controller's receipt is issued. | | |
| 399—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections ..... | | 891,437 |

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| | provided, that claims filed payable under Section 6005 of the Penal Code may be paid by the Department of Corrections from funds appropriated by this item. | |
| | Provided further, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such court costs and county charges were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller. | |
| 400 | —For reimbursement to counties for the cost of detaining state parolees pursuant to Section 4016.5 of the Penal Code, Department of Corrections..... provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller. | 3,100,949 |
| 401 | —For allocation to cities, counties, and cities and counties, pursuant to Sections 6035–6043 of the Penal Code, payable from the Corrections Training Fund ..... provided, that funds appropriated in the item may be transferred to Item 393 for costs related to administration of this program. | 5,000,000 |
| | Provided further, that $1,000,000 of the amount appropriated by this item shall not be expended sooner than 30 days after notification in writing of the necessity therefor to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of the committee, or his or her designee, may in each instance determine. | |
| 402 | —For support of the Board of Prison Terms..... Schedule: | 5,313,587 |
| | (a) Personal services ..... 3,249,762 | |
| | (b) Operating expenses and equipment ..... 2,063,825 | |
| 403 | —For support of the Youthful Offender Parole Board ..... | 2,192,940 |
| 404 | —For support of Department of the Youth Authority..... Schedule: | 140,153,928 |
| | (a) I. Prevention and community correction ..... ..... 3,442,781 | |
| | (b) II. Institutions and camps .....117,217,133 | |
| | (c) III. Parole services ..... 17,787,545 | |

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| | (d) IV. Planning, research, evaluation and development | 2,390,719 |
| | (e) V. Administration undistributed | 8,915,821 |
| | (f) Reimbursements | −9,063,758 |
| | (g) Federal funds | −536,313 |

provided, that $303,000 contained in this appropriation shall be used for the purpose of providing 87½ percent matching funding for the Gang Violence Reduction Project, with the balance to be provided by a local entity.

Provided further, that the department may administratively establish a Facilities Implementation Task Force, consisting of not more than four full-time positions, to study facilities and sites requirements, using funds made available by this item.

Provided further, that the task force shall not be established sooner than 30 days after notification in writing of the necessity therefor to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of the committee, or his or her designee, may in each instance determine.

405—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators; provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller ..... 43,540

406—For county delinquency prevention commissions, Department of the Youth Authority, to be allocated by the Director of the Youth Authority, in accordance with Section 1792.1 of the Welfare and Institutions Code ..... 33,300

407—For contracting with public or private agencies engaged in prevention of delinquency, as authorized by Article 5.5 (commencing with Section 1790) of Chapter 1 of Division 2.5 of Welfare and Institutions Code, Department of the Youth Authority ..... 1,000,000

408—For reimbursement to counties for the cost of the detention of Youth Authority parolees, who are detained on alleged parole violations, pursuant to Section 1776 of the Welfare and Institutions Code 200,000

409—For assistance to counties in the operation of programs pursuant to the County Justice System Sub-

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| vention Program in accordance with Article 7 (commencing with Section 1805) of Chapter 1 of Division 2.5 of the Welfare and Institutions Code, Department of the Youth Authority | | 63,369,646 |
| 410—For support of the Institutional Review Board.... provided, that funds appropriated for review of biomedical research activities shall not be allotted by the Department of Finance if the Department of Corrections decides not to conduct biomedical research. | | 25,850 |

GENERAL GOVERNMENT

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|---|---|---|
| 411—For support of the Political Reform Act of 1974 (Proposition 9), in addition to the funds provided pursuant to Section 83122 of the Government Code, the following sums are hereby appropriated to the following agencies and officers for the administration, investigation, and regulation of political campaigns, officials, and lobbyists..... | | 2,065,921 |
| Schedule: | | |
| (a) Attorney General, to be transferred by the State Controller to Item 48 | 211,343 | |
| (b) Secretary of State, to be transferred by the State Controller to Item 64 | 471,678 | |
| 1. Total program ..... 485,582 | | |
| 2. Reimbursements..... −13,904 | | |
| (c) Franchise Tax Board, to be transferred by the State Controller to Item 122 | 1,382,900 | |
| (d) Fair Political Practices Commission, Government Code Section 83122 | (1,609,626) | |
| 412—For support of Agricultural Labor Relations Board | | 8,459,244 |
| Schedule: | | |
| (a) Personal services | 6,113,602 | |
| (b) Operating expenses and equipment | 2,345,642 | |
| 413—For support of Public Employment Relations Board | | 3,825,545 |
| Schedule: | | |
| (a) Personal services | 3,000,611 | |
| (b) Operating expenses and equipment | 597,984 | |
| (c) Factfinding (EERA) | 176,950 | |
| (d) Impasse (SEERA, HEERA) | 50,000 | |

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provided, that if collective bargaining for state civil service employees under the provisions of Chapter 1159, Statutes of 1977, is held to be unconstitutional by the Supreme Court of the State of California, 3.5 full-time positions (3.0 professional and 0.5 clerical) shall be eliminated from the budget of the Public Employment Relations Board not later than 60 calendar days after the decision of the Supreme Court becomes final.

Provided further, that if collective bargaining for state civil service employees under the provisions of Chapter 1159, Statutes of 1977, is held to be unconstitutional by the Supreme Court of the State of California, no funds shall be encumbered for the purposes of Section 3518 of the Government Code after the decision of the Supreme Court becomes final.

| | | |
|---|---|---|
| 414—For support of Department of Finance | | 10,830,838 |
| Schedule: | | |
| (a) Personal services | 9,637,819 | |
| (b) Operating expenses and equipment | 2,056,491 | |
| (c) Reimbursements | −863,472 | |
| 415—To the Department of Finance for support of the California Fiscal Information System (CFIS) | | 6,390,980 |
| Schedule: | | |
| (a) Personal services | 1,266,459 | |
| (b) Operating expenses and equipment | 623,184 | |
| (c) Data-processing services for CFIS | 641,060 | |
| (d) Implement standard and institution accounting systems | 2,813,907 | |
| (e) Implement State Controller's fiscal system | 896,000 | |
| (f) Eight departmental system's data to CFIS | 120,000 | |
| (g) Consultant services for CFIS | 100,000 | |
| (h) Departmental participation | 392,057 | |
| (i) CFIS terminals for legislative and executive branches | 130,000 | |
| (j) Amount payable from Chapter 259, Statutes of 1979 (as reappropriated by Section 10.13 of this act) | −591,687 | |

provided, that such amounts as are needed shall be transferred between categories scheduled in this item.

Provided further, that the funds appropriated in this item shall be transferred by the State Con-

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troller, upon order of the Department of Finance, or made available by the Department of Finance as a reimbursement to other items and departments for CFIS related activities.

Provided further, that the funds appropriated in this item shall be used for support of activities provided for in Chapter 1284, Statutes of 1978.

Provided further, that notwithstanding Section 6.1, funds appropriated in category (c), data-processing services for CFIS and category (d), implement standard and institution accounting systems, may be expended for alterations no sooner than 30 days after notification in writing of the necessity thereof to the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations.

416—For support of Department of Food and Agriculture ..... 29,630,421

Schedule:

| | |
|---|---|
| (a) Personal services | 37,436,329 |
| (b) Operating expenses and equipment | 17,960,545 |
| (c) Reimbursements | −2,374,024 |
| (d) Federal funds | −2,797,095 |
| (e) Amount payable from the Department of Agriculture Fund (Item 417) | −19,261,855 |
| (f) Amount payable from the Fair and Exposition Fund (Item 418) | −547,020 |
| (g) Amount payable pursuant to subdivision (1) of Section 224 of the Food and Agricultural Code | −258,161 |
| (h) Amount payable from the California Environmental License Plate Fund (Item 419) | −528,298 |

provided, that the state General Fund expenditures authorized by this item for hydrilla eradication in the All-American Canal and Imperial Valley waterways shall not exceed one-third of the total cost of this eradication program, and the department obtains federal and local funding for the balance of the eradication program cost at these sites.

Provided further, that any proposed expenditures for the veterinary laboratories in excess of $1,466,786 from funds appropriated by this item shall be subject to Section 28 of this act.

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| 417—For support of Department of Food and Agriculture, to be transferred to Item 416, payable from the Department of Agriculture Fund | | 19,261,855 |
| 418—For support of Department of Food and Agriculture, to be transferred to Item 416, payable from the Fair and Exposition Fund | | 547,020 |
| 419—For support of Department of Food and Agriculture, to be transferred to Item 416, payable from the California Environmental License Plate Fund | | 528,298 |
| Schedule: | | |
| (a) Urban information system | 128,298 | |
| (b) Gene resources conservation | 400,000 | |
| 420—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Food and Agriculture, to be expended in accordance with the provisions of Sections 2221 to 2224, inclusive, of the Food and Agricultural Code | | 371,376 |
| 421—For subventions to counties for pesticide regulatory activities, Department of Food and Agriculture | | 2,425,234 |
| 422—The sum of $213,727 of the money appropriated by Section 19627.3 of the Business and Professions Code, for district agricultural fairs or citrus fairs and expositions, is hereby reappropriated from the Fair and Exposition Fund during the 1980–81 fiscal year for engineering services, Department of Food and Agriculture | | 213,727 |
| 423—To the Department of Food and Agriculture for the contributions, or the cost of benefits in lieu of contributions, payable from the Fairs and Exposition Fund to the Unemployment Fund by all entities conducting fairs, including county, district, combined county and district, and citrus fruit fairs receiving funds pursuant to Division 8 of the Business and Professions Code, as a result of unemployment insurance coverage pursuant to Section 605 of the Unemployment Insurance Code | | 400,000 |
| 424—For support of Department of Industrial Relations | | 66,912,580 |
| Schedule: | | |
| (a) Personal services | 61,389,861 | |
| (b) Operating expenses and equipment | 20,826,342 | |
| (c) Reimbursements | −1,178,502 | |
| (d) Federal funds | −14,125,121 | |

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provided, that nine positions for the Occupational Safety and Health Standards Board shall not continue beyond June 30, 1981, unless the board's plan for compliance with Chapter 567, Statutes of 1979, is approved by the Office of Administrative Law.

Provided further, that none of the General Fund moneys which are budgeted for the new apprenticeship initiative program nor any federal funds shall be encumbered or expended to establish new apprenticeship programs in the agricultural industry.

Provided further, that $113,954 from the General Fund and any matching federal funds for support of field investigations among workers, including those at the Lawrence Livermore Laboratory, found to be at high risk for cancer as a result of their employment, and to support necessary associated investigations, shall not be encumbered or expended unless the Department of Industrial Relations provides adequate oversight of the research to ensure that there is no overlap between any units of the Department of Industrial Relations and the Department of Health Services.

425—For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to activities of the Department of Industrial Relations, of any new program or increased level of service of an existing program mandated by statute, State Controller ..... 20,000,000

provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs and of subdivision (d) of Section 2231 of the Revenue and Taxation Code.

426—For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations ..... 2,790,000

provided, that this item shall not be construed as a limitation on expenditures provided by Section 4706.5 of the Labor Code.

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Provided further, that the amount available from this item shall not be available for expenditure at any time that funds appropriated by Section 4706.5 of the Labor Code are available for expenditure.

Provided further, that at the end of fiscal year 1980–81, any expenditures made from the General Fund against this appropriation item shall be reduced by any amounts remaining available from the funds appropriated by Section 4706.5 of the Labor Code.

Provided further, that notwithstanding any other provisions of law the funds made available by Section 4706.5 of the Labor Code will be available without regard to fiscal year.

427—For furnishing of workers' compensation to disaster service workers and their dependents, in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, Office of Emergency Services. The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workers' compensation and adjusting services are excepted from the operation of Section 925.6 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires ..... 205,875

428—For support of Commission on California State Government Organization and Economy..... 190,653
provided, that no funds appropriated in this item shall be expended for contracting with private persons or groups for professional and technical services where such services are available through contract with state agencies.

429—For support of California Commission on Interstate Cooperation ..... 79,014

430—For support Office of Administrative Law..... ..... –0–
Schedule:

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|---|---|---|
| | (a) Personal services | 230,490 |
| | (b) Operating expenses and equipment | 63,510 |
| | (c) Reimbursements | −294,000 |
| 431 | —For support of the Office of Administrative Law, to be transferred to Item 430, upon order of the Director of Finance | (187,000) |
| | provided, that any amount transferred shall be a temporary loan to be repaid upon such terms and conditions as may be prescribed by the Department of Finance. | |
| 432 | —For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions and other state agencies in augmentation of their respective appropriations for support or for other purposes, in amounts necessary to comply with and for purposes specified in Sections 11340.4 and 11349.7 of the Government Code, as added by Chapter 567, Statutes of 1979 | 2,000,000 |
| | provided, that no allocation pursuant to this item shall become effective sooner than 30 days after notification in writing to the Chairman of the Joint Legislative Budget Committee and to the chairman of the appropriate fiscal subcommittee of each house, or sooner than such lesser time as the Joint Legislative Budget Committee, or its designee, may in each instance determine. | |
| 433 | —For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions and other state agencies in augmentation of their respective appropriations for support or for other purposes, payable from special funds, in amounts necessary to comply with and for purposes specified in Sections 11340.4 and 11349.7 of the Government Code, as added by Chapter 567, Statutes of 1979 | 1,000,000 |
| | provided, that no allocation pursuant to this item shall become effective sooner than 30 days after notification in writing to the Chairman of the Joint Legislative Budget Committee and to the chairman of the appropriate fiscal subcommittee of each house, or sooner than such lesser time as the Joint Legislative Budget Committee, or its designee, may in each instance determine. | |
| 434 | —For allocation by executive order of the Department of Finance to the several state offices, de- | |

| ITEM | | AMOUNT |
|---|---|---|
| | partments, boards, bureaus, commissions and other state agencies, in augmentation of their respective appropriations for support or other purposes, payable from nongovernmental cost funds, in amounts necessary to comply with and for purposes specified in Sections 11340.4 and 11349.7 of the Government Code, as added by Chapter 567, Statutes of 1979 ..... | (500,000) |
| | provided, that no allocation pursuant to this item shall become effective sooner than 30 days after notification in writing to the Chairman of the Joint Legislative Budget Committee and to the chairman of the appropriate fiscal subcommittee of each house, or sooner than such lesser time as the Joint Legislative Budget Committee, or its designee, may in each instance determine. | |
| 435—For support of the California Arts Council ..... | | 10,240,234 |
| Schedule: | | |
| (a) Personal services ..... | 885,139 | |
| (b) Operating expenses and equipment ..... | 954,152 | |
| (c) Reimbursements ..... | −14,853 | |
| (d) Grants for programs and projects supporting the arts ..... | 9,310,796 | |
| (e) Federal funds ..... | −895,000 | |
| provided, that any organization applying for a grant under the support to prominent organizations element of the organizational grants program may not receive a grant under either the local organization development element or the expanding public participation element of the organizational grants program. | | |
| Provided further, that any organization applying for a grant under either the local organization development element or the expanding public participation element of the organizational grants program may not receive a grant under the support to prominent organizations element of the organizational and grants program. | | |
| Provided further, that funds in category (d) for the local organization development, expanding public participation, and support to prominent organizations program elements shall not be expended unless the grant recipient provides a dollar for dollar cash match; provided further, that for grants to individual artists no matching funds shall be required. | | |

| ITEM | | AMOUNT |
|---|---|---|
| 436—For support of California Public Broadcasting Commission, to be transferred by the State Controller to the California Public Broadcasting Fund | | 768,652 |
| 437—For support of the California Public Broadcasting Commission, the sum of $819,867 is appropriated from the California Public Broadcasting Fund .... | | (784,319) |
| Schedule: | | |
| (a) Personal services ..... | 176,608 | |
| (b) Operating expenses and equipment ..... | 74,929 | |
| (c) Grants to public broadcasting stations..... | 532,782 | |
| 438—For support of Commission for Economic Development..... | | 303,305 |
| Schedule: | | |
| (a) Personal services ..... | 163,044 | |
| (b) Operating expenses and equipment ..... | 140,261 | |
| provided, that the commission shall work with the Department of Economic and Business Development and the advisory council to the department to avoid duplication of efforts. | | |
| 439—For support of Commission on State Finance..... | | 548,564 |
| 440—For support of Military Department ..... | | 10,053,595 |
| Schedule: | | |
| (a) Personal services ..... | 14,123,408 | |
| (b) Operating expenses and equipment ..... | 8,811,402 | |
| (c) Reimbursements ..... | -1,340,123 | |
| (d) Federal funds..... | -11,541,092 | |
| (e) Federal funds per Section 8.7 .. | (129,204,799) | |
| provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Commanding General of the State Military Forces, the California National Guard or the California National Guard Reserve from the federal government. | | |
| 441—For payment of military retirements, in accordance with the provisions of Sections 228 and 256 of the Military and Veterans Code, Military Department ..... | | 1,122,314 |
| 442—For support of California Cadet Corps ..... | | 398,500 |
| Schedule: | | |
| (a) Personal services ..... | 157,437 | |

| ITEM | | AMOUNT |
|---|---|---|
| | (b) Operating expenses and equipment | 265,563 |
| | (c) Reimbursements | −24,500 |
| 443—For support of Public Utilities Commission | | 17,299,744 |
| Schedule: | | |
| | (a) Personal services | 27,243,154 |
| | (b) Operating expenses and equipment | 6,616,171 |
| | (c) Reimbursements | −2,388,587 |
| | (d) Federal funds | −427,441 |
| | (e) Amount payable from the Transportation Rate Fund (Item 445) | −11,036,359 |
| | (g) Amount payable from the State Energy Resources Conservation and Development Special Account, General Fund (Item 444) | −2,595,194 |
| | (h) Amount payable from the Aeronautics Account, State Transportation Fund (Item 171) | −112,000 |

provided, that all positions authorized within the railroad operations and safety section, including the Rail Safety Standards Unit, shall be filled, subject to regulations of the State Personnel Board, by September 1, 1980.

Provided further, that no position authorized for the railroad operations and safety section shall be transferred to any other section or branch within the transportation division.

Provided further, that the commission shall report quarterly to the Legislature with respect to the commission's enforcement of its general orders regarding railroad safety, including, but not limited to, General Order No. 114, and its implementation of the above provisos regarding staffing.

Provided further, that the above provisos to this item shall not be effective after either the United States Secretary of Transportation has adopted rules or orders under the federal Railroad Act of 1970 which cover the subject matter of the Public Utilities Commission's General Orders, or a court decision is rendered which holds that federal law preempts state involvement in railroad safety regulation.

Provided further, that, except as otherwise provided below, no funds appropriated by this item shall be available for contracted legal representation or services related to appealing any court de-

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| cision or the decision of any agency or commission of the federal government rendered against the Public Utilities Commission or the State Energy Resources Conservation and Development Commission concerning the use of nuclear power for generating electrical energy nor for contract costs of legal services for initiating, intervening, appealing, or otherwise participating in court actions or federal administrative actions concerning the issues surrounding nuclear power or power plants which are proposed for construction or actually constructed or operated within California or which provide electrical energy to California. Provided further, that funds appropriated by this item may be encumbered for the legal services described above only after the Public Utilities Commission has provided written notice to each house of the Legislature 30 days prior to contracting for such legal representation. Provided further, that within such 30-day period, the Public Utilities Commission may undertake any action necessary, including, but not limited to, filing legal notices and papers necessary to protect and preserve rights in pending legal actions. Provided further, that nothing in this item shall be construed to affect constitutional rights or duties. | | |
| 444—For support of Public Utilities Commission, to be transferred to Item 443 payable from the State Energy Resources Conservation and Development Special Account, General Fund | | 2,595,194 |
| 445—For support of Public Utilities Commission, to be transferred to Item 443 payable from the Transportation Rate Fund | | 11,036,359 |
| 447—For support of Commission on the Status of Women | | 332,305 |
| Schedule: | | |
| (a) Personal services | 226,160 | |
| (b) Operating expenses and equipment | 106,145 | |
| 448—For support of Native American Heritage Commission | | 193,859 |
| Schedule: | | |
| (a) Personal services | 113,289 | |
| (b) Operating expenses and equipment | 80,570 | |
| 449—For support of the Motion Picture Council | | —0— |

| ITEM | | AMOUNT |
|---|---|---|
| Schedule: | | |
| (a) Personal services | 136,348 | |
| (b) Operating expenses and equipment | 119,132 | |
| (c) Reimbursements | −255,480 | |
| 450—For support of California Horse Racing Board, payable from the Fair and Exposition Fund | | 1,065,166 |
| Schedule: | | |
| (a) Personal services | 1,533,343 | |
| (b) Operating expenses and equipment | 351,823 | |
| (c) Special items of expense | 730,000 | |
| (d) Reimbursements | −770,000 | |
| (e) Amount payable from the General Fund pursuant to Section 19619(e) of the Business and Professions Code | −780,000 | |
| 451—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners provided, that the Board of Osteopathic Examiners shall reduce its activities as necessary so that the expenditures of the board do not exceed its revenues. | | 199,690 |
| 452—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund | | 352,983 |
| 453—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund | | 61,251 |
| 454—For support of the California Information Systems Implementation Committee | | 51,994 |
| 455—For support of Commission on Peace Officer Standards and Training, payable from the Peace Officers' Training Fund | | 2,825,825 |
| Schedule: | | |
| (a) Personal services | 2,284,367 | |
| (b) Operating expenses and equipment | 774,840 | |
| (c) Reimbursements | −233,382 | |
| 456—For allocation to cities, counties, and cities and counties, pursuant to Section 13523 of the Penal Code, and for payment of contracts pursuant to Section 13503(c) of the Penal Code, Commission on Peace Officer Standards and Training, payable from the Peace Officers' Training Fund | | 12,553,614 |

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|---|---|---|
| 457—For support of the Office of Criminal Justice Planning | | 1,512,105 |
| Schedule: | | |
| (a) Personal services | 1,582,646 | |
| (b) Operating expenses and equipment | 1,245,059 | |
| (c) Federal funds | −1,280,600 | |
| (d) Amount payable from the Indemnity Fund (Item 460) | −35,000 | |
| 458—For allocation by the Office of Criminal Justice Planning, to the Judicial Criminal Justice Planning Committee, and to the several state offices, departments, boards, bureaus, commissions and other state agencies in augmentation of their respective appropriations for support or for other purposes chargeable to the General Fund in such amounts as will make sufficient money available for the state's matching fund contribution for federal grants made by the Law Enforcement Assistance Administration | | 50,000 |
| provided that, notwithstanding Section 2 of this act, the amount appropriated in this item shall be available for expenditure until June 30, 1983. | | |
| 459—For allocation by the Office of Criminal Justice Planning, to the several state offices, departments, boards, bureaus, commissions, and other state agencies in augmentation of their respective appropriations for support or for other purposes chargeable to the General Fund in such amounts as will make sufficient money available for the state's matching fund contribution for reallocated prior-year federal block grant funds | | 100,000 |
| 460—For support of the Office of Criminal Justice Planning, for administrative costs incurred pursuant to subdivision (e) of Section 13967 of the Government Code, to be transferred to Item 457, payable from the Indemnity Fund | | 35,000 |
| 461—For support, Office of Criminal Justice Planning (state agencies grant), payable from federal funds | | (9,481,395) |
| provided, that the amount specified by this item constitutes federal funds as defined in Section 8.6. | | |
| 462—For allocation by the Office of Criminal Justice Planning | | 3,450,000 |
| Schedule: | | |

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| (a) | California Career Criminal Prosecution Program, to be allocated pursuant to Chapter 2.3 (commencing with Section 999b) of Title 6 of Part 2 of the Penal Code | 3,200,000 |
| (b) | California Crime Resistance Program, to be allocated pursuant to Chapter 5 (commencing with Section 13840) of Title 6 of Part 4 of the Penal Code | 250,000 |
| (c) | Victim/Witness Centers Program, to be allocated pursuant to Section 13967 of the Government Code | 3,000,000 |
| (d) | Amount payable from the Indemnity Fund (Item 463) | −3,000,000 |

provided, that the amount scheduled in category (a) shall only be awarded to local governmental entities which provide a minimum 10% local cash match for the State General Fund amount allocated, and provided further that the amount scheduled in category (b) shall become operative only if an equal sum in federal funds is made available for such purposes.

Provided, that the funds scheduled in category (a) shall be expended subject to the following restrictions: (1) if, in the judgment of the Director of Finance, California will be allocated less that $22,404,000 of Law Enforcement Assistance Administration (LEAA) funds in fiscal year 1980–81, the entire amount of funds in category (a) may be expended; (2) if the federal budget is not enacted by November 30, 1980, the entire amount of funds in category (a) may be expended upon certification by the Director of Finance that California is unlikely to receive from the Law Enforcement Assistance Administration $22,404,000 or more in fiscal year 1980–81; (3) if, in the judgment of the Director of Finance, California will be allocated $22,404,000 or more of LEAA funds in fiscal year 1980–81, not more than $1,600,000 of the funds in category (a) may be expended, and only then, if matched with an equal amount of federal funds by the local recipient. The funds not expended shall revert to the unappropriated surplus of the General Fund.

Provided further, that local victims/witness assistance programs, including those previously funded with LEAA or other federal, state, or local

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| | funds, may not receive indemnity funds unless they comply with state statutory and administrative requirements. | |
| | Provided, that notwithstanding Section 2 of this act, the amount scheduled in this item shall be available for expenditure until June 30, 1983. | |
| 463— | For allocation by the Office of Criminal Justice Planning, pursuant to Section 13967 of the Government Code, to be transferred to Item 462, payable from the Indemnity Fund | 3,000,000 |
| 464— | For local assistance, Office of Criminal Justice Planning, payable from federal funds | (27,945,781) |
| | provided, that the amount specified by this item constitutes federal funds as defined in Section 8.6. | |
| 465— | For support of the Office of the State Public Defender | 6,892,632 |
| 466— | For contribution to counties for providing legal assistance to indigents in accordance with Section 987.6 of the Penal Code | 775,000 |
| 467— | For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to the activities pursuant to Section 987.9 of the Penal Code, of any new program or increased level of service of an existing program mandated by statute, State Controller | 1,000,000 |
| | provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates such costs and subdivision (d) of Section 2231 of the Revenue and Taxation Code. | |
| 468— | For reimbursement, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of the costs, which relate to guardianship and conservatorship proceedings, of any new program or increased level of service of an existing program mandated by statute, State Controller | 1,835,989 |
| | provided, that allocations to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute that mandates the reimbursement of such costs and subdivision (d) of Section 2231 of the Revenue and Taxation Code. | |
| 469— | For payment to counties for cost of homicide trials pursuant to Sections 15201 to 15203, inclusive, of the Government Code, Department of Finance | 600,000 |

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| provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller. | | |
| 470—For the payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees of state agencies, departments, boards, bureaus or commissions supported from the General Fund, for expenditure by the Department of Justice, subject to approval of the Department of Finance in its discretion | | 500,000 |
| and in addition thereto, there is hereby appropriated from each fund, other than the General Fund, an amount sufficient for payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees of state agencies, departments, boards, bureaus or commissions, arising from activities supported from such fund; provided, that no expenditures from any such appropriation from a fund other than the General Fund for payment of tort liability claims, settlements, compromises and judgments shall be made unless approved by the Department of Finance in its discretion; and provided further, that notwithstanding the limitation in the first paragraph of this section, expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller. | | |
| 471—For support of State Board of Control | | 610,904 |
| Schedule: | | |
| (a) Personal services | 1,695,233 | |
| (b) Operating expenses and equipment | 622,903 | |
| (c) Reimbursements | −1,707,232 | |
| provided, that the Board of Control shall revise the rental structure for state-owned housing to reflect market values. | | |
| 472—For the payment of claims and Board of Control services pursuant to Chapter 5 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code, State Board of Control | | 2,593,316 |
| Schedule: | | |
| (a) Claims | 6,462,245 | |
| (b) Board of Control services | 1,633,018 | |
| (c) Amount payable from Indemnity Fund, Item 473 | −5,501,947 | |

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| 473—For transfer to Item 472 payable from the Indemnity Fund, pursuant to Section 13964 of the Government Code, State Board of Control | | 5,501,947 |
| 474—For assistance to local agencies, Indemnification of Private Citizens Program, for costs incurred pursuant to the provisions of Chapter 1123, Statutes of 1977, State Controller | | 100,000 |
| 475—For support of State Bar of California, for payment of amounts authorized as per diem for public members of boards and committees pursuant to subdivision (c) of Section 6028 of the Business and Professions Code | | 25,000 |
| | Tax Relief | |
| 476—For providing property tax assistance to homeowner claimants, in accordance with the provisions of the Senior Citizens Property Tax Assistance and Postponement Law, Part 10.5 (commencing with Section 20501), of Division 2 of the Revenue and Taxation Code, Franchise Tax Board | | 24,500,000 |
| provided, that the unexpended balance, if any, from this item may be used to make payments to senior citizen renter claimants pursuant to Item 478. | | |
| 477—For providing property tax postponement and assistance to claimants, in accordance with the provisions of the Senior Citizens Property Tax Assistance and Postponement Law, Part 10.5 (commencing with Section 20501), of Division 2 of the Revenue and Taxation Code, State Controller .... | | 3,500,000 |
| The appropriation made by this item shall be in lieu of the appropriation for the same purpose contained in Section 16100 of the Government Code. | | |
| 478—For providing property tax assistance to renter claimants, in accordance with the provisions of the Senior Citizens Property Tax Assistance and Postponement Law, Part 10.5 (commencing with Section 20501), of Division 2 of the Revenue and Taxation Code, Franchise Tax Board | | 48,000,000 |
| provided, that the unexpended balance, if any, from this item may be used to make payments to senior citizen homeowners pursuant to Item 476. | | |
| 479—For reimbursement to local taxing authorities for revenue lost by reason of the repeal or reduction of the property tax on the following classes of | | |

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| | property affected by the following provisions of the Revenue and Taxation Code: (1) business inventories under Section 219; (2) motion pictures under Section 988; (3) livestock under Sections 5523 and 5546; and (4) wine and brandy under Section 992; State Controller ..... | 493,425,000 |
| | provided, that the reimbursement provided by this item pursuant to Section 16112 of the Government Code shall be calculated based on the applicable effective school district tax rate as certified to the State Controller by the county auditor. The appropriation made by this item shall be in lieu of the appropriation for the same purpose contained in Section 16100 of the Government Code. | |
| 480 | —For reimbursement to local taxing authorities for revenue lost by reason of the homeowners' property tax exemption granted pursuant to Section 3k of Article XIII of the Constitution, State Controller ..... | 337,000,000 |
| | The appropriation made by this item shall be in lieu of the appropriation for the same purposes contained in Section 16100 of the Government Code. | |
| 481 | —For providing reimbursement to local taxing authorities for revenue lost by reason of the assessment of open-space lands under Sections 423 and 423.5 of the Revenue and Taxation Code, and in accordance with the provisions of Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Government Code, State Controller ..... | 14,000,000 |
| | The appropriation made by this item shall be in lieu of the appropriation for the same purpose contained in Section 16100 or 16140 of the Government Code, and may not be augmented. | |
| 482 | —For reimbursement to local taxing authorities for revenue lost in accordance with the provisions of Sections 2229 and 2230 of the Revenue and Taxation Code, State Controller..... | 913,100 |

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|---|---|---|
| | provided, that the reimbursement for property tax revenue loss resulting from the restricted valuation of land under a wildlife habitat contract pursuant to Chapter 1165, Statutes of 1973, shall be based on a comparison between the value of the land computed pursuant to Section 423.7 of the Revenue and Taxation Code and the value of the land computed pursuant to Section 110.1 of the Revenue and Taxation Code. | |
| 483—For transfer by the State Controller, as needed, to the Tax Relief and Refund Account, General Fund, for the purpose of providing credits and refunds to renters as required by Section 17053.5 of the Revenue and Taxation Code, Franchise Tax Board | | 418,000,000 |
| 484—For transfer by the State Controller to the Local Agency Code Enforcement and Rehabilitation Fund for the purpose of providing funds to defray costs incurred in the enforcement of local housing code provisions and to fund housing rehabilitation programs for persons and families of low and moderate income as defined in Section 50093 of the Health and Safety Code | | 125,000 |
| | provided, that each agency's allocation pursuant to Section 3 of Chapter 1286 of the Statutes of 1978 shall be reduced by an amount equal to the costs claimed by that agency and paid under Item 123. | |
| | Federal Revenue Sharing | |
| 485—The sum of $276,200,000 is hereby appropriated from the Federal Revenue Sharing Fund to the General Fund, for transfer by the State Controller at such times and in such amounts as are needed for Item 310 in augmentation of the state's share of the State Supplementary Payment Program for aged, blind, and disabled persons | | (276,200,000) |
| | Miscellaneous | |
| 486—For the state's contribution for the cost of a health benefits plan, for annuitants and other employees, in accordance with Sections 22825.7, 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation | | 38,774,000 |

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487—For reimbursement to local entities, in accordance with subdivision (a) of Section 2231 of the Revenue and Taxation Code, of state-mandated costs, State Controller ..... 943,942
Schedule:
(a) Prior year deficiencies, Item 276, Budget Act of 1979 ..... 6,598
(b) Prior year deficiencies, Item 341, Budget Act of 1979 ..... 911,273
(c) Prior year deficiencies, Chapter 991, Statutes of 1979 ..... 26,071
provided, that the amounts scheduled in categories (a), (b), and (c) shall be transferred by the Controller to and in augmentation of the appropriations cited herein.

Provided further, that the Board of Control shall accept no additional claims for reimbursement of 1977–78 costs associated with the following statutes:
(a) Chapter 89, Statutes of 1974;
(b) Chapter 1398, Statutes of 1974;
(c) Chapter 593, Statutes of 1975, with respect to jury duty for teachers; and
(d) Chapter 961, Statutes of 1975.

Provided further, that the Board of Control shall not approve any claim for reimbursement of costs incurred in any fiscal year unless the first or "test" claim on the statute or executive order was submitted by October 31 of the fiscal year following the fiscal year in which the costs claimed were incurred.

Provided further, that the Controller shall modify his reporting of mandated cost reimbursements to reflect the actual cost incurred by local government to comply with each mandate in each fiscal year.

488—For salary increases, increases in benefits related thereto, and increases for expenditures resulting from changes in hours and other terms and conditions of employment to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available for each state officer or employee in the state service, and each state employee em-

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ployed pursuant to the Comprehensive Employment and Training Act, excluding those employees in specifically structured positions, whose compensation, or portion thereof, is chargeable to the General Fund, to receive any such increases provided on or after July 1, 1980, by the State Personnel Board or the Department of Finance, or any successor thereto, or the Directors of Hastings College of Law, as the case may be ..... 148,582,000
In addition, it is the intent of the Legislature that such salary increases adopted by the salary fixing authorities prescribed above shall be a 9.75-percent across-the-board increase with a minimum of $100 per month for full-time employees and a prorated share for less than full-time employees.

Provided further, that each state employee employed pursuant to the Comprehensive Employment and Training Act in a specifically structured position shall have his or her salary established by the Department of Finance to maximize use of funds within each prime sponsor area and excluding any minimum increase.

With respect to state officers whose salaries are specified by statute, an amount sufficient to augment by 9.75 percent the amount of salaries authorized by the Budget Act of 1979 for such officers, during the 1980–81 fiscal year, pursuant to Section 11569 of the Government Code.

Not less than $764,000 of the funds appropriated in this item shall be allocated by the Department of Finance to the State Personnel Board, or any successor thereto, to provide salary adjustments to employees in classifications approved by the State Personnel Board, or any successor thereto, for salary realignments within their occupational group.

Provided further, that increases in compensation provided by this item for increased salary ranges for positions established for the 1980–81 fiscal year shall not result in total annual salary increases of more than $148,582,000.

Before any increase in salaries or benefits for any position for the 1980–81 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available from the appropriation in this item to meet the cost of such increases.

489—For salary increases, increases in benefits related thereto, and increases for expenditures resulting

| ITEM | | AMOUNT |
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| | from changes in hours and other terms and conditions of employment to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available for each state officer or employee in the state service, and each state employee employed pursuant to the Comprehensive Employment and Training Act excluding those employees in specifically structured positions, whose compensation, or portion thereof, is chargeable to special funds, to receive any such increases provided on or after July 1, 1980, by the State Personnel Board or the Department of Finance, or any successor thereto, as the case may be..... | 91,766,000 |

In addition, it is the intent of the Legislature that such salary increases adopted by the salary fixing authorities prescribed above shall be a 9.75-percent across-the-board increase with a minimum of $100 per month for full-time employees and a prorated share for less than full-time employees.

Provided further, that each state employee employed pursuant to the Comprehensive Employment and Training Act in a specifically structured position shall have his or her salary established by the Department of Finance to maximize use of funds within each prime sponsor area and excluding any minimum increase.

With respect to state officers whose salaries are specified by statute, an amount sufficient to augment by 9.75 percent the amount of salaries authorized by the Budget Act of 1979 for such officers, during the 1980–81 fiscal year, pursuant to Section 11569 of the Government Code.

Not less than $291,000 of the funds appropriated in this item shall be allocated by the Department of Finance to the State Personnel Board, or any successor thereto, to provide salary adjustments to employees in classifications approved by the State Personnel Board, or any successor thereto, for salary realignments within their occupational group.

| ITEM | | AMOUNT |
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| | Provided further, that increases in compensation provided by this item for increased salary ranges for positions established for the 1980–81 fiscal year shall not result in total annual salary increases of more than $91,766,000. | |
| | Before any increase in salaries or benefits for any position for the 1980–81 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available from the appropriation in this item to meet the cost of such increases. | |
| 490—For salary increases, increases in benefits related thereto, and increases for expenditures resulting from changes in hours and other terms and conditions of employment to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available for each state officer or employee in the state service, and each state employee employed pursuant to the Comprehensive Employment and Training Act, excluding those employees in specifically structured positions, whose compensation, or portion thereof, is chargeable to nongovernmental cost funds, to receive any such increases provided on or after July 1, 1980, by the State Personnel Board or the Department of Finance, or any successor thereto, as the case may be ..... | | (77,672,000) |
| | In addition, it is the intent of the Legislature that such salary increases adopted by the salary fixing authorities prescribed above shall be a 9.75-percent across-the-board increase with a minimum of $100 per month for full-time employees and a prorated share for less than full-time employees. | |
| | Provided further, that each state employee employed pursuant to the Comprehensive Employment and Training Act in a specifically structured position shall have his or her salary established by the Department of Finance to maximize use of funds within each prime sponsor area and excluding any minimum increase. | |

| ITEM | | AMOUNT |
|---|---|---|
| | With respect to state officers whose salaries are specified by statute, an amount sufficient to augment by 9.75 percent the amount of salaries authorized by the Budget Act of 1979 for such officers, during the 1980–81 fiscal year, pursuant to Section 11569 of the Government Code. | |
| | Not less than $439,100 of the funds appropriated in this item shall be allocated by the Department of Finance to the State Personnel Board, or any successor thereto, to provide salary adjustments to employees in classifications approved by the State Personnel Board, or any successor thereto, for salary realignments within their occupational group. | |
| | Provided further, that increases in compensation provided by this item for increased salary ranges for positions established for the 1980–81 fiscal year shall not result in total annual salary increases of more than $77,672,000. | |
| | Before any increase in salaries or benefits for any position for the 1980–81 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available from the appropriation in this item to meet the cost of such increases. | |
| 490.1 | —For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, Regents of the University of California, and the Trustees of the California State University and Colleges, in augmentation of their respective appropriations for support or for other purposes chargeable to the General Fund, in such amounts as will make sufficient money available to fund, during the 1980–81 fiscal year, increases in premiums for employee health care ..... | 14,288,000 |
| | provided, that the funds appropriated in this item may be expended in accordance with Section 19.11 and other legislative enactments, including subsequent enactments. | |
| 490.2 | —For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes chargeable to special funds, in such amounts as will make sufficient money available to fund, during the 1980–81 fiscal year, increases in premiums for employee health care ..... | 4,459,000 |

| ITEM | | AMOUNT |
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| | provided, that the funds appropriated in this item may be expended in accordance with Section 19.11 and other legislative enactments, including subsequent enactments. | |
| 490.3— | For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes chargeable to nongovernmental cost funds, in such amounts as will make sufficient money available to fund, during the 1980–81 fiscal year, increases in premiums for employee health care ..... | (3,770,000) |
| | provided, that the funds appropriated in this item may be expended in accordance with Section 19.11 and other legislative enactments, including subsequent enactments. | |
| 491— | For reserve for contingencies or emergencies, to be expended only on written authorization of the Department of Finance for contingencies or emergencies ..... | 1,500,000<br>(2,500,000) |
| | and in addition, $2,500,000 is appropriated for loans that may be made from the reserve for contingencies or emergencies to state agencies which derive their support from the General Fund or from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. | |
| | Provided, however, that no loan shall be made which requires repayment from a future legislative appropriation. | |
| | Contingencies within the meaning of this item are defined as proposed expenditures arising from unexpected conditions or losses for which no appropriation, or insufficient appropriation, has been made by law and which, in the judgment of the Director of Finance, constitute cases of actual necessity. Emergencies within the meaning of this item are hereby defined as proposed expenditures arising from unexpected conditions or losses for which no appropriation, or insufficient appropriation, has been made by law and which in the judg- | |

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ment of the Director of Finance require immediate action to avert undesirable consequences or to preserve the public peace, health, or safety. Emergency and contingency expenditure authorizations shall be limited to purposes which have been specifically approved by the Legislature in budget acts or other legislation, except that not more than $200,000 of this item may be expended for purposes for which no such specific prior authorization exists.

Provided, that authorizations for expenditures arising from a contingency shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee, or no sooner than such lesser time as the committee, or its designee, may in each instance determine.

Provided further, that for expenditure authorizations arising from an emergency, the Director of Finance shall file with the Joint Legislative Budget Committee within 10 days after approval, copies of all executive orders and allotment promises for emergency-related encumbrance or expenditure authorizations stating the reasons for, and the amount of, all such authorizations, except that any emergency augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 1980–81 fiscal year for such program shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairman of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior approval impractical.

492—For reserve for contingencies or emergencies, payable from special funds, there is hereby appropriated from each such special fund such sums as are necessary to meet contingencies, or emergencies, to be expended only on written authorization of the Director of Finance ..... 1,500,000

provided, that no deficiencies shall be authorized by the Director of Finance in any appropriation of money from special funds made by this act for the 1980–81 fiscal year under the provisions of Section

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11006 of the Government Code; provided further, that accounts, special accounts and funds in the General Fund, which are treated as other governmental cost funds for accounting and budgeting purposes in accordance with Section 13303 of the Government Code, shall be considered to be special funds within the meaning of this item. Contingencies, within the meaning of this item, are defined as proposed expenditures arising from unexpected conditions or losses for which no appropriation, or insufficient appropriation, has been made by law and which in the judgment of the Director of Finance constitute cases of actual necessity. Emergencies, within the meaning of this item, are defined as proposed expenditures arising from unexpected conditions or losses for which no appropriation, or insufficient appropriation, has been made by law and which, in the judgment of the Director of Finance, require immediate action to avert undesirable consequences or to preserve the public peace, health, or safety.

Provided that, deficiency expenditure authorizations shall be limited to purposes which have been specifically approved by the Legislature in budget acts or other legislation, except that not more than $200,000 of this item may be expended for purposes for which no such prior specific authorization exists.

Provided further, that authorizations for deficiency expenditures arising from a contingency shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee or its designee may in each instance determine.

Provided further, that for deficiency expenditure authorizations arising from an emergency, the Director of Finance shall file with the Joint Legislative Budget Committee, within 10 days after approval, copies of all executive orders and allotment promises for emergency-related encumbrances or expenditure authorizations stating the reasons for, and the amount of, all such authorizations, except that any emergency augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 1980–81 fiscal year for such program shall become effective no sooner than 30 days after no-

| ITEM | | AMOUNT |
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tification in writing to the Joint Legislative Budget Committee, or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairman of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior notice impractical.

493—For reserve for contingencies or emergencies, payable from nongovernmental cost funds, there is hereby appropriated from each such nongovernmental cost fund which is subject to control or limited by this act, such sums as are necessary to meet contingencies or emergencies, to be expended only on written authorization of the Director of Finance. ..... (1,500,000)

provided, that no deficiencies shall be authorized by the Director of Finance in any appropriation of money from nongovernmental cost funds made by this act for the 1980–81 fiscal year under the provisions of Section 11006 of the Government Code, except for appropriations from the Service Revolving Fund which are hereby specifically exempted from the above limitation of this item; provided further, however, that all deficiencies authorized from the Service Revolving Fund pursuant to Section 11006 of the Government Code shall be subject to the reporting requirements for contingencies and emergencies as required for authorizations made pursuant to this item. Contingencies, within the meaning of this item are defined as proposed expenditures arising from unexpected conditions or losses for which no appropriation, or insufficient appropriation, has been made by law and which in the judgment of the Director of Finance constitute cases of actual necessity. Emergencies, within the meaning of this item, are defined as proposed expenditures arising from unexpected conditions or losses for which no appropriation, or insufficient appropriation, has been made by law and which, in the judgment of the Director of Finance, require immediate action to avert undesirable consequences or to preserve the public peace, health, or safety.

Provided, that deficiency expenditure authorizations shall be limited to purposes which have been specifically approved by the Legislature in

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Budget Acts or other legislation, except that not more than $200,000 of this item may be expended for purposes for which no such prior specific authorization exists.

Provided further, that authorizations for deficiency expenditures arising from a contingency shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee or its designee may in each instance determine.

Provided further, that for deficiency expenditure authorizations arising from an emergency, the Director of Finance shall file with the Joint Legislative Budget Committee within 10 days after approval, copies of all executive orders and allotment promises for emergency-related encumbrances or expenditure authorizations stating the reasons for, and the amount of, all such authorizations, except that any emergency augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 1980–81 fiscal year for such program shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairman of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior notice impractical.

494—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations and to other items of this act, for support or for other purposes chargeable to the General Fund, in such amounts as will make sufficient money available to fund, during the 1980–81 fiscal year, price increases in excess of budgeted projections ..... 6,218,000

provided, that no part of this money shall be used for increases in personnel, personal service contracts, to upgrade a program now in existence, or to start any program not now provided for in this budget.

| ITEM | | AMOUNT |
|---|---|---|
| | Provided further, that no allocation pursuant to this item shall be made to the University of California or California State University and Colleges. | |
| | Provided further, that the Department of Finance shall make no allocation pursuant to this item sooner than 30 days after notification in writing of the necessity therefor has been given to the chairman of the committee of each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or sooner than such shorter time as the Chairman of the Joint Legislative Budget Committee, or his designee, may in each instance determine. | |
| 495 | —For increases in prices in excess of budgeted projections payable from special funds, there is hereby appropriated from each such special fund from which such price increases are paid such amounts as the Department of Finance shall determine, as will make sufficient money available to fund such increased costs during the 1980–81 fiscal year..... which amounts are to be made available by executive order of the Department of Finance in augmentation of appropriations from special funds and to other items of this act, for support or for other purposes. | 2,919,000 |
| | Provided further, that no part of this money shall be used for increases in personnel, personal service contracts, to upgrade a program now in existence, or to start any program not now provided for in this budget. | |
| | Provided further, that the Department of Finance shall not authorize expenditures pursuant to this item sooner than 30 days after notification in writing of the necessity therefor has been given to the chairman of the committee of each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or sooner than such shorter time as the Chairman of the Joint Legislative Budget Committee, or his designee, may in each instance determine. | |
| 496 | —For increases in prices in excess of budgeted projections payable from nongovernment cost funds, there is hereby appropriated from each such fund from which such price increases are paid such amounts as the Department of Finance shall determine, as will make sufficient money available to fund such increased costs during the 1980–81 fiscal year..... | (4,009,000) |

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which amounts are to be made available by executive order of the Department of Finance in augmentation of appropriations from nongovernmental cost funds and to other items of this act for support or for other purposes.

Provided, that no part of this money shall be used for increases in personnel, personal service contracts, to upgrade a program now in existence, or to start any program not now provided for in this budget.

Provided further, that the Department of Finance shall not authorize expenditures pursuant to this item sooner than 30 days after notification in writing of the necessity therefor has been given to the chairman of the committee of each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or sooner than such shorter time as the Chairman of the Joint Legislative Budget Committee, or his designee, may in each instance determine.

## CAPITAL OUTLAY SECTION

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, unless otherwise provided herein, are hereby appropriated for expenditure during the 1980–81, 1981–82 and 1982–83 fiscal years, except that appropriations for studies, planning, and working drawings, and minor capital outlay shall be available for expenditure only during the 1980–81 fiscal year. In addition, every appropriation made in this section for construction, or working drawings and construction, that has not been approved by the State Public Works Board on or before June 30, 1981, shall revert as of that date to the fund from which the appropriation was made. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

## LEGISLATIVE/JUDICIAL/EXECUTIVE

### Judicial

497—For capital outlay, Judicial, for working drawings and construction of space alterations in the Fifth District Court of Appeal, Fresno ..... 75,000

### Executive

498—For minor capital outlay, Lieutenant Governor .. 25,000

499—For minor capital outlay, Department of Justice 29,430

| ITEM | | AMOUNT |
|---|---|---|
| 501—For minor capital outlay, State Board of Equalization | | 1,500 |
| 502—For minor capital outlay, Secretary of State | | 20,000 |

## STATE AND CONSUMER SERVICES

| | | |
|---|---|---|
| 503—For minor capital outlay, Museum of Science and Industry | | 119,000 |
| 505—For minor capital outlay, Franchise Tax Board | | 14,072 |
| 506—For capital outlay, Department of General Services | | 32,691,509 |
| Schedule: | | |
| (a) Construction—new state building, Site 1-C, Sacramento | 14,559,100 | |
| (b) Construction—new state building, Van Nuys | 13,066,411 | |
| (c) Construction—parking garage, Van Nuys | 3,330,585 | |
| (d) Working drawings—new state building, San Francisco | 982,278 | |
| (e) Working drawings—new state building, Oakland | 753,135 | |
| provided, that the appropriation made in this item is a reappropriation of the funds appropriated in Item 441, Budget Act of 1978. | | |
| 506.1—For capital outlay, Department of General Services | | 1,425,000 |
| provided, that notwithstanding Section 28.2 of this act, the Director of General Services may enter into a lease-purchase agreement for the purpose of providing adequate office and parking facilities in the City of Los Angeles if such agreement is approved by the State Public Works Board and the Chairman of the Joint Legislative Budget Committee or his designee has been provided a 20-day review of the proposed agreement. | | |
| Provided further, that the funds appropriated pursuant to this item shall be used for the development of schematic plans and a Request for Proposals for one combined rehabilitation and new construction project on Spring Street in the Central Business District Redevelopment Project. | | |
| 507—For capital outlay, Department of General Services | | 9,223,521 |
| Schedule: | | |
| (a) Fire and life safety alterations (statewide) | 8,594,936 | |

| ITEM | | AMOUNT |
|---|---|---|
| (1) OB No. 8, Sacramento—construction | 653,500 | |
| (2) OB No. 9, Sacramento—construction | 676,500 | |
| (3) Santa Ana Building—construction | 397,000 | |
| (4) Los Angeles Building—construction | 2,554,500 | |
| (5) San Francisco Building—construction | 1,476,400 | |
| (6) San Diego Building—construction | 336,300 | |
| (7) San Bernardino Building—construction | 293,600 | |
| (8) Employment Development Building, Sacramento—construction | 1,169,700 | |
| (9) Resources Building, Sacramento—construction | 463,300 | |
| (10) OB No. 1, Sacramento—construction | 574,136 | |
| (b) Reroof state garage | | 447,600 |
| provided, that the amount appropriated pursuant to this category is a loan to be repaid from parking fees. | | |
| (c) Construction—computerize building control, San Jose | | 165,000 |
| (d) Minor capital outlay | | 15,985 |
| 509.1—For capital outlay, Department of General Services | | 250,000 |

provided, that the funds appropriated pursuant to this item shall be used for the state's share of the cost of installing street lights within the Capitol area described in subdivision (d) of Section 8160.1 of the Government Code.

Provided further, that the Department of Finance shall identify funds, up to $250,000, if available, from funds appropriated by Section 15863 of the Government Code which shall be used in lieu of the funds appropriated in this item.

| ITEM | AMOUNT |
|---|---|
| Provided further, that the state's share shall not exceed 47 percent of the total project cost. | |
| 510—For minor capital outlay, State Personnel Board | 39,000 |
| 511—For minor capital outlay, Veterans Home of California, Department of Veterans Affairs | 234,641 |
| 511.1—For capital outlay, Veterans Home of California, Department of Veterans Affairs, for development of emergency power and lighting for annexes I and II | 144,200 |

## BUSINESS AND TRANSPORTATION

### Transportation

513—For capital outlay, Highway Transportation Program, Department of Transportation, payable from the State Highway Account, State Transportation Fund ..... 170,539,000

Schedule:

(a) Rehabilitation ..... 130,723,000
(b) Operational improvements ..... 108,014,000
(c) Local assistance ..... 2,000,000
(d) New facilities ..... 285,096,000
(e) Reimbursements ..... -55,000,000
(f) Federal funds ..... -300,294,000

provided, that up to 10 percent of the amounts scheduled on this item may be transferred to Item 172 or Item 180 of this act, as authorized under the provisions of Section 168 of the Streets and Highways Code; and provided further, that any federal reimbursements shall be from any federal funds deposited in the State Highway Account, State Transportation Fund.

Provided further, that notwithstanding the provisions of Section 2.2 of this act, the appropriations made in this item shall be available for expenditure during the 1980–81, 1981–82 and 1982–83 fiscal years.

Provided further, that funds appropriated by this item shall be available for allocation by the California Transportation Commission to those projects which have been included in a State Transportation Improvement Plan adopted by the commission.

ITEM AMOUNT

Provided further, that, if permitted by the Federal Highway Administration, the Department of Transportation shall advance up to $100,000,000 in 1981–82 federal primary funding authority into the 1980–81 fiscal year to obligate additional primary projects.

Provided further, that the Department of Transportation and the California Transportation Commission shall develop jointly an annual capital project expenditure variance report, which, at a minimum, shall include the following for each major project (over $350,000) included in the 1979 STIP adopted by the commission, and shall also include the following information for major projects advanced into the 1979–80 fiscal year:

(1) The progress of development work.
(2) Current cost estimates.
(3) An explanation of the variance from previous cost estimates.
(4) A comparison of the value of contract awards (encumbrances) to the value of planned STIP expenditures.

For minor projects, in lieu of the above, the department shall provide a comparison of the total value of contract awards to the lump sum value of planned STIP expenditures.

The first report shall be submitted by February 1, 1981, and may propose the deletion of statutory reporting requirements which can be consolidated into the variance report required pursuant to this item.

514—For capital outlay, Highway Transportation Program, Department of Transportation, payable from the California Environmental License Plate Fund ..... 148,125

516—For capital outlay, Department of California Highway Patrol, payable from the Motor Vehicle Account, State Transportation Fund ..... 4,961,236

Schedule:

| | |
|---|---|
| (a) Purchase leased facility—Sacramento ..... | 589,012 |
| (b) Purchase leased facility—Buellton | 454,500 |
| (c) Purchase leased facility—Contra Costa ..... | 246,945 |
| (d) Purchase leased facility—Hayward ..... | 327,240 |

| ITEM | | AMOUNT |
|---|---|---|
| (r) | Purchase facility—Santa Ana | 727,200 |
| (s) | Construct area facility—Hollister-Gilroy | 702,550 |
| (t) | Construct area facility—Santa Barbara | 890,121 |
| (u) | Minor projects | 1,023,668 |

provided, that the State Public Works Board shall not augment the amounts budgeted for administrative costs for the projects in categories (a), (b), (c), and (d) of this item.

Notwithstanding Section 28.2 of this act, the Director of General Services, acting on behalf of the Department of the California Highway Patrol, may enter into a lease with a purchase option agreement for the purpose of providing adequate office and parking facilities for an area office for 25 traffic officers in Arrowhead; provided, that such agreement is approved by the State Public Works Board and the Chairman of the Joint Legislative Budget Committee, or his designee, has been provided a 20-day review of the proposed agreement.

Notwithstanding Section 28.2 of this act, the Director of General Services, acting on behalf of the Department of the California Highway Patrol, may enter into a lease with a purchase option agreement for the purpose of providing adequate office and parking facilities for an area office for 15 traffic officers in San Andreas; provided, that such agreement is approved by the State Public Works Board and the Chairman of the Joint Legislative Budget Committee, or his designee, has been provided a 20-day review of the proposed agreement.

Notwithstanding Section 28.2 of this act, the Director of General Services, acting on behalf of the Department of the California Highway Patrol, may enter into a lease with a purchase option agreement for the purpose of providing adequate office and parking facilities for an area office for 15 traffic officers in Trinity River; provided, that such agreement is approved by the State Public Works Board and the Chairman of the Joint Legislative Budget Committee, or his designee, has been provided a 20-day review of the proposed agreement.

| ITEM | | AMOUNT |
|---|---|---|
| 517—For capital outlay, Department of Motor Vehicles, payable from the Motor Vehicle Account, State Transportation Fund | | 8,512,810 |
| Schedule: | | |
| (a) Construct office building and parking facilities—Compton | 1,451,440 | |
| (b) Construct office building and parking facilities—Los Angeles | 1,460,820 | |
| (c) Construct office building and parking facilities—Vallejo | 934,200 | |
| (d) Construct office building and parking facilities—Concord | 1,047,000 | |
| (e) Construct office building and parking facilities—Victorville | 800,000 | |
| (f) Elevator renovation—Sacramento | 225,000 | |
| (g) Site acquisition—Mission Viejo | 1,125,000 | |
| (h) Site acquisition—San Jose | 729,000 | |
| (i) Minor projects | 368,350 | |
| (j) Working drawings—Mission Viejo | 150,000 | |
| (k) Working drawings—San Jose | 162,000 | |
| (*l*) Project planning—purchase options | 60,000 | |
| provided, that the funds appropriated in subitem (*l*) shall be approved by the Department of Finance for expenditure only for those major capital outlay projects which are anticipated to be included in the 1981–82 Governor's Budget. | | |

RESOURCES

| | |
|---|---|
| 518—For minor capital outlay, California Conservation Corps | 168,490 |
| 519—For minor capital outlay, California Conservation Corps, payable from the State Energy Resources Conservation and Development Special Account, General Fund | 73,000 |
| 520—For minor capital outlay, California Conservation Corps, payable from the Energy and Resources Fund | 154,000 |
| 520.1—For capital outlay, Madera Training Academy, California Conservation Corps, payable from the Energy and Resources Fund | 600,000 |
| provided, that no funds appropriated by this item may be encumbered until approved by the Department of Finance, and not sooner than 30 days after notification to the Joint Legislative Budget Committee of the renovation plan. | |

| ITEM | | AMOUNT |
|---|---|---|
| | Provided further, that if the Energy and Resources Fund is not authorized by September 1, 1980, funding from this item shall be made from the General Fund. | |
| 521—For capital outlay, Department of Forestry ..... | | 2,868,719 |
| | Schedule: | |
| | (a) Minor capital outlay ..... | 760,255 |
| | (b) Land acquisition—statewide opportunity purchases ..... | 10,000 |
| | provided, that the funds appropriated by subitems (a) and (b) shall be available for expenditure only during the 1980–81 fiscal year. | |
| | (c) Land acquisition—Fernwood Helitack Base ..... | 35,000 |
| | (d) Land acquisition—region II headquarters and Redding forest fire station ..... | 230,000 |
| | (e) Construct San Andreas headquarters—auto shop ..... | 341,539 |
| | (f) Equip San Andreas headquarters —auto shop ..... | 13,195 |
| | (g) Preliminary plans and working drawings—San Luis Obispo headquarters—barracks and facility improvements ..... | 38,000 |
| | (h) Equip San Luis Obispo headquarters—barracks and facility improvements ..... | 8,500 |
| | (i) Equip Almaden forest fire station | 6,450 |
| | (j) Construct Perris headquarters—material service center ..... | 491,950 |
| | (k) Equip Perris headquarters—material service center ..... | 16,650 |
| | (*l*) Equip San Bernardino headquarters—material service center ..... | 16,680 |
| | (m) Construct Davis equipment facility—phase II ..... | 768,000 |
| | (n) Equip Davis equipment facility—phase II ..... | 22,500 |
| | (o) Planning, working drawings, and partial construction—Oak Glen Conservation Camp ..... | 110,000 |
| 521.5—For minor capital outlay, Department of Forestry, payable from the Energy and Resources Fund ..... | | 70,000 |
| 522—For capital outlay, Department of Fish and Game payable from the Fish and Game Preservation Fund ..... | | 2,246,500 |

| ITEM | | AMOUNT |
|---|---|---|
| Schedule: | | |
| (a) Project planning | 30,000 | |
| (b) Minor capital outlay | 411,500 | |
| (c) Construct ponds at Darrah Springs Fish Hatchery—phase II | 1,707,300 | |
| (d) Working drawings for headquarters building, region I | 59,800 | |
| (e) Working drawings for nursery ponds and well for American River Fish Hatchery | 17,900 | |
| (f) Working drawings for replacement of ponds for Moccasin Creek Fish Hatchery | 20,000 | |
| 523—For capital outlay, Department of Fish and Game, payable from the California Environmental License Plate Fund | | 500,000 |
| Schedule: | | |
| (a) Land acquisition—ecological reserves | 450,000 | |
| (b) Development of ecological reserves | 50,000 | |
| 524—For capital outlay, Department of Fish and Game, payable from the Energy and Resources Fund | | 1,000,000 |
| Schedule: | | |
| (a) Environmental studies, preliminary plans, working drawings, and partial construction (levees) for development and restoration of Bolsa Chica wetlands | 1,000,000 | |
| Provided, that no more than $170,000 of this appropriation shall be available for preparation of environmental studies, preliminary plans and working drawings. | | |
| 525—For capital outlay, Department of Boating and Waterways, the sum of $615,100 is appropriated from the Harbors and Watercraft Revolving Fund | | (615,100) |
| Schedule: | | |
| (a) Giannelli Bridge | 37,000 | |
| (b) Project planning | 20,000 | |
| (c) Minor capital outlay | 558,100 | |
| 526—For capital outlay, State Coastal Conservancy, payable from the California Environmental License Plate Fund | | 170,750 |
| 527—For capital outlay, State Coastal Conservancy, payable from the Energy and Resources Fund | | 500,000 |
| provided, that the funds appropriated by this item shall be used exclusively for grants to local agencies for coastal access projects. | | |

| ITEM | | AMOUNT |
|---|---|---|
| 528—For capital outlay, Department of Parks and Recreation | | 827,800 |
| Schedule: | | |
| (a) Hearst San Simeon State Historical Monument—continuing restoration | 500,000 | |
| (b) Hearst San Simeon State Historic Monument—visitor center, working drawings | 327,800 | |
| 529—For capital outlay, Department of Parks and Recreation, subject to the approval of the State Public Works Board, payable from the Bagley Conservation Fund, notwithstanding the provisions of Section 316, Chapter 1, Statutes of 1971, First Extraordinary Session | | 3,854,674 |
| Schedule: | | |
| (a) Design and construction planning | 154,674 | |
| (b) Candlestick Point, SRA day use—construction | 1,000,000 | |
| (c) Augmentation for land acquisition, condemnation proceedings for Bagley Conservation Fund projects | 2,200,000 | |
| (d) Relocation assistance | 500,000 | |
| provided, notwithstanding any other provision of law, including Section 8 of this act, the State Public Works Board may, upon evidence of a court award or stipulated judgment and not sooner than 30 days after notification in writing to the chairperson of the committee in each house which considers appropriations, the chairpersons of the respective fiscal subcommittees, and the Chairperson of the Joint Legislative Budget Committee, or not sooner than such lesser time as the Chairperson of the Joint Legislative Budget Committee, or his or her designee may in each instance determine, augment a Department of Parks and Recreation land acquisition project up to the amount necessary to satisfy the court award or stipulated judgment and any associated administrative or legal costs. | | |
| 530—For capital outlay, Department of Parks and Recreation, payable from the State Parks and Recreation Fund | | 4,606,863 |
| Schedule: | | |
| (a) Acquisition costs | 150,000 | |
| (b) Opportunity purchases | 250,000 | |
| (c) In-holding purchases | 500,000 | |

| ITEM | | AMOUNT |
|---|---|---|
| (d) | Preliminary planning | 100,000 |
| (e) | Minor capital outlay | 2,237,288 |
| (f) | Torrey Pines—working drawings | 46,850 |
| (g) | Antelope Valley—working drawings and construction | 435,450 |
| (h) | Big Basin Redwoods—acquisition | 350,000 |
| (i) | Woodson Bridge—acquisition | 305,000 |
| (j) | Reimbursements from Land and Water Conservation Funds | −317,725 |
| (k) | Reimbursements from California State Parks Foundation | −100,000 |
| (*l*) | Augmentation for land acquisition, condemnation proceedings for State Parks and Recreation Fund projects | 500,000 |
| (m) | Relocation assistance | 150,000 |

provided, that notwithstanding any other provision of law, including Section 8 of this act, the State Public Works Board may, upon evidence of a court award or stipulated judgment and not sooner than 30 days after notification in writing to the chairperson of the committee in each house which considers appropriations, the chairpersons of the respective fiscal subcommittees, and the Chairperson of the Joint Legislative Budget Committee, or not sooner than such lesser time as the Chairperson of the Joint Committee, or his or her designee may in each instance determine, augment a Department of Parks and Recreation land acquisition project up to the amount necessary to satisfy the court award or stipulated judgment and any associated administrative or legal costs.

ITEM AMOUNT

Provided further, that the appropriation made for opportunity purchases shall be expended only for small parcels that were not available to the state approximately six months prior to July 1, 1980, and provided, further, that none of the funds appropriated for acquisition of parklands by this item shall be expended on the purchase of real property until the State Public Works Board has determined that the procedures and criteria established by the Attorney General relating to implied dedication and public prescriptive rights or claims have been complied with in the investigations and appraisals of the Department of General Services. All material relating to implied dedication and public prescriptive rights or claims shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

5?1—For capital outlay, Department of Parks and Recreation, payable from the State Park Contingent Fund ..... —0—

Schedule:

(a) Jedediah Smith Redwoods State Park—acquisition ..... 595,000

(b) Humbolt Lagoon—acquisition ..... 2,000,000

(c) Reimbursements—Save-the-Redwoods League ..... —1,000,000

(d) Reimbursements—Federal Land and Water Conservation Fund .... —1,595,000

provided, that expenditure of funds appropriated by this item for the acquisition of full fee title shall be limited to one-half of the appraised value.

Provided further, that none of the funds appropriated for acquisition of parklands by this item shall be expended on the purchase of real property until the State Public Works Board has determined that the procedures and criteria established by the Attorney General relating to implied dedication and public prescriptive rights or claims have been complied with in the investigations and appraisals of the Department of General Services. All material relating to implied dedication and public prescriptive rights or claims shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

Provided further, that the Department of Parks and Recreation shall attempt to secure a negotiat-

| ITEM | | AMOUNT |
|---|---|---|

ed settlement of the Humboldt Lagoons acquisition project over a period of at least six months. If such negotiations are not successful the department shall provide to the Chairman of the Joint Legislative Budget Committee and to the Chairman of the State Public Works Board a detailed report on the status of negotiations and the reason why negotiations have failed before the department requests the State Public Works Board to approve condemnation.

532—For capital outlay, Department of Parks and Recreation, payable from the Energy and Resources Fund ..... 7,723,878

Schedule:

| | |
|---|---|
| (a) Minor capital outlay—solar retrofitting and energy conservation .... | 500,000 |
| (b) Antelope Valley—working drawings and construction ..... | 150,000 |
| (c) Seacliff State Beach—storm damage repair and redevelopment .... | 1,550,000 |
| (d) Silverstrand State Beach—storm damage repair and redevelopment ..... | 453,878 |
| (e) El Capitan State Beach—storm damage repair and redevelopment ..... | 440,000 |
| (f) Salt Point State Park—land acquisition ..... | 500,000 |
| (g) South Monterey Bay Dunes—land acquisition ..... | 2,130,000 |
| (h) George Miller, Jr./John T. Knox, Regional Shoreline Park—land acquisition ..... ..... | 2,000,000 |

provided, that no funds shall be expended pursuant to category (h), unless and until the regional shoreline park is named the George Miller, Jr./ John T. Knox Regional Shoreline Park.

Provided further, that the Department of Parks and Recreation shall submit all plans for storm damage repair or beach erosion control for projects funded in categories (c), (d), and (e) to the Department of Boating and Waterways for review prior to requesting the Public Works Board to approve the encumbrance of funds for working drawings and construction.

532.5—For capital outlay, Department of Parks and Recreation, payable from the Off-Highway Vehicle Fund..... 55,000

| ITEM | | AMOUNT |
|---|---|---|
| Schedule: | | |
| (a) Relocation assistance | 35,000 | |
| (b) Sycamore Canyon—land acquisition study, appraisal, and option to purchase | 20,000 | |
| 533—For capital outlay, Department of Parks and Recreation, Division of Exposition and State Fair | | 855,000 |
| Schedule: | | |
| (a) Minor capital outlay | 525,000 | |
| (b) Buildings A & B, interior renovation—working drawings and construction | 330,000 | |
| 534—For capital outlay of the Santa Monica Mountains Conservancy, to be transferred by the State Controller from the Energy and Resources Fund to the Santa Monica Mountains Conservancy Fund | | 1,000,000 |
| 535—For capital outlay and local assistance grants, Santa Monica Mountains Conservancy payable from the Santa Monica Mountains Conservancy Fund | | (1,000,000) |
| Schedule: | | |
| (a) Grants and acquisition of land and interests therein pursuant to subdivisions (a), (c), and (d) of Section 33204 of the Public Resources Code | 150,000 | |
| (b) Buffer zone protection pursuant to subdivision (b) of Section 33204 of the Public Resources Code | 150,000 | |
| (c) Acquisition of excess public agency and tax deeded property pursuant to Section 33207 of the Public Resources Code | 700,000 | |
| provided, that the funds appropriated by this item may be transferred between categories by the Department of Finance after notification pursuant to Section 28, if the conservancy finds that acquisitions to be financed by this item cannot be completed or that savings are available from completed projects. | | |
| 535.1—For capital outlay and local grants, received from the federal 1979–80 fiscal year budget, as provided by Section 33215 of the Public Resources Code, Santa Monica Mountains Conservancy, payable from the Santa Monica Mountains Conservancy Fund, Federal Grant Account | | (2,402,000) |
| provided, that any federal funds received in fiscal year 1980–81, pursuant to Section 507(n) of the | | |

ITEM AMOUNT

National Parks and Recreation Act of 1978, in excess of the amount appropriated by this item and for the purposes of Section 1 of Chapter 1085, Statutes of 1979, shall be allocated by the State Controller, after consultation with the conservancy, to the State, Urban, and Coastal Park Fund.

536—For acquisition of land, easements and rights-of-way, including but not limited to, borrow pit, spoil areas and easements for levees, clearing, flood control works and flowage, and for appraisals, surveys, and engineering studies necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1 and Chapters 1 (commencing with Section 12570), 2 (commencing with Section 12639), 3 (commencing with Section 12800), 3.5 (commencing with Section 12840), and 4 (commencing with Section 12850) of Part 6 of Division 6 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the state in connection with the completion or operation of the following projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incidental thereto, Department of Water Resources ..... 1,045,000

Schedule:

(a) Sacramento River and tributaries flood control project ..... 30,000

(b) San Joaquin River and tributaries flood control project ..... 15,000

(c) Sacramento River bank protection project ..... 1,000,000

notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1980–81 fiscal year; and provided further, that this item shall be exempt from the provisions of Section 7 of this act.

537—For capital outlay, Department of Water Resources ..... 198,530

Schedule:

(a) Snow data telemetry system ..... 58,530

| ITEM | | AMOUNT |
|---|---|---|
| | (b) Replace Sutter bypass bridge WL-3 ..... 140,000 | |
| | HEALTH AND WELFARE | |
| 539—For capital outlay, Department of Health Services Schedule: | | 745,729 |
| | (a) Autoclave replacement—construction ..... 240,850 | |
| | (b) Remodel food and drug laboratory —construction ..... 205,485 | |
| | (c) Minor capital outlay ..... 299,394 | |
| | provided that expenditure of funds appropriated in subitems (a) and (b) shall be subject to the prior approval of the State Public Works Board. | |
| 540—For capital outlay, Department of Health Services payable from the Energy and Resources Fund.... Schedule: | | 233,899 |
| | (a) Gas engine cogeneration/A/C—Fairfield animal facility ..... 114,000 | |
| | (b) Minor capital outlay ..... ..... 119,899 | |
| | provided that expenditure of funds appropriated in subitem (a) shall be subject to the prior approval of the State Public Works Board. | |
| 541—For capital outlay, Department of Developmental Services ..... | | 58,154,046 |
| | (a) Fire and life safety and environmental improvements—devel- opmentally disabled programs ..... 45,040,481 | |
| | Agnews State Hospital: | |
| | Fire and life safety and environmental: | |
| | (1) Buildings 22 and 24 —construction ..... 7,645,920 | |
| | Camarillo State Hospital: | |
| | Fire and life safety and environmental: | |
| | Environmental improvements: | |
| | (2) RTC building—working drawings and construction .. 5,134,200 | |
| | Fire and life safety and environmental: | |
| | (3) Units 47, 51 and 58 —preliminary plans ..... 100,000 | |
| | Patton State Hospital: | |

ITEM AMOUNT

Fire and life safety and environmental:
(3.1) Building 20(70) —preliminary plans, working drawings, and construction ..... 3,812,000

provided, that the funds for this category shall not be allocated prior to the department submitting a report detailing the plans and all associated costs and savings for transferring Department of Developmental Services clients from Patton State Hospital to other state hospitals and to community facilities. The report shall be submitted to the Department of Finance for approval and the approved report submitted by November 1, 1980, to the Chairman of the Joint Legislative Budget Committee and the chairmen of the fiscal committees in each house for a 30-day review. If the report is not approved and transmitted to the chairmen by November 1, 1980, the appropriated funds shall be available for allocation for improvements at Patton State Hospital. If the report is approved and transmitted to the chairmen by November 1, 1980, the appropriated funds may be allocated in the following manner with the condition that the chairmen of the committees are provided a 30-day review of the approved report prior to allocation of the funds:

Local assistance funds for community placement of developmentally disabled clients located at Patton State Hospital ..... 1,080,000

Notwithstanding the provisions of Section 2, the funds for this purpose shall be subject to the provisions of Section 2.

Camarillo State Hospital:
Working drawings and construct fire, life safety and environmental improvements, buildings 47, 51, and 58 ..... 2,700,000

The remaining funds under this category shall revert to the unallocated balance of the General Fund if the local assistance and Camarillo program proceeds.

Fairview State Hospital:
Fire and life safety and environmental:

| ITEM | | AMOUNT |
|---|---|---|
| | (4) Units D, E, F and J—construction..... | 6,123,096 |
| | Fire and life safety and environmental: | |
| | Environmental improvements: | |
| | (5) R&T building—working drawings | 125,645 |
| | Frank D. Lanterman State Hospital: | |
| | Fire and life safety and environmental: | |
| | (6) Phase I, cabinets and alarm system.. | 250,000 |
| | Napa State Hospital: | |
| | Fire and life safety and environmental: | |
| | (7) Unit 197—construction..... | 3,963,800 |
| | Sonoma State Hospital: | |
| | Fire and life safety and environmental: | |
| | (8) Thompson-Bane, Poppe, Bemis, Stoneman, King, Osborne, Powers, Judah, Nelson (C & D), Hill and Fredrickson—construction ..... | 12,424,071 |
| | Fire and life safety and environmental: | |
| | (9) Regamy, Emparam and Ordahl-Johnson—preliminary plans, working drawings and construction .. | 4,665,958 |
| | Stockton State Hospital: | |
| | Fire and life safety and environmental: | |
| | (10) Cottage G—preliminary plans and working drawings | 325,800 |

| ITEM | | AMOUNT |
|---|---|---|
| | provided that, prior to allocation of funds for preliminary plans and working drawings for this category, the Department of Developmental Services shall identify an alternative building for renovation in the event the November 1980 Mental Health Plan of Correction continues mentally disabled programs at Stockton State Hospital. | |
| | Statewide: | |
| | Fire and life safety and environmental: | |
| | (11) Furniture and equipment ..... 469,991 | |
| (b) | Agnews State Hospital: | |
| | Construct commissary warehouse —construction ..... | 701,050 |
| (c) | Fairview State Hospital: | |
| | (1) Alterations and modifications to laundry—working drawings..... 36,305 | |
| | (2) Install Emergency electrical power, phase II—construction..... 401,875 | |
| (d) | Napa State Hospital: | |
| | (1) Cogeneration system, phase II—preliminary plans and working drawings ..... 81,825 | |
| | (2) Conservation and comfort conditioning of patient-occupied space, units 195, 196, 197, and 198—preliminary plans, working drawings and construction ..... 3,442,600 | |

| ITEM | | AMOUNT |
|---|---|---|
| | (3) Conservation and comfort conditioning of patient-occupied space, units 254, 255, 256, and 257—preliminary plans, working drawings and construction .. | 637,700 |
| | (4) Conservation and comfort conditioning of patient-occupied space, R&T building—preliminary plans and working drawings | 186,260 |

provided, that prior to allocation of funds by the State Public Works Board for the projects described in paragraphs (2), (3), and (4) of this category, the Office of State Architect shall certify that the proposed modifications comply with current fire and life safety codes and environmental licensing requirements.

| | | |
|---|---|---|
| | (5) Modifications to electrical distribution system; T units—preliminary plans, working drawings and construction ..... | 113,000 |
| | (6) Modifications to electrical distribution system; M units and RTC—preliminary plans and working drawings | 25,000 |
| (e) | Patton State Hospital: (1) Air conditioning, building N—construction ..... | 712,500 |
| (f) | Porterville State Hospital: Primary electrical distribution system improvements—preliminary plans and working drawings..... | 81,250 |

provided, that preliminary plans and working drawings shall be limited to incorporate only those modifications necessary because of exces-

| ITEM | | | AMOUNT |
|---|---|---|---|
| | sive heat and humidity resulting in electrical failures and not for capacity expansion or flexibility of this system. | | |
| | (g) Sonoma State Hospital: | | |
| | (1) Electrical distribution improvements—working drawings and construction | 1,964,500 | |
| | (2) Air conditioning and fire sprinklers, Cromwell, Lux, Roadruck, Brent, Bentley, Smith—preliminary plans, working drawings and construction .. | 331,600 | |
| | (3) Air conditioning and fire sprinklers, Stoneman, King, Osborne, Poppe, Bane, Thompson, Hill—preliminary plans, working drawings and construction | 4,028,300 | |
| | (h) Statewide—minor capital outlay —construction | 369,800 | |
| 542 | —For capital outlay, Department of Developmental Services, fire and life safety and environmental improvements—mentally disabled programs | | 7,863,727 |
| | Napa State Hospital: | | |
| | (1) Fire and life safety and environmental improvements, units 195 and 196—construction | 7,703,727 | |
| | (2) Fire and life safety and environmental improvements, RTC building—working drawings | 160,000 | |
| 544 | —For capital outlay, Department of Mental Health Schedule: | | 14,962,655 |
| | (a) Atascadero State Hospital | 2,521,700 | |
| | (1) Build energy efficient improvements—preliminary plans, working drawings and construction | 1,423,400 | |
| | (2) Install cogenera- | | |

| ITEM | | | AMOUNT |
|---|---|---|---|
| | tion system—preliminary plans, working drawings and construction .. | 1,098,300 | |
| | (b) Metropolitan State Hospital ..... | | 12,300,655 |
| | Fire and life safety and environmental: | | |
| | (1) Units 401, 403, 405, 407, 409, 411, 413, and 415—working drawings and construction ..... | 6,835,391 | |
| | Environmental: | | |
| | (2) Air condition, patient occupied buildings (CTE) with conservation equipment—construction ..... | 1,873,264 | |
| | (3) Install cogeneration system with boiler facility—preliminary plans, working drawings and construction ..... | 3,592,000 | |
| | (c) Minor capital outlay ..... | | 140,300 |
| 546—For capital outlay, Employment Development Department, for the purpose listed below. Payable from the Employment Development Contingent Fund ..... | | | 5,138,200 |
| | Schedule: | | |
| | (a) Monterey—working drawings (partial) ..... | | 46,400 |
| | (a.1) Oroville—construction, building addition ..... | | 832,000 |
| | (b) Oroville—parking lot improvements ..... | | 8,500 |
| | (c) Oroville—parking lot acquisition | | 80,000 |
| | (d) Sacramento (fairgrounds)—exercise purchase option ..... | | 2,330,000 |
| | (e) Colusa—exercise purchase option | | 45,000 |
| | (f) Corcoran—site acquisition ..... | | 35,000 |
| | (g) Mendota—site acquisition ..... | | 40,000 |
| | (h) Wasco—site acquisition ..... | | 45,000 |
| | (i) Chico—preliminary planning ..... | | 4,800 |
| | (j) Chico—working drawings ..... | | 8,400 |
| | (k) Redding—preliminary planning .. | | 7,200 |
| | (*l*) El Centro—working drawings ..... | | 34,200 |

| ITEM | | AMOUNT |
|---|---|---|
| (m) El Centro—parking lot improvements | 286,800 | |
| (n) San Jose—working drawings | 52,200 | |
| (o) San Jose—parking lot improvements | 175,100 | |
| (p) Torrance—working drawings | 45,700 | |
| (q) Torrance—parking lot improvements | 48,400 | |
| (r) Long Beach—building alterations | 504,000 | |
| (s) Eureka—building alterations | 308,200 | |
| (t) Vallejo—building alterations | 164,300 | |
| (u) Modesto—parking lot acquisition and improvements | 12,000 | |
| (v) Project planning (new projects) | 25,000 | |
| 547—For minor capital outlay, Department of Rehabilitation | | 16,250 |
| Schedule: | | |
| (a) Minor capital outlay | 125,000 | |
| (b) Federal funds | −108,750 | |
| provided, that the $50,000 appropriated by this item for an emergency egress system shall not be encumbered unless and until the State Fire Marshal has approved the system. | | |
| 548—For minor capital outlay, Department of Social Services | | 83,500 |
| Schedule: | | |
| (a) Minor capital outlay | 167,000 | |
| (b) Federal funds | −83,500 | |

EDUCATION

HIGHER EDUCATION

| | | |
|---|---|---|
| 549—For capital outlay, University of California, subject to the prior approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education; provided that withdrawals shall be as required to meet current obligations as certified by the University of California, in accordance with the following schedule | | 9,560,000 |
| Schedule: | | |
| Universitywide: | | |
| (1) Project programming and preliminary plans | 250,000 | |
| provided, that funds appropriated for this category shall be released only for those major capital outlay projects for working drawings and con- | | |

| ITEM | | AMOUNT |
|---|---|---|
| | struction, which are anticipated to be included in the 1981–82 Governor's Budget, except that a maximum of $100,000 shall be available for expenditure on July 1, 1980, for utility and site development and for development of environmental impact reports for major capital outlay projects, and for development of benefit/cost analyses of planning alternatives for proposed 1982–83 capital outlay projects. | |
| | (3) General and advance planning studies of seismic safety in university facilities | 500,000 |
| | provided, that a maximum of $90,000 of the funds appropriated by this category shall be available to the university for participation in the Seismic Safety Commissions' statewide building evaluation program concerning building rehabilitation for seismic safety. | |
| | Provided further, that the remaining funds in this category shall be available for allocation only upon submission of the Seismic Safety Commissions' statewide evaluation report and upon approval by the Department of Finance and 30 days' written notification to the Chairmen of the Joint Legislative Budget Committee or his designee, or such lesser period of notification as the chairman of such committee, or his designee, may determine, that the university buildings are of a significant statewide priority ranking to substantiate release of the remaining funds. | |
| | (4) Working drawings and construct northern regional library compact shelving facility | 6,782,000 |
| | (5) EIR and planning for southern regional library compact shelving facility | 255,000 |
| | Los Angeles Campus: | |
| | (6) Equip Schoenberg Hall addition | 100,000 |
| | Berkeley Campus: | |
| | (7) Working drawings and construct SCM building, relocation of activities from Richmond service and storage facility, step 1 | 620,000 |
| | Irvine Campus: | |

| ITEM | | AMOUNT |
|---|---|---|
| (8) Preliminary plans and working drawings for social ecology building | 294,000 | |
| Berkeley Campus: | | |
| (10) Working drawings and construct Hildebrand Hall, laboratory alterations | 405,000 | |
| (11) Working drawings and construct biochemistry ventilation system improvements | 242,000 | |
| (11.1) Preliminary plans and working drawings for Cory Hall alterations (microelectronics fabrication laboratory) | 112,000 | |

Provided that notwithstanding the provisions of Section 2.2 of this act, the appropriations made in this item for equipment items shall be available for expenditure only during the 1980–81 and 1981–82 fiscal years.

550—For capital outlay, University of California, minor projects to be allocated to the University of California, payable from the Capital Outlay Fund for Public Higher Education ..... 5,000,000

551—For capital outlay, University of California, pursuant to the agreement dated August 17, 1977 between the County of Sacramento and the University of California relating to the Sacramento Medical Center (Medical Center Complex), payable from the Capital Outlay Fund for Public Higher Education; provided that withdrawals shall be as required to meet current obligations as certified by the University of California, in accordance with the following schedule ..... 200,000

Schedule:

| | |
|---|---|
| Davis—Health Sciences: | |
| (1) Annual payment toward the purchase of Sacramento Medical Center | 200,000 |

552—For capital outlay, University of California, subject to the prior approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education; provided that withdrawals shall be as required to meet current obligations as certified by the University of California, in accordance with the following schedule ..... 4,413,000

Schedule:

| ITEM | | AMOUNT |
|---|---|---|
| | Berkeley Campus: | |
| (1) | Working drawings and construct School of Law Building, California Administrative Code deficiencies | 351,000 |
| | Los Angeles Campus: | |
| (3) | Construct fire safety—campus water mains, step 2 | 633,000 |
| (4) | Construct Kinsey Hall—Fire safety and physically handicapped access | 787,000 |
| (5) | Construct California Administrative Code deficiencies (Cal OSHA), step 1 | 657,000 |
| | Berkeley Campus: | |
| (6) | Preliminary plans and working drawings for California Administrative Code deficiencies (handicapped) step 2 | 64,000 |
| | Davis Campus: | |
| (7) | Working drawings and construct California Administrative Code deficiencies (handicapped), step 1 | 298,000 |
| | Irvine Campus: | |
| (8) | Working drawings and construct California Administrative Code deficiencies (handicapped), step 2 | 146,000 |
| | Irvine Health Sciences: | |
| (9) | Working drawings and construct California Administrative Code deficiencies (handicapped), UCIMC | 352,000 |
| | San Diego Campus: | |
| (10) | Preliminary plans and working drawings for California Administrative Code deficiencies (handicapped), step 1 | 62,000 |
| | San Francisco Health Sciences: | |
| (11) | Working drawings and construct California Administrative Code deficiencies (handicapped) | 340,000 |

| ITEM | | AMOUNT |
|---|---|---|
| | Santa Barbara Campus: | |
| | (12) Working drawings and construct California Administrative Code deficiencies, elevators (handicapped) ..... | 180,000 |
| | (13) Working drawings and construct California Administrative Code deficiencies (handicapped) ..... | 233,000 |
| | Santa Cruz Campus: | |
| | (14) Working drawings and construct California Administrative Code deficiencies (handicapped), step 1 | 310,000 |
| 553—For capital outlay, University of California, subject to the prior approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, provided, that withdrawals shall be as required to meet current obligations as certified by the University of California, in accordance with the following schedule ..... | | 342,000 |
| Schedule: | | |
| | Los Angeles—Health Sciences: | |
| | (1) Working drawings for Drew/UCLA undergraduate medical education program facilities, completion of the third floor of unfinished space for Clinical Sciences (psychiatric and clinical science building, Martin Luther King, Jr., County General Hospital) ..... | 82,000 |

Provided, that no funds appropriated for this project may be encumbered for the construction of any capital improvements of any property owned by Drew, unless and until the University of California obtains title to, or other interest, considered sufficient by the university in such property.

Provided further, that no funds appropriated by this category shall be available for expenditure until a signed contract between the University of California and the County of Los Angeles regarding utilization of the space specified has been approved by the Department of Finance and 30 days' written notification is provided to the Chairman of the Joint Legislative Budget Committee or his designee, or such lesser period of notification as the chairman of such committee, or his designee, may determine.

| ITEM | | AMOUNT |
|---|---|---|
| | (2) Preliminary plans and working drawings for medical education center ..... | 260,000 |

Provided, that no funds appropriated for this project may be encumbered unless and until the University of California obtains title to the real property on which this facility is to be located and constructed together with the necessary rights of access.

Provided further, that no funds appropriated by this category may be expended until a signed contract between the University of California and the Charles R. Drew Postgraduate Medical School regarding utilization of the space specified has been approved by the Department of Finance and 30 days' written notification is provided to the Chairman of the Joint Legislative Budget Committee or his designee, or such lesser period of notification as the chairman of such committee, or his designee, may determine.

554—For capital outlay, University of California, subject to the prior approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, provided, that withdrawals shall be as required to meet current obligations as certified by the University of California, in accordance with the following schedule ..... 540,000

Schedule:

Santa Cruz Campus:

(8) Preliminary plans, working drawings and construct energy conservation, step 1 ..... 503,000

Universitywide:

(8.1) Engineering studies regarding energy conservation projects ..... 37,000

555—For capital outlay, Regents of the University of California, subject to the prior approval of the State Public Works Board, payable from that portion of the regent's reserve account which consists of funds received from the sale of the Richmond Service and Storage Facility, for expenditure as set forth in the following schedule ..... (1,231,000)

Schedule:

San Francisco—Health Sciences:

| ITEM | | AMOUNT |
|---|---|---|
| | (1) Working drawings, construct and equip relocation of UCSF activities from Richmond Service and Storage Facility to Oyster Point, phase II ..... 325,000 | |
| | Universitywide: | |
| | (2) Construct northern regional library compact shelving facility .... 906,000 | |
| 557—For capital outlay, Hastings College of Law, subject to the prior approval of the State Public Works Board; payable from the Capital Outlay Fund for Public Higher Education, provided, that withdrawals shall be as required to meet current obligations as certified by Hastings College..... | | 697,100 |
| | Schedule: | |
| | (1) Construct alterations to existing building ..... 612,000 | |
| | (2) Equip alterations to existing building ..... 60,000 | |
| | (3) Equip academic facilities building, phase II ..... 25,100 | |
| | Provided, that notwithstanding the provisions of Section 2.2 of this act, the appropriations made in this item for equipment items shall be available for expenditure only during the 1980–81 and 1981–82 fiscal years. | |
| 557.1—For capital outlay, Hastings College of the Law, subject to the prior approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, provided that withdrawals shall be as required to meet current obligations as certified by Hastings College..... | | 1,052,684 |
| | Schedule: | |
| | (1) Land acquisition at 200 McAlister Street, San Francisco ..... 1,052,684 | |
| | provided, that no expenditure shall be made pursuant to this item sooner than 30 days after notification in writing of the necessity therefor by the Director of Finance to the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of the committee, or his or her designee, may in each instance determine. | |
| 558—For capital outlay, Trustees of the California State University and Colleges, subject to the prior approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, provided, that withdrawals shall be as | | |

| ITEM | | AMOUNT |
|---|---|---|
| required to meet current obligations as certified by the Trustees of the California State University and Colleges | | 9,951,500 |
| Schedule: | | |
| Statewide—Trustees of the California State University and Colleges: | | |
| (1) Architectural and engineering planning and studies | 150,000 | |
| (2) Preliminary planning—1981–82 projects | 125,000 | |
| provided, that the funds appropriated in this subitem shall be released only for those major capital outlay projects for working drawings or working drawings and construction, which are anticipated to be included in the 1981–82 Governor's Budget, except that a maximum of $30,000 shall be available for expenditure on July 1, 1980, for utility and site development of major capital outlay projects. | | |
| State University, Hayward: | | |
| (3) Working drawings for modifications to administration building to meet safety code requirements | 11,000 | |
| San Jose State University: | | |
| (4) Working drawings to modify existing elevators to meet safety code requirements | 19,000 | |
| San Francisco State University: | | |
| (5) Working drawings and construct modifications existing elevators to meet safety code requirements | 348,000 | |
| State University, Fullerton: | | |
| (6) Working drawings and construct modifications to flammable storage areas in the science building to meet fire marshal requirements | 148,000 | |
| State University, Long Beach: | | |
| (7) Working drawings for modifications to the science building to meet safety code requirements | 42,000 | |
| State University, Fullerton: | | |

| ITEM | | AMOUNT |
|---|---|---|
| (8) | Working drawings and construct elevator seismic safety | 365,000 |
| | State University, Long Beach: | |
| (9) | Working drawings and construct underground electrical distribution system | 1,048,000 |
| | State University, Fullerton: | |
| (10) | Equip science basement conversion | 27,700 |
| | Polytechnic State University, San Luis Obispo: | |
| (11) | Equip Robert E. Kennedy library | 1,231,800 |
| (12) | Equip convert science III | 325,000 |
| | State Polytechnic University, Pomona: | |
| (13) | Preliminary plans and working drawings for faculty office building | 165,000 |
| | San Diego State University: | |
| (14) | Construct old library addition conversion | 2,918,000 |
| | San Francisco State University: | |
| (15) | Construct relocate computer center to old administration building | 219,000 |
| | State University, Fullerton: | |
| (16) | Preliminary plans and working drawings for library conversion | 86,000 |
| | State University, Los Angeles: | |
| (17) | Working drawings and construct computer facility | 505,000 |
| | State University, Chico: | |
| (18) | Equip laboratory school conversion | 135,000 |
| | State University, Northridge: | |
| (19) | Preliminary plans and working drawings for faculty office addition | 129,000 |

| ITEM | | AMOUNT |
|---|---|---|
| (20) Construct art and design center | 1,785,000 | |
| San Francisco State University: | | |
| (21) Preliminary plans and working drawings for science building conversion | 69,000 | |
| Polytechnic State University, San Luis Obispo: | | |
| (22) Preliminary plans and working drawings for library conversion | 100,000 | |

Provided further, that notwithstanding the provisions of Section 2.2 of this act, the appropriations made in this item for equipment items shall be available for expenditure only during the 1980–81 and 1981–82 fiscal years.

558.1—For capital outlay, Trustees of the California State University and Colleges, subject to the prior approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, provided, that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State University and Colleges, in accordance with the following schedule ..... 4,143,000

Schedule:

| | |
|---|---|
| Statewide—Trustees of the California State University and Colleges, construct modifications to fume hoods to meet safety code requirements: | |
| (1) State University, Chico | 295,649 |
| (2) State University, Fresno | 240,093 |
| (3) State University, Hayward | 164,918 |
| (4) Humboldt State University | 164,274 |
| (5) State University, Long Beach | 291,894 |
| (6) State University, Northridge | 247,623 |
| (7) State University, Sacramento | 309,346 |
| (8) State College, San Bernardino | 119,842 |
| (9) San Diego State University | 396,504 |
| (10) San Jose State University | 318,857 |
| State University, Fresno: | |
| (12) Construct and equip library III remodel | 550,000 |
| Sonoma State University: | |

| ITEM | | AMOUNT |
|---|---|---|
| | (14) Preliminary plans, working drawings, and construct aquatic facility | 434,000 |

provided, that the funds in this category may be augmented by nonstate funds or in-kind services for the purpose of constructing a swimming pool in excess of 25 yards in length in such aquatic facility.

Provided further, that absent augmentations from nonstate funds and in-kind services for such purpose, a swimming pool in excess of 25 yards in length may not be constructed in such facility.

| | | |
|---|---|---|
| | State College, Bakersfield: | |
| | (15) Preliminary plans, working drawings, and construct aquatic facility | 434,000 |

provided, that the funds in this category may be augmented by nonstate funds or in-kind services for the purpose of constructing a swimming pool in excess of 25 yards in length in such aquatic facility.

Provided further, that absent augmentations from nonstate funds and in-kind services for such purpose, a swimming pool in excess of 25 yards in length may not be constructed in such facility.

| | | |
|---|---|---|
| | Statewide—Trustees of the California State University and Colleges: | |
| | (16) Preliminary plans and working drawings for Moss Landing Marine Laboratories I | 130,000 |
| | State University, Fresno: | |
| | (17) Preliminary plans and working drawings for dairy unit relocation | 46,000 |
| 559 | —For capital outlay, Trustees of the California State University and Colleges, subject to the prior approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education in accordance with the following schedule | 1,302,000 |
| | Schedule: | |
| | Preliminary plans, working drawings, construct and equipment to remove architectural barriers to the handicapped | |
| | (1) State University, Chico | 90,100 |
| | (2) State University, Dominguez Hills | 11,500 |

| ITEM | | AMOUNT |
|---|---|---|
| | (3) State University, Fullerton ..... 151,000 | |
| | (4) State University, Hayward ..... 3,500 | |
| | (5) State University, Long Beach..... 586,000 | |
| | (6) State University, Los Angeles..... 172,500 | |
| | (7) State University, Northridge ..... 71,500 | |
| | (8) State University, Sacramento ..... 16,200 | |
| | (9) State College, San Bernardino..... 18,700 | |
| | (10) San Diego State University..... 52,000 | |
| | (11) San Francisco State University .. 22,800 | |
| | (12) Polytechnic State University, San Luis Obispo..... 95,200 | |
| | (13) Sonoma State University ..... 11,000 | |
| | Provided, that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State University and Colleges. | |
| 560 | —For capital outlay, Trustees of the California State University and Colleges, minor projects to be allocated to the California State University and Colleges, payable from the Capital Outlay Fund for Public Higher Education..... | 3,500,000 |
| 561 | —For capital outlay, Trustees of the California State University and Colleges, subject to the prior approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, provided, that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State University and Colleges, in accordance with the following schedule..... | 1,220,000 |
| | Schedule: | |
| | Statewide—Trustees of the California State University and Colleges: | |
| | (1) Preliminary plans, working drawings and construct energy conservation retrofits ..... 695,000 | |
| | (3) Preliminary plans for federal energy conservation project proposals 25,000 | |
| | provided, that funds from this category shall be allocated by the Department of Finance only for specific proposals submitted by the chancellor's office and approved by the Department of Finance. | |
| | State University, Northridge: | |

| ITEM | | AMOUNT |
|---|---|---|
| (4) Preliminary plans and working drawings for an energy management system | 25,000 | |
| San Diego State University: | | |
| (5) Preliminary plans and working drawings for a cogeneration plant | 170,000 | |
| State University, Dominquez Hills: | | |
| (6) Preliminary plans, working drawings and construct modification to the central plant boiler and chillers; extend utilities to the small college | 305,000 | |
| 562—For capital outlay, Board of Governors of the California Community Colleges, to be allocated, subject to the prior approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to community college districts for expenditure by such districts, as set forth in the schedule below, payable from the Capital Outlay Fund for Public Higher Education | | 6,477,900 |
| Schedule: | | |
| Sweetwater Community College District, Southwestern College: | | |
| (1) Equip Life Science Building | 86,300 | |
| Kern Community College District, Porterville College: | | |
| (2) Equip remodel existing buildings | 16,500 | |
| Santa Monica Community College District, Santa Monica College: | | |
| (3) Working drawings and construct remodel old library, student activities, and science basement | 1,381,700 | |
| (4) Working drawings and construct remodel vocational buildings | 320,000 | |
| Sonoma County Junior College District, Santa Rosa Junior College: | | |
| (4.2) Working drawings and construct Burbank remodeling | 441,000 | |

| ITEM | | AMOUNT |
|---|---|---|
| | College of the Sequoias Community College District, College of the Sequoias: | |
| | (4.3) Working drawings, construct, and equip agriculture laboratories and offices | 179,600 |
| | Long Beach Community College District, Long Beach City College: | |
| | (6) Working drawings and construct library addition | 1,941,000 |
| | Palomar Community College District, Palomar College: | |
| | (7) Construct library building | 2,111,800 |

Provided that notwithstanding the provisions of Section 2.2 of this act, the appropriations made in this item for equipment items shall be available for expenditure only during the 1980–81 and 1981–82 fiscal years.

Provided further, that districts eligible to receive funds appropriated by this item agree to limit participation in the specified projects to their proportionate share based on the state's approved participation, unless, prior to approval by the state Public Works Board, the Board of Governors submits to the Department of Finance, for approval, and provides the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or his or her designee, 30 days, or such lesser time as the chairman or his or her designee may in each instance determine, to review a request to expend additional district funds; provided further, that this restriction shall apply only to state-supported projects as defined under Section 81802 of the Education Code.

563—For capital outlay, Board of Governors of the California Community Colleges, to be allocated, subject to the prior approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to community college districts for expenditure by such districts, as set forth in the schedule below, payable from the Capital Outlay Fund for Public Higher Education ..... 925,700

Schedule:

| ITEM | | AMOUNT |
|---|---|---|
| | Working drawings and construct removal of architectural barriers to the physically handicapped: | |
| (1) | Pasadena Community College District, Pasadena City College.... | 24,100 |
| (2) | Butte Community College District, Butte College ..... | 18,600 |
| (3) | San Jose Community College District, Evergreen Valley College.... | 19,600 |
| (4) | Riverside Community College District, Riverside City College.... | 32,300 |
| (5) | San Diego Community College District, San Diego Mesa College | 53,700 |
| (6) | State Center Community College District, Reedley College ..... | 15,700 |
| (7) | Peralta Community College District, Feather River College ..... | 194,800 |
| (8) | Solano County Community College District, Solano College ..... | 38,400 |
| (9) | Lassen Community College District, Lassen College ..... | 257,800 |
| (10) | State Center Community College District, Fresno City College | 11,800 |
| (11) | Sonoma County Junior College District, Santa Rosa Junior College | 45,800 |
| (12) | Gavilan Community College District, Gavilan College ..... | 8,100 |
| (13) | College of the Sequoias Community College District, College of the Sequoias ..... | 66,100 |
| (14) | Citrus Community College District, Citrus College ..... | 81,700 |
| (15) | Yuba Community College District, Yuba College ..... | 28,000 |
| (16) | San Bernardino Community College District, San Bernardino Valley College ..... | 29,100 |

YOUTH AND ADULT CORRECTIONAL AGENCY

| | | |
|---|---|---|
| 566—For capital outlay, Department of Corrections.... | | 4,823,231 |
| Schedule: | | |
| | California Correctional Institution: | |
| (a) | Construct food storage warehouse —preliminary plans, working drawings, and construction..... | 145,800 |

| ITEM | | AMOUNT |
|---|---|---|
| | Correctional Training Facility: | |
| (b) | Remodel sewage plant—construction | 300,000 |
| (c) | Acquisition of land for sewage ponds | 66,000 |
| | Deuel Vocational Institution: | |
| (f) | Construct sewage treatment modifications—preliminary plans, working drawings, and construction | 150,100 |

provided, that the funds appropriated pursuant to this category shall be reimbursed through rental charges from correctional industries.

| | | |
|---|---|---|
| | California State Prison at Folsom: | |
| (g) | Replace waterlines and kitchen waste lines: hospital buildings and administration building—construction | 792,800 |
| | California Institution for Men: | |
| (h) | Remodel sewage plant—construction | 286,000 |

provided, that the funds appropriated pursuant to this category shall be allocated by the State Public Works Board only for the project scope as approved for grant funding under the step I facilities plan.

| | | |
|---|---|---|
| | California Medical Facility: | |
| (i) | Join sewage plant with City of Vacaville | 631,000 |
| (j) | Replace primary electrical system and switch gear—construction | 694,245 |
| | California Men's Colony: | |
| (k) | Rehabilitate sewage system—preliminary plans, working drawings, and construction | 184,000 |
| | San Quentin State Prison: | |
| (n) | Waste water treatment facilities—construction | 600,000 |

| ITEM | | AMOUNT |
|---|---|---|
| | provided, that the funds appropriated pursuant to this category shall be allocated by the State Public Works Board only for the project scope as approved for grant funding under the step I facilities plan. | |
| | California Institution for Women: | |
| | (q) Replace boiler controls—preliminary plans, working drawings, and construction ..... 287,400 | |
| | California Rehabilitation Center: | |
| | (r) Replace two elevators—administration building—construction ..... 150,000 | |
| | (u) Minor capital outlay ..... 535,886 | |
| 566.1 | —For capital outlay, Department of Corrections, for preliminary plans and working drawings and to construct sewage treatment plant upgrade at the California Rehabilitation Center, Corona ..... provided, that 30 days prior to requesting State Public Works Board approval of construction funds, the Director of Corrections shall submit to the Chairman of the Joint Legislative Budget Committee and the chairmen of the committees in each house which consider appropriations: (1) an executed agreement amending the current sewage treatment contract for this institution which gives consideration to the current replacement value of the state's assigned capacity in the regional plant, plus the state's required investment to upgrade the California Rehabilitation Center plant, (2) a plan relative to future financial participation of any local governmental entity if this plant is expanded to treat flows from any source other than the California Rehabilitation Center, and (3) a cost/benefit analysis of operating the upgraded plant with departmental personnel rather than by contract with local government. | 785,000 |
| 567 | —For capital outlay, Department of Corrections, for construction of new facilities statewide..... Schedule: | 20,970,071 |
| | (a) Mira Loma—for renovation and equipment, provided that funds may be transferred to Item 393 for support costs ..... 2,400,000 | |

| ITEM | | AMOUNT |
|---|---|---|
| | (b) Correctional Training Facility—North—to correct security deficiencies, preliminary plans and working drawings | 230,071 |
| | (c) California Rehabilitation Center—to correct fire and life safety deficiencies, preliminary plans and working drawings | 80,000 |
| | (d) California Rehabilitation Center—to transfer support operations due to closure of building 107 | 360,000 |
| | (e) Various—for acquisition and installation of 1,280 prefabricated housing units provided that the department shall provide the Chairman of the Joint Legislative Budget Committee and the chairmen of the fiscal committees with the information on anticipated costs of these facilities for their review, at least 30 days prior to advertising for bids | 9,000,000 |
| | (f) Southern Maximum Security Complex—preliminary plans and working drawings | 4,900,000 |
| | (g) Conservation Camps A and B in Los Angeles County and Conservation Camp C in San Diego County—preliminary plans, working drawings, construction, and operating costs | 4,000,000 |

provided that no funds shall be released for expenditure by the Public Works Board until the master plan has been approved by the Legislature.

Provided further, that upon order of the Director of Finance funds may be transferred to the support appropriation for the Correctional Industries Revolving Fund to provide funds for various project work to be performed by Correctional Industries.

Provided further, that an amount not to exceed $1,500,000 shall be available for transfer from category (g) to Item 393 to be expended for the purpose of operating two conservation camps in Los Angeles County; however, the plan for expenditure of these funds shall be subject to the reporting requirements provided pursuant to Section 28.

| ITEM | | AMOUNT |
|---|---|---|
| | Provided further, that at least 30 days prior to State Public Works Board approval of any capital outlay funds appropriated pursuant to category (g), the Department of Corrections shall submit to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee a report detailing the anticipated capital outlay and support costs for development and operation of the proposed new camp facilities. | |
| | Provided further, that expenditure limitations imposed by Section 2.2 of this act shall not apply, and that this appropriation shall be available for expenditure during the 1980–81, 1981–82, and 1982–83 fiscal years. | |
| 567.1—For minor capital outlay, Youthful Offender Parole Board | | 15,000 |
| 568—For capital outlay, Department of the Youth Authority | | 1,884,225 |
| Schedule: | | |
| Southern Reception Center-Clinic: | | |
| (a) Upgrade security sound system—construction | 304,400 | |
| Preston School of Industry: | | |
| (b) Upgrade security sound system—construction | 74,900 | |
| Northern Reception Center-Clinic: | | |
| (c) Upgrade security sound system—construction | 347,100 | |
| Fred C. Nelles School: | | |
| (d) Upgrade security sound system—construction | 273,900 | |
| NCYC Central, O.H. Close and DeWitt Nelson: | | |
| (e) Upgrade security sound system—preliminary plans and working drawings | 61,000 | |
| Karl Holton School: | | |
| (f) Upgrade security sound system—working drawings and construction | 409,725 | |

| ITEM | | AMOUNT |
|---|---|---|
| (g) Minor capital outlay | 413,200 | |

GENERAL GOVERNMENT

| | | |
|---|---|---|
| 569—For capital outlay, Department of Food and Agriculture | | 528,556 |
| (a) Working drawings and construction—Long Valley Inspection Station | 390,000 | |
| (b) Planning funds—Truckee Inspection Station, phase II | 61,721 | |
| (c) Phase I augmentation—Truckee Inspection Station | 76,835 | |
| 569.5—For minor capital outlay, Department of Industrial Relations | | 20,000 |
| 570—For capital outlay, Military Department | | 113,000 |
| Schedule: | | |
| (a) Project planning, working drawings and supervision of construction financed from federal funds | 82,000 | |
| (b) Minor capital outlay | 31,000 | |
| (c) Federal funds per Section 8.7 | (1,815,000) | |

provided, that none of the funds appropriated by this item for architectural planning shall be encumbered for any project unless the Military Department has secured adequate written assurance, as determined by the Department of Finance, from the federal government that the construction phase of the project will be funded by federal funds.

Unallocated

| | | |
|---|---|---|
| 571—For project planning, to be allocated by the Department of Finance, to state agencies | | 300,000 |

provided, that the amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.

| | | |
|---|---|---|
| 572—For augmentation of, and in accordance with the provisions of Section 16409 of the Government Code | | 8,500,000 |

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1964 PROGRAM

SEC. 2.5. The following sums of money, or so much thereof, as may be necessary, unless otherwise provided herein, are hereby

ITEM AMOUNT

appropriated for expenditure during the 1980–81, 1981–82, and 1982–83 fiscal years. Appropriations for studies, planning, and working drawings shall be available for expenditure only during the 1980–81 fiscal year. All such appropriations, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund of 1964.

573—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivision (b) of Section 5096.15 of the Public Resources Code, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1964 ..... 1,023,240

Schedule:

(a) Design and construction planning 23,240

(b) Relocation assistance ..... 1,000,000

Reappropriation

574—Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes (and subject to the limitations) provided in such appropriations (and any reappropriations), and shall be available for expenditure until June 30, 1981:

(d) Section 2.5A, Item 403.1A, Budget Act of 1976 as added by Chapter 1325, Statutes of 1976. Acquisition and development of South County Park, County of San Joaquin, for the state park system.

(e) Item 403.1J(a), Budget Act of 1976 as added by Chapter 1379, Statutes of 1976
Delta Meadows, land acquisition

(f) Item 428(c), Budget Act of 1977 San Onofre SB—day use, overnight, administrative facilities construction

ITEM AMOUNT

Reversion

575—As of June 30, 1980, the unencumbered balance of the appropriations made in the following items shall revert to the unappropriated balance of the State Beach, Park, Recreational, and Historical Facilities Fund of 1964.

(a) Item 403(c), Budget Act of 1976, Old Sacramento State Historic Park, fencing construction and rail relocation

(b) Item 362(a), Budget Act of 1965, land acquisition

(c) Item 423(t), Budget Act of 1966, Santa Monica Mountains—land acquisition

(d) Item 367(e), Budget Act of 1973, relocation costs

## RECREATION AND FISH AND WILDLIFE ENHANCEMENT BOND ACT PROGRAM

SEC. 2.6. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1980–81, 1981–82 and 1982–83 fiscal years for expenditure only for programs contemplated by the Recreation and Fish and Wildlife Enhancement Bond Act, except that appropriations for studies, planning, working drawings and minor capital outlay shall be available for expenditure only during the 1980–81 fiscal year. All such appropriations shall be paid out of the Recreation and Fish and Wildlife Enhancement Fund.

## CAPITAL OUTLAY

### RESOURCES

Reappropriation

576—Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes (and subject to the limitations) provided in such appropriations (and any reappropriations), and shall be available for expenditure until June 30, 1981.

(a) Item 405(a), Budget Act of 1974
Bethany Reservoir—tree planting

ITEM AMOUNT

(c) Item 383(a), Budget Act of 1975 Silverwood Lake State Recreation Area bicycle and hiking trails

(d) Item 433(b), Budget Act of 1977 Silverwood Lake SRA—campground and access road, working drawings and construction

Reversion

577—As of June 30, 1980, the unencumbered balance of the appropriations made by the following items shall revert to the unappropriated balance of the Recreation and Fish and Wildlife Enhancement Fund.

(a) Item 327(g), Budget Act of 1972 Sawpit Canyon Area—for development

(b) Item 375(c), Budget Act of 1973 Silverwood Lake, West Fork and Mesa Areas—for development

(c) Item 405(h), Budget Act of 1974 Silverwood Lake State Recreation Area, for development

(d) Item 433(a), Budget Act of 1977 Lake Oroville SRA—Lime Saddle day use construction

(e) Item 498(a), Budget Act of 1979 Design and construction planning

(aa) Item 405(f), Budget Act of 1974 Ritter Canyon—for development

## STATE BEACH, PARK, RECREATIONAL, HISTORICAL FACILITIES BOND ACT OF 1974 PROGRAM

SEC. 2.8. The following sums of money, or so much thereof as may be necessary, unless otherwise provided herein, are hereby appropriated for expenditure during the 1980–81, 1981–82, and 1982–83 fiscal years. Appropriations for studies, planning, and working drawings shall be available for expenditure only during the 1980–81 fiscal year. All such appropriations shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

CAPITAL OUTLAY

RESOURCES

| ITEM | | AMOUNT |
|---|---|---|
| 578—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b), (c), and (e) of Section 5096.85 of the Public Resources Code, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 | | 14,636,467 |
| Schedule: | | |
| (a) Design and construction planning | 1,142,993 | |
| (b) Angel Island—sewer construction | 881,269 | |
| (c) Angel Island, day use—working drawings | 79,800 | |
| (d) Bale Grist Mill SHP—entry and parking, working drawings | 43,900 | |
| (e) Bodie SHP—stabilization | 339,950 | |
| (f) Clear Lake SP—campground construction | 948,475 | |
| (g) Columbia SHP—restoration phase I | 493,866 | |
| (h) Folsom Lake SRA—Beals Point Campground and day use, working drawings | 156,100 | |
| (i) Fort Ross State Historic Park—Historic Fur Barn, preliminary plans and working drawings | 62,750 | |
| (j) Humboldt Redwoods State Park—sewer, working drawings and construction | 496,300 | |
| (k) Malibu Creek State Park—campground, working drawings | 210,420 | |
| (*l*) Old Sacramento SHP—49 scene site development | 524,100 | |
| (m) Clean Water Grant—state reimbursement | −80,625 | |
| (n) Clean Water Grant—federal reimbursement | −483,750 | |
| (o) Augmentation for land acquisition, condemnation proceedings for State Beach, Park, Recreational, and Historical Facilities Fund of 1974 projects | 7,000,000 | |

provided, that notwithstanding any other provision of law, including Section 8 of this act, the State Public Works Board may, upon evidence of a court award or stipulated judgment and not sooner than 30 days after notification in writing to the chairperson of the committee in each house which considers appropriations, the chairpersons of the respective fiscal subcommittees, and the

| ITEM | | AMOUNT |
|---|---|---|
| | Chairperson of the Joint Legislative Budget Committee, or not sooner than such lesser time as the Chairperson of the Joint Committee, or his or her designee may in each instance determine, augment a Department of Parks and Recreation land acquisition project up to the amount necessary to satisfy the court award or stipulated judgment and any associated administrative or legal costs. | |
| | (p) Relocation assistance ..... | 140,000 |
| | (q) Century Ranch, Malibu Creek State Park—reimbursement of General Fund expenditures pursuant to Chapter 1174, Statutes of 1973 and Item 379(c), Budget Act of 1973 ..... | 1,000,000 |
| | (r) Railroad Museum—exhibit development and restoration ..... | 1,680,919 |
| | Reappropriation | |
| 578.1 | —For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b), (c), and (e) of Section 5096.85 of the Public Resources Code, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 ..... | 1,500,000 |
| | Schedule: | |
| | (a) Railtown 1897—acquisition ..... 1,500,000 | |
| | provided, that funds appropriated for category (a) shall not be encumbered for the acquisition of "Railtown 1897" in Tuolumne County, which consists of 24 acres of land, several historic buildings and yard trackage, unless (1) the state has first received a donation of railroad rolling stock, locomotives, and equipment, as identified in a report to the Legislature from the Sierra Railroad Company entitled "Inventory of Railroad equipment to be donated to the State of California by the Sierra Railroad Company", dated July 15, 1980, and (2) the owner of the connecting railline between Oakdale and Sonora grants the state the perpetual use of such a right-of-way free of charge for scheduled excursion trains, charter trains, and special trains. | |

ITEM AMOUNT

Provided further, that the department shall make every effort to contract with a concessionaire to operate excursion trains from "Railtown 1897" to Sonora and Oakdale in the event the excursion business is continued.

Provided further, that in respect to the donation of railroad rolling stock, locomotives, and equipment to the state, it is the understanding of the Legislature that the gift deed shall permit the transfer of railroad rolling stock, locomotives, and equipment between "Railtown 1897" and the California State Railroad History Museum in Sacramento.

5579—Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes (and subject to the limitations) provided in such appropriations (and any reappropriations), and shall be available for expenditure until June 30, 1981:

(a) Department of Parks and Recreation:

(2) Item 379(c), Budget Act of 1973
Century Ranch, land acquisition

provided, that no later than September 15, 1980, the Controller shall transfer the $5,700,000 reappropriated by this subitem to the General Fund to reimburse the $5,700,000 General Fund loan made pursuant to Chapter 1174, Statutes of 1973, and Item 379(c), Budget Act of 1973.

(3) Section 9.3(a), Chapter 1064, Statutes of 1973
Burton Creek Area, land acquisition

(7) Item 410.7B(w), Budget Act of 1974 as added by Chapter 1484, Statutes of 1974
Anza-Borrego Desert State Park, Coyote Canyon, land acquisition

(8) Item 410.7B(aa), Budget Act of 1974 as added by Chapter 1484, Statutes of 1974
Bodie State Historic Park, land acquisition

| ITEM | | AMOUNT |
|---|---|---|
| (9) | Item 410.7B(cc), Budget Act of 1974 as added by Chapter 1484, Statutes of 1974<br>Big Basin Redwoods State Park, land acquisition | |
| (10) | Item 410.7B(ii), Budget Act of 1974 as added by Chapter 1484, Statutes of 1974<br>Carmel River Project, land acquisition | |
| (11) | Item 410.7B(jj), Budget Act of 1974 as added by Chapter 1484, Statutes of 1974<br>San Luis Island, land acquisition | |
| (12) | Item 410.3H(a), Chapter 1514, Statutes of 1974<br>Morro Bay State Park, approximately 710 acres adjacent to state-owned wetlands in the Morro Bay estuary, land acquisition | |
| (13) | Item 387.4(e), Budget Act of 1975<br>Col. Allensworth State Historic Park: restoration and reconstruction | |
| (14) | Item 387.4(j), Budget Act of 1975<br>Old Sacramento State Historic Park: Big Four Building | |
| (15) | Item 387.4(*l*), Budget Act of 1975<br>Sonoma State Historic Park: Barracks, construction | |
| (16) | Item 411(r), Budget Act of 1976<br>Ventura-Santa Barbara Counties: construct bikeway and hiking trail project | |
| (17) | Item 411(s), Budget Act of 1976<br>Cross-Marin Trail: construction | |

| ITEM | | AMOUNT |
|---|---|---|
| (18) | Item 411(v), Budget Act of 1976<br>Colonel Allensworth State Historic Park: restoration and development | |
| (19) | Item 411.2C(e), Budget Act of 1976 as added by Chapter 350, Statutes of 1976<br>Forest of Nisene Marks State Park, Hinkley Basin inholding, land acquisition | |
| (20) | Item 411.2C(i), Budget Act of 1976 as added by Chapter 350, Statutes of 1976<br>Marshall Gold Discovery State Historic Park, land acquisition | |
| (21) | Item 411.2C(*l*), Budget Act of 1976 as added by Chapter 350, Statutes of 1976<br>Marina Beach, land acquisition | |
| (22) | Item 411.2C(m), Budget Act of 1976 as added by Chapter 350, Statutes of 1976<br>Castle Rock State Park, proposed addition | |
| (24) | Item 411.1A(a), Budget Act of 1976 as added by Chapter 353, Statutes of 1976<br>Angel Island State Park—development | |
| (25) | Item 435(b), Budget Act of 1977<br>Bothe-Napa SHP—campground working drawings and construction | |
| (26) | Item 435(e), Budget Act of 1977<br>Emma Wood SB—camping and day use construction | |
| (27) | Item 435(g), Budget Act of 1977<br>Fort Ross SHP—Kuskov House restoration, interpretation, archaeology | |
| (28) | Item 435(j), Budget Act of 1977 | |

ITEM AMOUNT

Old Sacramento SHP—Railroad museum, working drawings and construction

(29) Item 435(m), Budget Act of 1977
San Onofre SB—day use, overnight, administrative facilities construction

(30) Item 435(p), Budget Act of 1977
Point Mugu SP—continuing development working drawings

(30.5) Item 435(q), Budget Act of 1977
Topanga State Park—trails, sanitary facilities, parking, working drawings and construction
provided, that the amount of this reappropriation shall not exceed $350,494

(31) Item 503(e), Budget Act of 1978
Old Sacramento, 49er scene —working drawings

(32) Item 500(c), Budget Act of 1979
Malibu Lagoon—working drawings

Reversions

580—As of June 30, 1980, the unencumbered balance of the appropriations made by the following items shall revert to the unappropriated balance of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

(0.5) Item 379(a), Budget Act of 1973
Stanford Home, land acquisition

(1) Item 379(g), Budget Act of 1973
Old Town San Diego, land acquisition

(2) Item 410.2(a), Budget Act of 1974
Lands located between Newport Beach and Laguna Beach for acquisition

(3) Item 410.7B(g), Budget Act of

| ITEM | AMOUNT |
|---|---|
| 1974 as added by Chapter 1484, Statutes of 1974<br>Pescadero State Beach, land acquisition | |
| (3.5) Item 410.7B(k), Budget Act of 1974 as added by Chapter 1484, Statutes of 1974<br>El Capitan State Beach, land acquisition | |
| (3.6) Item 410.7B(p), Budget Act of 1974 as added by Chapter 1484, Statutes of 1974<br>Santa Monica Mountains. Topanga Canyon, land acquisition | |
| (3.7) Item 410.7B(s), Budget Act of 1974 as added by Chapter 1484, Statutes of 1974<br>Mount Diablo State Park, land acquisition | |
| (4) Item 410.7B(u), Budget Act of 1974 as added by Chapter 1484, Statutes of 1974<br>Delta Channel Island Project, land acquisition | |
| (5) Item 410.7B(gg), Budget Act of 1974 as added by Chapter 1484, Statutes of 1974<br>Columbia State Historic Park, land acquisition | |
| (6) Item 410.7B(hh), Budget Act of 1974 as added by Chapter 1484, Statutes of 1974<br>Old Town San Diego State Park, land acquisition | |
| (7) Item 387.4(c), Budget Act of 1975<br>San Onofre State Beach: working drawings and hookup fees for sewage system and sanitary facilities | |
| (8) Item 411(e), Budget Act of 1976<br>Mendocino Headlands State Park: construct day use area | |
| (9) Item 411(h), Budget Act of 1976<br>New Brighton State Beach: construct sewer system | |
| (10) Item 411(n), Budget Act of 1976<br>San Onofre State Beach: construct sewage system | |

| ITEM | AMOUNT |
| --- | --- |
| (11) Item 411.2C(b), Budget Act of 1976 as added by Chapter 350, Statutes of 1976<br>Augmentation for land acquisition—condemnation | |
| (12) Item 411.2C(c), Budget Act of 1976 as added by Chapter 350, Statutes of 1976<br>Anza-Borrego Desert State Park, Culp Valley inholding, land acquisition | |
| (13) Item 411.2C(d), Budget Act of 1976 as added by Chapter 350, Statutes of 1976<br>Big Basin Redwoods State Park, East Waddell Gorge and Pine Mountain, land acquisition | |
| (14) Item 411.2C(f), Budget Act of 1976 as added by Chapter 350, Statutes of 1976<br>San Bruno Mountains, land acquisition | |

| ITEM | AMOUNT |
|---|---|
| (14.5) Item 411.2C(n), Budget Act of 1976 as added by Chapter 350, Statutes of 1976<br>Leo Carrillo SP, acquisition of Nicholas Flat, Santa Monica Mountains | |
| (15) Item 411.2C(o), Budget Act of 1976 as added by Chapter 350, Statutes of 1976<br>Clark Lake, land acquisition | |
| (16) Item 435(a), Budget Act of 1977<br>Bale Grist Mill SHP—grist mill restoration | |
| (17) Item 435(d), Budget Act of 1977<br>Columbia SHP, Fallon Hotel—working drawings and research | |
| (18) Item 435(m), Budget Act of 1977<br>San Onofre SB—day use, overnight, administrative facilities construction<br>Reversion should be limited to $1,300,000 of the unencumbered balance. | |
| (19) Item 435(q), Budget Act of 1977<br>Topanga SP—trails, sanitary facilities, parking, working drawings and construction<br>provided, that this reversion shall be limited by the provisions of category (30.5) of Item 579. | |
| (20) Item 435(r), Budget Act of 1977<br>Columbia SHP, Fallon Theater—research and working drawings | |
| (21) Item 435N(a), Budget Act of 1977 as added by Chapter 8, Statutes of 1978<br>Pan Pacific Park, acquisition | |
| (22) Item 503(j), Budget Act of 1978<br>Point Mugu SP—working drawings and construction<br>provided, that this reversion shall be limited to $2,300,000 of the unencumbered balance. | |

| ITEM | | AMOUNT |
|---|---|---|
| (23) | Item 500(a), Budget Act of 1979 Design and construction planning | |
| (24) | Item 500(b), Budget Act of 1979 Irvine Coast—acquisition | |

Local Assistance

Resources

581—For project review for purposes set forth in subdivision (a) of Section 5096.85 of the Public Resources Code, Department of Parks and Recreation, for expenditure during 1980–81 fiscal year, payable from the State Beach, Park, Recreational and Historical Facilities Fund of 1974 141,199

582—For grants to counties, cities, and districts, as defined in Section 5096.84, pursuant to subdivision (a) of Section 5096.85, of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund of 1974 ..... 3,583,128

Unless otherwise provided herein, funds appropriated for each of the local grant projects in this item are for acquisition, development, or both. Schedule:

| | |
|---|---|
| Projects in Alpine County | |
| (0.1) County of Alpine, Turtle Rock Park..... | 20,000 |
| (0.2) County of Alpine, Markleeville Park..... | 10,000 |
| Projects in Contra Costa County | |
| (1) City of Clayton, Mt. Diablo Community Park ..... | 3,954 |
| (2) County of Contra Costa, Montalvin Manor Park ..... | 64,500 |
| (3) County of Contra Costa, Monte Vista Community Park..... | 57,000 |
| (4) County of Contra Costa, Orinda Community Park..... | 63,500 |
| (5) City of San Pablo, Davis Park ..... | 9,470 |
| Projects in El Dorado County | |
| (6) City of Placerville, Bennett Park | 52,612 |
| Projects in Glenn County | |

| ITEM | AMOUNT |
|---|---|
| (6.1) City of Willows, Jensen Park..... | 30,000 |
| Projects in Humboldt County | |
| (7) City of Fortuna, Rohnerville and Newberg Roads Community Park | 33,679 |
| (8) County of Humboldt, Fields Landing Park ..... | 18,151 |
| Projects in Imperial County | |
| (9) City of Calipatria, Rademacher Park..... | 12,946 |
| (10) County of Imperial, Imperial County parks ..... | 159,435 |
| Projects in Inyo County | |
| (10.1) County of Inyo, county campgrounds ..... | 9,000 |
| Projects in Kern County | |
| (11) Southern Kern Unified School District recreation facilities ..... | 5,964 |
| (11.1) County of Kern, Buena Vista Aquatic Recreation Area ..... | 3,437 |
| Projects in Lassen County | |
| (12) City of Susanville, Memorial Park | 5,237 |
| (12.1) County of Lassen, Cowboy Joe Park..... | 7,500 |
| Projects in Los Angeles County | |
| (13) City of Bellflower, Caruthers Park..... | 15,000 |
| (14) City of Duarte, Duarte Park ..... | 1,258 |
| (15) City of Los Angeles, Leslie N. Shaw Park ..... | 430,596 |
| (16) City of Los Angeles, Rancho Cienega Sports Center..... | 209,365 |
| (17) County of Los Angeles, Nicholas Canyon County Beach ..... | 17,961 |
| (18) City of Long Beach, Shoreline Aquatic Park..... | 1,128,489 |
| (19) City of Lynwood, Lynwood City Park..... | 8,000 |
| (19.1) City of La Puente, La Puente Park..... | 10,000 |
| (19.2) County of Los Angeles, Agoura Area county parks..... | 10,000 |

| ITEM | AMOUNT |
|---|---|
| (19.3) City of Maywood, Maywood city parks | 10,000 |
| (19.4) City of South El Monte, South El Monte Park | 51,337 |
| Projects in Modoc County | |
| (19.5) County of Modoc, Modoc County Museum | 1,193 |
| Projects in Monterey County | |
| (20) City of Seaside, youth center | 9,779 |
| Projects in Napa County | |
| (21) Howell Mt. Elementary School District, Angwin Park | 34,400 |
| (22) City of St. Helena, Crane Avenue Park | 25,195 |
| Projects in Orange County | |
| (23) Capistrano Bay Park and Recreation District, Sunset Park | 50,000 |
| (24) County of Orange, Los Coyotes Regional Park | 62,500 |
| (25) County of Orange, O'Neill Regional Park | 200,000 |
| Projects in Riverside County | |
| (26) City of Riverside, Bryant Park | 18,000 |
| (27) County of Riverside, Lake Cahuilla | 14,556 |
| (28) County of Riverside, Gilman Ranch | 24,900 |
| Projects in Sacramento County | |
| (29) Arden Manor Recreation and Park District, Jonas Larkspur Park | 59 |
| Projects in San Bernardino County | |
| (30) County of San Bernardino, Lake Gregory Regional Park | 92,801 |
| Projects in San Diego County | |
| (31) County of San Diego, Lauderbach Park | 57,300 |
| Projects in San Mateo County | |
| (32) City of Brisbane, Brisbane Recreation Area | 416 |

| ITEM | AMOUNT |
|---|---|
| (33) Cabrillo Unified School District, Cabrillo Coastside Recreation Facilities | 576 |
| (34) City of Hillsborough, Hillsborough Soccer Facility | 32,700 |
| (35) La Honda-Pescadero Unified School District, Community Recreation Facilities | 70,572 |
| (36) City of Millbrae, Millbrae Parks | 77,300 |
| (37) City of San Bruno, San Bruno Park | 966 |
| (38) City of San Mateo, Joinville Park | 2,515 |
| (39) City of South San Francisco, Appian Way Park | 64,863 |
| Projects in Santa Cruz County | |
| (40) Boulder Creek Recreation and Park District, Boulder Creek Recreation Area | 13,888 |
| (41) City of Capitola, multisite recreation areas | 33,036 |
| (41.1) City of Belmont, Nesbit School Field | 4,152 |
| (41.2) City of Burlingame, Washington Park | 8,197 |
| Projects in Sonoma County | |
| (41.3) City of Petaluma, Lucchesi Community Park | 122,907 |
| Projects in Sutter County | |
| (42) County of Sutter, Garden Highway Park | 34,586 |
| Projects in Trinity County | |
| (43) County of Trinity, Hayfork Community Park | 18,700 |
| (44) County of Trinity, Lee Fong Park | 5,680 |
| Projects in Yolo County | |
| (45) East Yolo Community Services District, Meadowdale Park | 40,000 |
| Projects in Yuba County | |
| (46) County of Yuba, West Linda Park | 3,000 |

Reappropriation

ITEM AMOUNT

582.1—Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes (and subject to the limitations) provided in such appropriations (and any reappropriations), and shall be available for expenditure until June 30, 1981.

(a) Item 390(159), Budget Act of 1975, County of Napa, Skyline Park
(b) Item 390.2D(1), Budget Act of 1975, County of Amador, Pine Grove Park
(c) Item 390.2D(4), Budget Act of 1975, City of Plymouth, District Five Community Park
(d) Item 414(116), Budget Act of 1976, County of Orange, Palisades Beach
(e) Item 414(125), Budget Act of 1976, Tahoe City Public Utility District, Lake Forrest Little League
(f) Item 414(228), Budget Act of 1976, County of Ventura, Oakbrook Park
(g) Item 438(52.1), Budget Act of 1977, County of Merced, Lake Yosemite Park
(h) Item 438(58.2), Budget Act of 1977, County of Orange, Sunset Harbor phase II
(i) Item 438(86), Budget Act of 1977, City of Sebastopol, Ragle Ranch
(j) Item 438(90.5), Budget Act of 1977, County of Yolo, Meadowdale Park

Reversion

583—As of June 30, 1980, the unencumbered balance of the appropriation made by the following items shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund of 1974.

| ITEM | AMOUNT |
| --- | --- |
| (a) Item 412A(24) Budget Act of 1974 as added to by Chapter 1522, Statutes of 1974, County of Contra Costa, John Marsh Home, acquisition, development or both. | |
| (b) Item 412A(76) Budget Act of 1974 as added to by Chapter 1522, Statutes of 1974, City of Long Beach, Bluff Park beach front property, acquisition, development or both. | |
| (c) Item 412A(110) Budget Act of 1974 as added to by Chapter 1522, Statutes of 1974, City of Lynwood, John Hamm Park, acquisition, development or both. | |
| (d) Item 412A(206) Budget Act of 1974 as added to by Chapter 1522, Statutes of 1974, City of Riverside, Norte Vista High School Park, acquisition, development or both. | |
| (e) Item 412A(258) Budget Act of 1974 as added to by Chapter 1522, Statutes of 1974, County of San Bernardino, Morongo Park, acquisition, development or both. | |
| (f) Item 412A(296) Budget Act of 1974 as added to by Chapter 1522, Statutes of 1974, County of Sutter, Feather River Park, acquisition, development or both. | |
| (g) Item 390(37) Budget Act of 1975, City of San Pablo, Oak (Hillside) Park. | |
| (h) Item 390(168) Budget Act of 1975, Capistrano Bay Park and Recreation District, Elvado Park. | |
| (i) Item 390(177) Budget Act of 1975, Orange County Harbors, Beaches and Parks District, Fairview Regional Park. | |
| (j) Item 390(251) Budget Act of 1975, County of San Diego, Otay River Park. | |
| (k) Item 414(22) Budget Act of 1976, El Dorado Irrigation District, Weber Creek Recreation Area. | |

| ITEM | AMOUNT |
|---|---|
| (*l*) Item 414(34) Budget Act of 1976, City of Calipatria, South City Park. | |
| (m) Item 414(112) Budget Act of 1976, County of Orange, George Key Ranch Historical Area. | |
| (n) Item 414(148) Budget Act of 1976, County of San Bernardino, Baldwin Lake. | |
| (o) Item 414(169) Budget Act of 1976, City of Millbrae, Green Hills Park. | |
| (p) Item 438(39) Budget Act of 1977, City of Bellflower, Gymkhana. | |
| (q) Item 438(65) Budget Act of 1977, County of Riverside, Fish Traps Archaeological Site. | |
| (r) Item 438(90.6) Budget Act of 1977, County of Yolo, Sam Coombs Park. | |
| (s) Item 508(18) Budget Act of 1978, Southern Kern Unified School District, Rosamond High School Tennis Courts. | |
| (t) Item 508(29) Budget Act of 1978, City of Los Angeles, Ardmore Recreation Center. | |
| (u) Item 508(41.2) Budget Act of 1978, County of Riverside, Gilman Ranch acquisition. | |
| (v) Item 508(58) Budget Act of 1978, Boulder Creek Recreation and Park District, Boulder Creek tennis court. | |
| (w) Item 504(37) Budget Act of 1979, City of South San Francisco, Sign Hill Park. | |
| (x) Item 504(40) Budget Act of 1979, City of Capitola, Escalona Gulch. | |
| (aa) Item 412A(133) Budget Act of 1974, as added by Chapter 1522, Statutes of 1974, City of South El Monte, Community Center Expansion. | |
| (bb) Item 390(147) Budget Act of 1975, County of Modoc, Cressler-Bonner Trading Post. | |
| (cc) Item 414(194) Budget Act of 1976, City of Petaluma, McNear Peninsula Park. | |

| ITEM | | AMOUNT |
|---|---|---|
| (dd) Item 438(3) Budget Act of 1977, County of Alpine, Alpine County Rifle Range. | | |
| (ee) Item 438(11) Budget Act of 1977, County of Inyo, Diaz Lake. | | |
| (ff) Item 508(6) Budget Act of 1978, Elk Hills School District, Tupman Community Park. | | |
| (gg) Item 508(22) Budget Act of 1978, County of Lassen, Doyle Fire District Park. | | |
| (hh) Item 508(3.1) Budget Act of 1978, City of Willows, North Willows/Murdock Park. | | |

## NEJEDLY-HART STATE, URBAN, AND COASTAL PARK BOND ACT PROGRAM

SEC. 2.9. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1980–81, 1981–82, and 1982–83 fiscal years, unless otherwise provided herein, for the programs contemplated by Section 5096.124 of the Public Resources Code, except that appropriations for studies, planning and working drawings shall be available for expenditure only during the 1980–81 fiscal year. All such appropriations shall be paid out of the State, Urban, and Coastal Park Fund.

### CAPITAL OUTLAY

### RESOURCES

| | | |
|---|---|---|
| 534—For capital outlay, Department of Boating and Waterways, for purposes set forth in paragraph (3) of subdivision (e) of Section 5096.124 of the Public Resources Code, payable from the State, Urban, and Coastal Park Fund | | 784,480 |
| Schedule: | | |
| (a) Perris Lake | 535,700 | |
| provided, that none of the funds specified in this category may be encumbered unless and until an environmental impact report for the project has been certified as complete. | | |
| (b) Preliminary planning | 30,000 | |
| (c) Minor capital outlay | 218,780 | |
| provided, that upon receipt of any reimbursements applicable to any of the projects specified in this item from federal land and water conservation funds, such reimbursement shall be deposited | | |

| ITEM | | AMOUNT |
|---|---|---|
| | in the 1976 State, Urban, and Coastal Park Fund to the credit of the Department of Boating and Waterways. | |
| 585 | —For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b) and (c) of Section 5096.124 of the Public Resources Code, payable from the State, Urban, and Coastal Park Fund | 14,989,153 |
| | Schedule: | |
| | (a) Design and construction planning 885,474 | |
| | (b) Candlestick Point SRA—day use, construction 1,800,000 | |
| | (c) Castaic Lake SRA—working drawings and construction 1,490,350 | |
| | (d) China Camp State Park—working drawings and construction 704,922 | |
| | (e) Empire Mine SHP—water system, construction 683,335 | |
| | (f) Folsom Lake SRA—Beal's Point Campground and day use, working drawings 54,000 | |
| | (h) Pyramid Reservoir—campground and day use, working drawings and construction 594,350 | |
| | (j) Statewide Archaeology 254,722 | |
| | (k) Augmentation for land acquisition, condemnation proceedings for State, Urban, and Coastal Park Fund projects 3,000,000 | |
| | (*l*) Relocation Assistance 300,000 | |
| | (n) El Capitan State Beach—land acquisition 3,500,000 | |
| | (o) Woodland Opera House—development 325,000 | |
| | (p) Malibu Lagoon—restoration 1,300,000 | |
| | (q) California Dairy Museum—study 97,000 | |

ITEM AMOUNT

provided, that none of the funds appropriated for acquisition of parklands by this item shall be expended on the purchase of real property until the State Public Works Board has determined that the procedures and criteria established by the Attorney General relating to implied dedication and public prescriptive rights or claims have been complied with in the investigations and appraisals of the Department of General Services. All material relating to implied dedication and public prescriptive rights or claims shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

Provided further, that notwithstanding any other provision of law, including Section 8 of this act, the State Public Works Board may, upon evidence of a court award or stipulated judgment and not sooner than 30 days after notification in writing to the chairperson of the committee in each house which considers appropriations, the chairpersons of the respective fiscal subcommittees, and the Chairperson of the Joint Legislative Budget Committee, or not sooner than such lesser time as the Chairperson of the Joint Committee, or his or her designee may in each instance determine, augment a Department of Parks and Recreation land acquisition project up to the amount necessary to satisfy the court award or stipulated judgment and any associated administrative or legal costs.

Reappropriation

586—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes (and subject to the limitations) provided in such appropriations (and any reappropriations), and shall be available for expenditure until June 30, 1981:

(a) Wildlife Conservation Board:

(1) Item 441(a), Budget Act of 1977—project planning.

587—Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the

ITEM AMOUNT

following citations, are reappropriated for the purposes (and subject to the limitations) provided in such appropriation (and any reappropriations), and shall be available for expenditure until June 30, 1981:

(a) Department of Parks and Recreation:

(1) Item 443(g), Budget Act of 1977
Lighthouse Field—acquisition

(3) Item 443.2B(c), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977
El Capitan SB—acquisition

(4) Item 443.2B(d), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977
Garrapata Beach—acquisition

(5) Item 443.2B(e), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977
Gaviota SP—acquisition

(6) Item 443.2B(f), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977
Hunter's Lagoon—acquisition

(7) Item 443.2B(h), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977
Lakes Earl and Talawa—acquisition

(8) Item 443.2B(i), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977
McNee Ranch—acquisition

(9) Item 443.2B(j), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977
Ten-mile Dunes—acquisition

ITEM AMOUNT

(10) Item 443.2B(*l*), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977
Manresa SB—acquisition

(11) Item 443.2B(m), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977
Morro Bay SP—acquisition

(16) Item 512(c), Budget Act of 1978
Huntington SB—phase II working drawings

Reversion

588—As of June 30, 1980, the unencumbered balance of the appropriations made by the following items shall revert to the unappropriated balance of the State, Urban, and Coastal Park Fund:

(a) Department of Parks and Recreation:

(1) Item 443(h), Budget Act of 1977
Mount Diablo SP—acquisition

(1.5) Item 443(p), Budget Act of 1977
Topanga SP—acquisition

(2) Item 443(r), Budget Act of 1977
Irvine Coast—acquisition

(3) Item 443C(b), Budget Act of 1977 as added by Chapter 756, Statutes of 1977
Santa Susana Mountains—acquisition

(4) Item 443.2B(a), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977
Carpinteria SB—acquisition

(5) Item 443.2B(g), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977

| ITEM | | AMOUNT |
|---|---|---|
| | Pygmy Forest Ecological Staircase (Jughandle Creek)—augmentation of land acquisition | |
| (6) | Item 443.2B(k), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977 Malibu Bluff—acquisition | |
| (6.5) | Item 443.2B(n), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977 South Monterey Bay Dunes—acquisition | |
| (6.6) | Item 443.2B(p), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977 Fort Ross SHP extension—acquisition | |
| (6.7) | Item 443.2B(o), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977 Torrey Pines SR—acquisition | |
| (6.8) | Item 443.2B(q), Budget Act of 1977 as added by Chapter 1109, Statutes of 1977 Sonoma Coast SB extension (Willow Creek and Brown Ranch)—acquisition | |
| (7) | Item 512(i), Budget Act of 1978 Point Dume—acquisition as either a state reserve unit of the state park system or as a natural preserve addition to Point Dume State Beach and for the construction of adequate fencing and other development necessary to insure protection of the unit. provided, that this reversion is limited to $1,175,000. | |

| ITEM | | AMOUNT |
|---|---|---|
| | (7.5) Item 512(m), Budget Act of 1978 Oxnard Beach—acquisition | |
| | (8) Item 512(n), Budget Act of 1978 El Pescado Beach extension—acquisition | |
| | (9) Item 508(g), Budget Act of 1979 Design and construction planning | |

LOCAL ASSISTANCE

RESOURCES

| | | |
|---|---|---|
| 589—For project review for purposes set forth in subdivision (a) of Section 5096.124 of the Public Resources Code, Department of Parks and Recreation, for expenditure during the 1980–81 fiscal year, payable from the State, Urban, and Coastal Park Fund | | 290,236 |
| 590—For grants to counties, cities, and districts, as defined in Section 5096.123, pursuant to subdivision (a) of Section 5096.124, of the Public Resources Code, Department of Parks and Recreation, payable from the State, Urban, and Coastal Park Fund | | 6,451,931 |
| Unless otherwise provided herein, funds appropriated for each of the local grant projects in this item are for acquisition, development, or restoration, or any combination thereof. | | |
| Schedule: | | |
| Projects in Alameda County | | |
| (1) City of Fremont, Williams Historical Park | 59,929 | |
| Projects in Calaveras County | | |
| (2) Angels Camp Veterans Memorial District, district swimming pool | 10,000 | |
| Projects in Colusa County | | |
| (3) County of Colusa, Grimes Recreation Hall | 18,150 | |
| (4) County of Colusa, Pierce High School Recreation Area | 21,850 | |

| ITEM | AMOUNT |
|---|---|
| Projects in Contra Costa County | |
| (4.1) Pleasant Hill Recreation and Park District, Contra Costa Canal Trail | 31,450 |
| Projects in Del Norte County | |
| (4.2) County of Del Norte, Pyke Field | 27,500 |
| Projects in El Dorado County | |
| (5) El Dorado Irrigation District, Bennett Park | 42,451 |
| Projects in Fresno County | |
| (6) City of Reedley, Reedley City Parks | 42,784 |
| Projects in Humboldt County | |
| (7) City of Arcata, Pacific Union and Shay Parks | 53,380 |
| (8) City of Fortuna, Rohnerville and Newberg Roads Community Park | 39,250 |
| Projects in Imperial County | |
| (9) City of Calipatria, Rademacher Park | 10,933 |
| (10) County of Imperial, Imperial County parks | 66,645 |
| Projects in Inyo County | |
| (11) County of Inyo, Inyo Parks Development | 37,000 |
| Projects in Kern County | |
| (12) City of Delano, Heritage Historical/Jefferson/Ellington Parks | 55,237 |
| (13) County of Kern, Kern County golf courses | 54,356 |
| (13.1) County of Kern, Kern River County Park | 41,017 |
| Projects in Kings County | |
| (14) County of Kings, Armona School and Park | 22,200 |
| (15) County of Kings, Central Union School Park | 30,000 |
| (16) County of Kings, Corcoran Park | 27,500 |
| (17) County of Kings, Hanford/Island School Parks | 13,280 |

| ITEM | AMOUNT |
|---|---|
| (18) County of Kings, Pioneer/Lakeside/Kings River School Parks | 46,000 |
| Projects in Lassen County | |
| (18.1) County of Lassen, Janesville Park | 10,000 |
| (18.2) County of Lassen, William J. Tunison Park | 10,000 |
| Projects in Los Angeles County | |
| (19) City of Alhambra, Almansor Park | 144,802 |
| (20) City of Alhambra, Granada Park | 43,000 |
| (21) City of Glendale, Verdugo/San Rafael Mts., Urban Park | 420,155 |
| (22) City of Los Angeles, Panorama City Area Park | 200,000 |
| (23) County of Los Angeles, Pt. Vicente Ocean Vista Park | 212,800 |
| (24) City of Montebello, Grant Rae Park | 50,838 |
| (24.1) City of Rosemead, Rosemead Park | 47,900 |
| (25) City of San Fernando, Glenoaks Park | 47,030 |
| (25.1) City of El Monte, El Monte Park | 108,222 |
| (25.2) City of El Monte, Lambert Park/Wright School | 100,000 |
| (25.3) City of Huntington Park, Westside Park | 117,262 |
| (25.4) City of Inglewood, Darby Park | 53,000 |
| (25.5) City of Lynwood, Lindberg Park | 119,582 |
| (25.6) City of Pomona, Palomares Park | 69,775 |
| (25.7) City of Rancho Palos Verdes, Point Vicente Park | 116,334 |
| Projects in Marin County | |
| (26) Town of Corte Madera, Town Park | 21,232 |
| (27) Town of Fairfax, Fairfax recreation areas | 20,083 |
| (27.1) County of Marin, McInnis Park | 25,000 |
| Projects in Mendocino County | |
| (28) County of Mendocino, Potter Valley High Recreation Facilities | 20,000 |

| ITEM | AMOUNT |
|---|---|
| Projects in Mono County | |
| (29) County of Mono, Whitmore Hot Springs | 200,000 |
| Projects in Orange County | |
| (30) City of Fullerton, Rolling Hills Park | 105,496 |
| (31) City of Stanton, Stanton Park | 64,370 |
| (31.1) City of Anaheim, Santa Ana site II | 179,719 |
| Projects in Placer County | |
| (32) County of Placer, Griffith Quarry | 10,010 |
| (32.1) City of Colfax, Colfax City Park | 13,354 |
| Projects in Riverside County | |
| (33) City of Coachella, Bagdouma Park | 22,457 |
| (34) City of Indian Wells, Living Desert Reserve | 10,000 |
| (35) City of Indio, North Jackson Park | 62,877 |
| (36) County of Riverside, Cathedral City Community Park | 16,196 |
| (37) County of Riverside, Indio Hills Community Park | 10,000 |
| (38) County of Riverside, Lake Tamarisk | 10,000 |
| (38.1) West Riverside Memorial District, West Riverside Memorial District recreation facilities | 48,996 |
| Projects in Sacramento County | |
| (39) County of Sacramento, Arcohe School Park | 10,060 |
| (40) County of Sacramento, Cosumnes School Park | 10,600 |
| (41) County of Sacramento, Walnut Grove School Park | 10,000 |
| Projects in San Benito County | |
| (42) City of Hollister, Alvarado/McCray St. Neighborhood Park | 10,000 |
| (43) City of Hollister, Dunne Memorial Park | 43,000 |
| (44) City of Hollister, Vista Park Hill | 57,000 |
| Projects in San Bernardino County | |

| ITEM | AMOUNT |
|---|---|
| (45) City of Fontana, Jurupa Hills Park | 16,282 |
| (46) City of San Bernardino, North East Park (Serrano) | 80,626 |
| (47) City of San Bernardino, Patton Park | 80,000 |
| (48) City of San Bernardino, Shandin Hill Park | 80,000 |
| (49) City of San Bernardino, Perris Hill Park | 50,000 |
| (50) City of San Bernardino, Verdemont Park | 76,000 |
| (50.1) City of Needles, Jack Smith Memorial Park | 14,051 |
| (50.2) City of Chino, Chino Community Park | 95,264 |
| Projects in San Diego County | |
| (51) Lake Cuyamaca Recreation and Park District, Lake Cuyamaca Recreation Area | 50,000 |
| (51.1) City of Del Mar, Seagrove II and Del Mar Park Bluff improvements | 90,900 |
| Projects in San Joaquin County | |
| (52) City of Ripon, Manley-Ripona Park | 25,000 |
| Projects in San Mateo County | |
| (53) City of Menlo Park, Fremont School open-space easement | 91,857 |
| (54) City of South San Francisco, Appian Way Park | 172,184 |
| (54.1) City of Millbrae, Millbrae parks | 70,877 |
| (54.2) City of San Bruno, Commodore Park | 15,000 |
| Projects in Santa Barbara County | |
| (54.3) City of Santa Barbara, Harding School playground | 75,000 |
| (54.4) City of Santa Barbara, Cabrillo Beach | 47,447 |
| Projects in Santa Clara County | |
| (55) Town of Los Gatos, Worcester Park | 50,808 |
| (56) City of Santa Clara, Central Park | 30,088 |

| ITEM | AMOUNT |
|---|---|
| (56.1) County of Santa Clara, Sanborn-Skyline Park | 513,550 |
| Projects in Santa Cruz County | |
| (57) Boulder Creek Recreation and Park District, Boulder Creek Recreation Area | 25,244 |
| (58) City of Capitola, multisite recreation areas | 32,139 |
| (59) City of Santa Cruz, Trescony Park | 150,731 |
| Projects in Shasta County | |
| (60) County of Shasta, Hat Creek Park | 22,034 |
| Projects in Sierra County | |
| (61) Allegany County Water District, Allegany Recreation Park | 52,000 |
| Projects in Solano County | |
| (62) City of Vacaville, recreation center | 99,730 |
| Projects in Sonoma County | |
| (63) City of Petaluma, Lucchesi Community Park | 62,247 |
| Projects in Sutter County | |
| (64) County of Sutter, Garden Highway Park | 62,355 |
| (65) City of Yuba City, Yuba City Neighborhood Park | 65,820 |
| Projects in Trinity County | |
| (66) County of Trinity, Junction City Park | 17,000 |
| Projects in Tulare County | |
| (67) County of Tulare, Bartlett Park | 46,764 |
| (68) County of Tulare, Cutler Park | 36,850 |
| (69) County of Tulare, Mooney Grove Park | 52,800 |
| (70) County of Tulare, Pixley Park | 18,700 |
| (70.1) City of Visalia, Packwood Creek Park | 126,867 |
| Projects in Tuolumne County | |

| ITEM | | AMOUNT |
|---|---|---|
| (71) | Groveland Community Services District, Groveland Wayside Park | 40,000 |
| | Projects in Ventura County | |
| (72) | Pleasant Valley Recreation and Park District, Mission Oaks Park.. | 87,890 |
| (73) | City of Oxnard, Seaview Park .... | 125,764 |

Reappropriation

590.1—Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes (and subject to the limitations) provided in such appropriations (and any reappropriations), and shall be available for expenditure until June 30, 1981.

(a) Item 443.8(8), Budget Act of 1977, City of Fremont, Central Park

(b) Item 443.8(10), Budget Act of 1977, Marinwood Community Services District, Big Rock Ridge

(c) Item 443.8(44), Budget Act of 1977, East Bay Regional Park District, Briones-Las Trampas Trail

(d) Item 443.8(54), Budget Act of 1977, Tahoe City Public Utility District, Bicycle Trail phase 5

(e) Item 443.8(58), Budget Act of 1977, City of Firebaugh, Andrew Firebaugh Historical Park

(f) Item 443.8(90), Budget Act of 1977, County of Lassen, County Group Recreation Area

(g) Item 443.8(121), Budget Act of 1977, City of Hermosa Beach, Hermosa Beach recreation facilities

(h) Item 443.8(154), Budget Act of 1977, City of Los Angeles, Van Nuys Senior Citizen Center

| ITEM | AMOUNT |
| --- | --- |
| (i) Item 443.8(155), Budget Act of 1977, City of Los Angeles, Warner Ranch Park | |
| (j) Item 443.8(160), Budget Act of 1977, County of Los Angeles, Cabrillo Beach | |
| (k) Item 443.8(168), Budget Act of 1977, County of Los Angeles, Mariposa County Park | |
| (*l*) Item 443.8(172), Budget Act of 1977, County of Los Angeles, White Point Beach | |
| (m) Item 443.8(175), Budget Act of 1977, County of Los Angeles, Seven Beaches sanitary systems | |
| (n) Item 443.8(254), Budget Act of 1977, Tahoe City Public Utility District, Skylandia Regional Park | |
| (o) Item 443.8(321), Budget Act of 1977, City of San Diego, Mission Bay Park | |
| (p) Item 443.8(359), Budget Act of 1977, Cazadero Community Services District, Cazadero Park | |
| (q) Item 443.8(366), Budget Act of 1977, County of Sonoma, Ragle Ranch Regional Park | |
| (r) Item 443.8(367), Budget Act of 1977, County of Sonoma, Sonoma Valley Regional Park | |
| (s) Item 443.8(368), Budget Act of 1977, Valley of the Moon Park and Recreation District, Larson Park-Oak Knolls | |
| (t) Item 443.8(382), Budget Act of 1977, Weaverville-Douglas City Recreation District, Douglas City Community Park | |

ITEM AMOUNT

(u) Item 443.8(410), Budget Act of 1977, East Yolo Community Services District, East Yolo schools playfield development

Reversions

591—As of June 30, 1980, the unencumbered balance of the appropriations made by the following items shall revert to the unappropriated balance of the State, Urban, and Coastal Park Fund:

Department of Parks and Recreation:

(a) Item 443.8(8) Budget Act of 1977, City of Fremont, Central Park

(b) Item 443.8(52) Budget Act of 1977, El Dorado Irrigation District, Weber Creek Recreation Area

(c) Item 443.8(167) Budget Act of 1977, County of Los Angeles, Malibu beaches

(d) Item 443.8(174) Budget Act of 1977, County of Los Angeles, Will Rogers Beach

(e) Item 443.8(213) Budget Act of 1977, County of Mendocino, Manchester Historical School Preservation

(f) Item 443.8(296) Budget Act of 1977, City of Fontana, Community and Senior Center Park

(g) Item 443.8(348) Budget Act of 1977, City of Santa Clara, Fremont Park

(h) Item 443.8(392) Budget Act of 1977, County of Tulare, Bartlett Park

(i) Item 443.8G(4) Budget Act of 1977 as added to by Chapter 878, Statutes of 1977, Town of Corte Madera, Corte Madera Recreation Center

| ITEM | AMOUNT |
|---|---|
| (j) Item 518(74.1) Budget Act of 1978, City of Los Angeles, Canterbury Avenue Park | |
| (k) Item 518(229) Budget Act of 1978, Boulder Creek Recreation District, tennis courts | |
| (*l*) Item 518H(30) Budget Act of 1978 as added to by Chapter 114, Statutes of 1979, Town of Los Gatos, Oak Meadow Park | |
| (m) Item 513(24) Budget Act of 1979, City of Reedley, Smith's Ferry Park | |
| (n) Item 513(25) Budget Act of 1979, City of Reedley, Cricket Hollow Park | |
| (o) Item 513(98) Budget Act of 1979, City of Capitola, Escalona Gulch | |
| (aa) Item 443.8(299), Budget Act of 1977, City of Needles, Civic Center Ball Field | |
| (bb) Item 443.8(399), Budget Act of 1977, City of Visalia, Whitendale Park | |
| (cc) Item 443.8G(8), Budget Act of 1977, as added by Chapter 878, Statutes of 1977, County of Marin, Paradise Beach | |
| (dd) Item 443.8G(19), Budget Act of 1977, as added by Chapter 878, Statutes of 1977, City of Anaheim, Sycamore and Dale Gymnasiums | |
| (ee) Item 518(59), Budget Act of 1978, County of Lassen, Bieber Park | |
| (ff) Item 518(62), Budget Act of 1978, City of Inglewood, Centinela Park | |
| (gg) Item 518(64), Budget Act of 1978, City of Inglewood, 5 city parks | |
| (hh) Item 518(66), Budget Act of 1978, City of Inglewood, Rogers Park | |

| ITEM | AMOUNT |
|---|---|
| (ii) Item 518(70), Budget Act of 1978, City of Pomona, Ganesha Park | |
| (jj) Item 518(155.1), Budget Act of 1978, City of Colfax, Miles Community Park | |
| (kk) Item 518(183.1), Budget Act of 1978, City of Chino, Northside Neighborhood Park | |
| (*ll*) Item 518(221.3), Budget Act of 1978, City of Santa Barbara, Alameda Park | |
| (mm) Item 518(221.5), Budget Act of 1978, City of Santa Barbara, La Mesa Park | |
| (nn) Item 518H(11), Budget Act of 1978, as added by Chapter 114, Statutes of 1979, City of Pomona, Ganesha Park | |
| (oo) Item 518H(14), Budget Act of 1978, as added by Chapter 114, Statutes of 1979, City of Pomona, Washington Park | |
| (pp) Item 513(85), Budget Act of 1979, City of San Bruno, War Memorial Recreation Center | |
| (qq) Item 443.8(190), Budget Act of 1977, City of Rosemead, Zapopan Center | |
| (rr) Item 518H(16), Budget Act of 1978, as added by Chapter 114, Statutes of 1979, City of Rosemead, Zepopan, and Garvey Park | |

ITEM AMOUNT

## STATE COASTAL CONSERVANCY

SEC. 3. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1980–81, 1981–82 and 1982–83 fiscal years, unless otherwise provided herein, for the programs contemplated by Section 5096.125 and Division 21 (commencing with Section 31000) of the Public Resources Code, except that appropriations for support and planning shall be available for expenditure only during the 1980–81 fiscal year. All such appropriations shall be paid out of the State Coastal Conservancy.

### STATE OPERATIONS

### RESOURCES

592—For support, State Coastal Conservancy, for the purposes set forth in subdivision (f) of Section 5096.125 of the Public Resources Code, payable from the State Coastal Conservancy ..... 796,983
Schedule:
(a) Personal services ..... 408,054
(b) Operating expenses and equipment ..... 188,929
(c) Preproject feasibility planning..... 200,000

### CAPITAL OUTLAY

### RESOURCES

#### Reappropriation

593—For capital outlay, State Coastal Conservancy, payable from the State Coastal Conservancy, the undisbursed balance of Item 520.1 of Chapter 359, Statutes 1978, is hereby reappropriated for expenditure in the 1980–81 fiscal year.

Provided, that expenditures of funds for local assistance grants are exempt from State Public Works Board review.

ITEM AMOUNT

Provided, that no funds allocated to this item may be encumbered unless and until each project and the plan therefor is approved by the State Coastal Conservancy and, if required, is reviewed, approved, or certified by the California Coastal Commission pursuant to Section 31152, 31206, 31208, 31213, 31255, 31258, 31263, or 31304, or any combination thereof, of the Public Resources Code.

Provided further, that upon the receipt of any federal reimbursement applicable to any of the projects specified in this item, such reimbursement is hereby appropriated for expenditure by the State Coastal Conservancy for the types of projects specified in this item.

## HEALTH SCIENCE FACILITIES CONSTRUCTION BOND ACT PROGRAM

SEC. 3.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1980–81, 1981–82 and 1982–83 fiscal years for expenditures only for the programs contemplated by the Health Science Facilities Construction Program Bond Act of 1971, except that appropriations for studies, planning, working drawings, and minor capital outlay projects shall be available for expenditure only during the 1980–81 fiscal year. In addition, every appropriation made in this section for construction, or working drawings and construction, that has not been approved by the State Public Works Board on or before June 30, 1981, shall revert as of that date to the Health Science Facilities Construction Program Fund. All such appropriations shall be paid out of the Health Science Facilities Construction Program Fund.

### Higher Education

3594—For capital outlay, University of California, subject to the prior approval of the State Public Works Board, payable from Health Sciences Facilities Construction Program Fund; provided, that withdrawals shall be as required to meet current obligations as certified by the University of California ..... 1,339,900

Schedule:

San Diego Health Sciences:

(1) Equip UCMC San Diego—clinical cardiology expansion and relocation ..... 106,300

| ITEM | | AMOUNT |
|---|---|---|
| | San Francisco Health Sciences: | |
| (2) | Equip clinics and medical sciences building alterations, step 3 ..... | 459,600 |
| | Davis Health Sciences: | |
| (3) | Working drawings and construct medical sciences unit 1 alterations, step 3 ..... | 355,000 |
| | Los Angeles Health Sciences: | |
| (4) | Construct health sciences center alteration (released school of nursing space for biomedical library) | 194,000 |
| | Irvine Health Sciences: | |
| (5) | Working drawings for UCIMC Library module building ..... | 25,000 |
| | Davis Health Sciences: | |
| (6) | Preliminary plans and working drawings for veterinary medicine expansion, San Joaquin Valley clinical facility ..... | 200,000 |

provided, that notwithstanding the provisions of Section 3.2 of this act the appropriations made in this item for equipment items shall be available only during the 1980–81 and 1981–82 fiscal years.

## GENERAL SECTIONS

SEC. 4. Notwithstanding any other provisions of this act, no appropriations made by this act, or funds obtained from any other source may be expended by any state entity for electronic data-processing services, equipment, facilities, personnel, or supplies for any electronic data-processing activity, unless the procedures, including those relating to confidentiality and security of data, set forth in the State Administrative Manual to implement this section have been met and followed. The Department of Finance is authorized to approve proposed expenditures subject to this section for the purpose of ensuring that required procedures have been followed. The provisions of this section shall not apply to expenditures for continuing previously approved efforts, as defined in the State Administrative Manual, including added costs due to merit salary increases and inflation.

If funds subject to this section are to be encumbered pursuant to a contract, each such contract encumbering funds in excess of $75,000 for electronic data-processing activities shall be competitively procured except (a) when the Department of Finance concurs that an article or service is the only article or service which can meet the needs of the state entity, or (b) in cases of emergency where immediate acquisition is necessary for the protection of the public health, welfare, or safety, as concurred in by the Director of Finance.

The procurement mode to be used and the procedure to be followed in letting such a contract shall be approved by the Director of Finance. The Department of Finance, with the assistance of the Department of General Services, shall maintain in the State Administrative Manual appropriate criteria and procedures to ensure compliance with the contract-letting policies set forth in this section. The Department of Finance shall maintain in the State Administrative Manual procurement and contracting guidelines to be followed by state agencies with respect to expenditures subject to this section. Such guidelines may be in the form of standard formats or model formats which provide sufficient flexibility to enable the state to obtain contracts which take advantage of the vendor's best financing alternative while at the same time ensuring that reasonable protection for the state is not compromised.

In any procurement subject to this section involving the replacement of a computer central processing unit, if only one bid is received and that bid is from the vendor whose equipment is being replaced, a notification of an intent to award a contract to such sole bidder shall be submitted to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee 30 days prior to an award of contract. The notification of intent to award a contract to such sole bidder shall describe the rationale for the award and the measures taken by the state to elicit more than one bid.

The Department of Finance may impose additional requirements that are more stringent than those set forth in the State Administrative Manual with respect to any particular expenditure if the Director of Finance determines that such requirements will best serve the needs of the state.

The Auditor General shall, upon approval by the Joint Legislative Audit Committee, seek to identify significant issues which appear to be limiting the state's effective use of electronic data-processing technology, recommend a plan to address these issues, and report annually to the Joint Legislative Budget Committee, the chairman of the committee in each house which considers appropriations, the California Information Systems Implementation Committee, and the Director of Finance.

The provisions of this section shall not apply to the University of California, the State Compensation Insurance Fund, the community college districts, agencies provided for by Article VI of the Constitution, or the Legislature.

SEC. 4.5. No funds appropriated by this act may be used to pay court-awarded attorney's fees unless payment of such fees is:

(a) Specifically authorized and set forth in an item or section of this act; or

(b) Expressly authorized by a statutory provision other than Section 1021.5 of the Code of Civil Procedure.

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1981–82 fiscal year, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of $3,000,000 in estimated cost.

SEC. 5.4. (a) There is hereby appropriated, from the reserve account established pursuant to subdivision (b) of Section 71 of Chapter 161 of the Statutes of 1979 in the State Highway Account in the State Transportation Fund, to the State Highway Account, for expenditure by the Department of Transportation, an amount sufficient to fund the appropriations to the Department of Transportation made by this act.

It is the intent of the Legislature that all available revenues in the State Highway Account, including the reserve account, be used for the specific purposes authorized and in the order of receipt (first

available—first used).

(b) There is hereby appropriated, on June 30, 1981, to the reserve account established pursuant to subdivision (b) of Section 71 of Chapter 161 of the Statutes of 1979 in the State Highway Account, all money in or due to the State Highway Account on that date which is not appropriated as of that date, to be available for expenditure only upon appropriation in the Budget Act.

SEC. 5.5. To the Department of Transportation, for advance authority for the department to incur equipment purchase obligations in an amount not to exceed $3,000,000 during the 1980–81 fiscal year, for delivery beginning in the 1981–82 fiscal year, the sum of $3,000,000 is hereby appropriated from the State Highway Account, State Transportation Fund.

SEC. 5.8. The sum of $10,600,000 is hereby appropriated from the State Highway Account in the State Transportation Fund to the Department of Transportation for advancement to the San Diego Metropolitan Transit Development Board during the 1980–81 fiscal year pursuant to Section 199.2 of the Streets and Highways Code.

SEC. 6.1. None of the funds appropriated under Section 2 of this act may be encumbered for any project for the alteration of a state building requiring total expenditures of $10,000 or more unless the Director of Finance determines that a proposed alteration is critical and that it is necessary to proceed using funds appropriated under Section 2. The maximum cost of any such project shall not exceed $100,000, and any approved critical project shall be reported to the Chairman of the Joint Legislative Budget Committee or his designee, not less than 30 days prior to requesting bids for the project.

SEC. 6.2. Notwithstanding any other provisions of this act, all appropriations from the General Fund for capital outlay, all appropriations from the Energy and Resources Fund for capital outlay, and all General Fund reappropriations for capital outlay shall be payable from revenues received by the State Lands Commission and allocated under the provisions of Section 6217 of the Public Resources Code except that this appropriation shall be allocated immediately prior to allocations made pursuant to subdivision (e) (the Capital Outlay Fund for Public Higher Education) of Section 6217, and after allocations made pursuant to subdivisions (a) through (d), inclusive, of that section.

If a special account for capital outlay is created in the General Fund, and the Energy and Resources Fund is created, by legislation enacted during the 1979–80 Regular Session, upon the effective date of the statute an amount equal to the amounts allocated in the interim between the effective date of this act and the effective date of that statute, from revenues received by the State Lands Commission which would have been allocated to the Capital Outlay Fund for Public Higher Education but for this section, shall be transferred from the special account in the General Fund (for those appropriations or reappropriations which but for this section would have been made from the General Fund) and the Energy and

Resources Fund (for those appropriations which but for this section would have been made from the Energy Resources Fund) to the Controller for allocation pursuant to Section 6217 of the Public Resources Code and in the manner required by law, and the unencumbered balance of any appropriations or reappropriations which, but for this section, would have been made from the General Fund and any appropriation which but for this section would have been made from the Energy and Resources Fund, shall be made respectively from the special account and the Energy and Resources Fund.

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein except appropriations from the California Water Fund, appropriations to the Department of Transportation for capital outlay purposes, or appropriations to the Board of Governors of the California Community Colleges for allocation to the community college districts shall be subject to the provisions of the Property Acquisition Law.

If legislation is enacted during the 1980 Session of the Legislature to allow state participation in community college capital outlay projects on a 100 percent basis, then the appropriations made herein to the Board of Governors of the California Community Colleges for allocation to the community college districts shall be subject to the provisions of the Property Acquisition Law.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency, including the University of California, the California State University and Colleges and the community colleges, except amounts for acquisition of land or other real property, amounts needed for equipment, minor projects and amounts appropriated specifically for preliminary surveys, studies and planning until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such item of appropriation for capital outlay and until the Chairman of the Joint Legislative Budget Committee, or his designee, is provided a 20-day review of the preliminary plans or not sooner than such lesser time as the chairman, or his designee, may in each instance determine, with the exception that community college approvals by the State Public Works Board will apply only to the allocation of state capital outlay funds appropriated heretofore and hereafter by the Legislature; including land acquisition and equipment funds; provided further, that unless excepted by the conditions of Section 81844 of the Education Code, the Public Works Board shall not approve for allocation any appropriated amounts for working drawings or construction where said working drawings or construction have been started by a community college prior to approval of the state-appropriated amounts by the Public Works Board, and all such amounts not approved by the board under this criterion shall be

reverted to the unappropriated balance of the appropriate fund; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no substantial change or changes shall be made from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that any proposed construction bid alternates shall be approved by the Department of Finance prior to State Public Works Board allocation of construction amounts contained herein; provided further, that no more than $1,000 of the money appropriated herein may be spent for any single unit of equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

The State Public Works Board shall defer all augmentations in excess of 20 percent of the amount appropriated herein for each capital outlay project until the Legislature makes additional funds available for the specific project.

Augmentations in excess of 10 percent of the amount appropriated herein for each capital outlay project shall be reported to the Chairman of the Joint Legislative Budget Committee, or his designee, 20 days prior to board approval, or not sooner than such lesser time as the chairman, or his designee, may in each instance determine. Any augmentation of construction projects shall be limited to the amount appropriated herein for construction contract costs.

The State Public Works Board shall defer action with respect to approval of any portion of an acquisition project, or approval of preliminary plans, when it is determined that the estimated cost of the total acquisition project, or construction project, approved by the Legislature is in excess of 20 percent of the amount appropriated, unless, in the case of acquisition projects, it is determined that a lesser portion of the property is sufficient to meet the objectives of the project approved by the Legislature, and the Chairman of the Joint Legislative Budget Committee, or his designee, is provided a 20-day prior notification of the proposed reductions in the acquisition project, or not sooner than such lesser time as the chairman, or his designee, may in each instance determine.

Nothing in this section shall be construed to limit or control the Department of Transportation in the expenditure of all funds appropriated to the department for capital outlay purposes, except those nontransportation projects such as the construction or improvement of departmental buildings, maintenance buildings, district headquarters, and similar support facilities and nonhighway land acquisition shall be subject to this section.

SEC. 8.1. (a) The Director of Parks and Recreation may not

advertise, negotiate, renegotiate, or amend any concession contract, operating lease, or nongovernmental agreement which involves a total investment for any private party in excess of $100,000 or involves projected concessionaire gross receipts in excess of $100,000 on an annual basis under the terms of such agreement unless the director first obtains approval of the State Public Works Board. Prior to granting such approval, the State Public Works Board shall make a finding that the proposed concession operation was approved by the Legislature or could not have reasonably been presented to the Legislature through the annual budgeting process.

(b) In addition, none of the access, picnic, restroom, or camping facilities constructed with funds appropriated by this act shall be operated pursuant to any new or existing concession agreement unless the justification for the appropriation presented to the Legislature has included such concession operation.

(c) This section shall not apply to the California Exposition and State Fair.

SEC. 8.2. No expenditure for park furnishings shall be made from any appropriation contained in this act for expenditure by the Department of Parks and Recreation unless the department has made reasonable efforts to acquire such furnishings on a consolidated procurement basis or through California Conservation Corps labor. The department shall provide reasonable demonstration of such consolidated procurement to the Public Works Board and the Office of Procurement of the Department of General Services before the board and office authorize an expenditure or approve procurement.

SEC. 8.3. The Controller may not disburse funds from any appropriation or reappropriation for acquisition made to the Department of Parks and Recreation by this act to pay for any property rights, however secured or received, until the State Public Works Board has approved the transaction. In addition, the Attorney General and the Department of General Services shall inform the State Public Works Board of every action in inverse condemnation served upon either or both of them, which pertains to any acquisition for the state park system, by placing an item on the state board's agenda.

SEC. 8.5. In making appropriations to state agencies which are eligible for federal assistance programs, it is the intent and understanding of the Legislature that applications made by such agencies for federal funds under any such programs shall be for the maximum amount allowable under federal law. Therefore, any amounts received from the federal government exceeding those appropriated herein shall also be available for expenditure subject to any provisions of this act which are applicable to the expenditure of such funds, including Section 28.

SEC. 8.51. The Department of Education shall, by certification to the State Controller, identify the account within the Federal Trust Fund when charges are made against any appropriation made herein from the Federal Trust Fund.

SEC. 8.6. Any federal funds set forth in any schedule in this act in an informational category designated as "federal funds per Section 8.6" shall be subject to the provisions of Section 28 of this act.

SEC. 8.7. Any federal funds set forth in any schedule in this act in an informational category designated as "federal funds per Section 8.7" shall not be subject to the provisions of Section 28 of this act.

SEC. 8.8. Any funds recovered from the federal government to offset statewide indirect costs shall be transferred to the unappropriated surplus of the General Fund in a manner prescribed by the Department of Finance, unless expenditure of such funds is authorized by the Department of Finance. Such authorization may not become effective sooner than 30 days after notification in writing of the necessity therefore to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairperson of the committee, or his/her designee, may in each instance determine. If in the judgment of the Director of Finance, a state agency has not transferred such funds on a timely basis, the director may certify to the State Controller the amount which the agency should have transferred to the General Fund, the Controller shall transfer such funds to the General Fund.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 92100 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects for the purpose of augmenting those projects without prior approval of the State Public Works Board of the requested augmentation. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

SEC. 10.05. STATE AND CONSUMER SERVICES

Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in such appropriations and shall be available

for expenditure until June 30, 1981.

a. Department of General Services:

Motor Vehicle Parking Facilities Moneys, General Fund:

1. Item 448, Budget Act of 1979—design, construction, and operation of peripheral parking sites, Sacramento

General Fund:

1. Item 439(e), Budget Act of 1978—land acquisition and planning—new state building, San Francisco
provided, that of the funds reappropriated, $1,000,000 shall be made available for preliminary planning.

2. Item 446(h), Budget Act of 1979—Preliminary plans—new state building, Oakland

3. Item 446(j), Budget Act of 1979—working drawings and construction—new state building, Santa Rosa

4. Item 446(k), Budget Act of 1979, parking and land acquisition, Santa Rosa
provided, that none of the funds appropriated by paragraphs 3 and 4 be expended unless and until the Director of General Services submits to the Public Works Board for approval an agreement approved by the City of Santa Rosa which provides for the purchase (at fair market value) by the state of 40 parking spaces in the Plaza Garage at 2nd and D Streets and 10 parking spaces in the proposed City Parking Garage to be constructed at 5th and Beaver Streets.

Provided further, that the state shall lease 50 additional parking spaces in the proposed City Parking Garage to be constructed at 5th and Beaver Streets.

b. State Personnel Board:

General Fund:

1. Section 2, Chapter 842, Statutes of 1979—for development and validation of job-related physical examinations and entry standards for custodial positions in the Department of Corrections

SEC. 10.06. BUSINESS AND TRANSPORTATION

Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available

for expenditure until June 30, 1981.

a. Department of Motor Vehicles:

Motor Vehicle Account, State Transportation Fund:

1. Item 362(h), Budget Act of 1975—working drawings for office building and parking facilities—Compton

2. Item 362(i), Budget Act of 1975—site acquisition and working drawings for office building and parking facilities—Los Angeles (Southern Headquarters)

4. Item 362(*l*), Budget Act of 1975—site acquisition and working drawings for office building and parking facilities—Santa Barbara

5. Item 450(e), Budget Act of 1978—land acquisition and working drawings—Vallejo

6. Item 450(f), Budget Act of 1978—land acquisition and working drawings—San Clemente

7. Item 450(i), Budget Act of 1978—working drawings—Concord

8. Item 450(*l*), Budget Act of 1978—land acquisition and working drawings—Victorville

b. Department of Transportation:

State Highway Account, State Transportation Fund:

1. Item 156, Budget Act of 1978—Local Assistance

5. Item 160.1, Budget Act of 1977

7. Item 169, Budget Act of 1979—Local Assistance

8. Section 5.8, Budget Act of 1979—San Diego Metropolitan Transit Development

9. Item 155(b), Budget Act of 1978—Local Assistance provided, that only those funds appropriated by Item 155(b) of the Budget Act of 1978 for the San Francisco Municipal Railroad shall be reappropriated by this section.

10. Item 169.1, Budget Act of 1979—Local Assistance provided, that these funds shall be allocated to local agencies by the California Transportation Commission for the purpose of matching federal highway funds made available

to local agencies pursuant to the Surface Transportation Assistance Act of 1978.

Provided further, that any local transportation funds freed, as a result of the receipt of funds allocated to them under this item, may be used for street, road, and highway purposes.

Transportation Planning and Development Account, State Transportation Fund:

12. Section 16(p), Chapter 1130, Statutes of 1975—Public transit guideway system, City and County of San Francisco

13. Section 16(h), Chapter 1130, Statutes of 1975

14. Section 71(c)(2)(D), Chapter 161, Statutes of 1979—Capital Outlay

Abandoned Railroad Account, State Transportation Fund

16. Chapter 1098, Statutes of 1977—Local Assistance

c. Department of the California Highway Patrol:

Motor Vehicle Account, State Transportation Fund:

1. Item 455(b), Budget Act of 1979—site acquisition and working drawings—Hollister-Gilroy

2. Item 172(b), Budget Act of 1979—$90,600 of the amount appropriated for lease expenditures.

d. Business and Transportation Agency:

Transportation Planning and Development Account, State Transportation Fund:

1. Section 15980 of the Government Code, as added by Chapter 1120, Statutes of 1979—Social Service Transportation Improvement Act ($95,000 for the 1979–80 fiscal year)

SEC. 10.07. RESOURCES

Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1981:

(a) Department of Parks and Recreation:

General Fund:

(1) Section 2(a), Chapter 1174, Statutes of 1973
Century Ranch—acquisition

(2) Chapter 1139, Statutes of 1973
North Coastal—acquisition

Hostel Facilities Use Fees, General Fund:

(1) Section 2(a), Chapter 1529, Statutes of 1974
Acquisition of riding, hiking, and bicycle trails.

(2) Section 2(b), Chapter 1529, Statutes of 1974
Development of riding, hiking, and bicycle trails.
These funds shall be reappropriated for acquisition and development.

(3) Section 2(a), Chapter 744, Statutes of 1975
Acquisition of recreational trail rights-of-way.

(4) Section 2, Chapter 1019, Statutes of 1975
Acquisition and development of trails in Santa Barbara and Ventura Counties.

(5) Section 2, Chapter 1020, Statutes of 1975
Acquisition and development of trails in Marin County.

(6) Section 19.3, Budget Act of 1976
For a recreational trail on the San Francisco-Lake Tahoe Corridor between Old Sacramento State Historic Park and Folsom Lake State Recreation Area.

Bagley Conservation Fund:

(1) Item 318.2(b)(14), Budget Act of 1972
Angel Island State Park

(2) Chapter 1423, Statutes of 1972
Santa Cruz Mountains Area, Unit No. 417

(3) Item 350(aa), Budget Act of 1973
Sonoma Coast State Beach land acquisition

(4) Item 350(gg), Budget Act of 1973
Candlestick Park land acquisition

(5) Item 350(nn), Budget Act of 1973
Wilder Ranch land acquisition

(6) Section 1(d), Chapter 1521, Statutes of 1974

Augmentation for land value increases, land acquisition, for Bagley Conservation Fund projects.

(7) Section 1(f), Chapter 1521, Statutes of 1974
Bear Harbor project augmentation land acquisition

(8) Section 1(h), Chapter 1521, Statutes of 1974
Mendocino Headlands augmentation land acquisition

(10) Section 1(r), Chapter 1521, Statutes of 1974
Doheny State Beach land acquisition

(11) Section 1(w), Chapter 1521, Statutes of 1974
Poppy Preserve project land acquisition

(13) Section 1(a and b), Chapter 901, Statutes of 1975
San Buenaventura State Beach, development

(14) Section 5(c)(1), Chapter 1440, Statutes of 1976
Planning costs

(15) Section 5(c)(2), Chapter 1440, Statutes of 1976
Hostel facilities

(16) Item 401(b), Budget Act of 1977
Seacliff SB—day use and sanitary facilities working drawings and construction

Collier Park Preservation Fund:

(1) Section 1(a), Chapter 853, Statutes of 1975
For the acquisition of beach lands in the City of Pacifica for the state park system.

(3) Section 6(b), Chapter 1379, Statutes of 1976
For the construction of slots at Benbow Dam; provided, that any funds not encumbered for such construction may be encumbered for the acquisition of lands as an addition to Benbow Lake State Recreation Area.

(4) Item 402(d), Budget Act of 1977
Huntington SB—day use, working drawings.

(6) Item 402(g), Budget Act of 1977
McGrath SB—Sewage system, development

(8) Item 402(k), Budget Act of 1977
Saddleback Butte SP—facility improvements

(9) Section 1, Chapter 575, Statutes of 1979, for planning and acquisition of Madrona Marsh
provided, that these funds shall not be expended until other nonstate funds are made available to augment this project.

Off-Highway Vehicle Fund:

(1) Section 2(a), Chapter 542, Statutes of 1974
For the acquisition of an interest in real and personal property located in San Benito County.

(2) Item 2(a), Chapter 741, Statutes of 1975
For the acquisition of an interest in real and personal property in San Diego County.

(3) Section 2(a), Chapter 1379, Statutes of 1976
For development and planning costs including, but not limited to, design, field engineering, construction, and relocation.

(5) Item 403.5(b), Budget Act of 1977
Hungry Valley—Planning and operations

(6) Item 461(b), Budget Act of 1978
Hollister Hills SVRA—Phase I, working drawings and construction

(7) Item 228(i), Budget Act of 1977, County of Los Angeles, Rowher Flats Off-Highway Vehicle Park Project Phase I

Parks and Recreation Revolving Account:

(2) Item 400(h), Budget Act of 1977
Clear Lake SP—sewer buy-in charge.

(3) Section 1, Chapter 835, Statutes of 1977
Development of real property at Colonel Allensworth State Historic Park

State Park Contingent Fund:

(1) Item 367(a), Budget Act of 1975
Humboldt Redwoods State Park, land acquisition
provided, that Parcels No. 3191, 3200, 3166, 3175, 3194, and 3184 may be acquired only if the owners are willing sellers.

(2) Item 387(b), Budget Act of 1976

Castle Rock State Park, land acquisition

(3) Item 403(a), Budget Act of 1977
Big Basin Redwoods SP—acquisition

(b) Division of Exposition and State Fair:

General Fund:

(1) Item 404(a), Budget Act of 1977
Concession facilities, working drawings

(2) Item 462(a), Budget Act of 1978
Concession facilities construction;
provided, that this reappropriation shall not exceed $150,000.

(c) State Lands Commission:

General Fund:

(1) Item 396.5, Budget Act of 1977
Land acquisition—Bolsa Bay

(d) Department of Water Resources:

Bagley Conservation Fund:

(1) Section 6, Chapter 1023, Statutes of 1976.
For completion of the Feather River Recreation Area.

SEC. 10.08. HEALTH AND WELFARE

Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in such appropriations, and shall be available for expenditure until June 30, 1981.

(a) Employment Development Department

Unemployment Trust Fund:

(1) Item 408(g), Budget Act of 1977, Monterey office, office building site acquisition

(2) Item 408(i), Budget Act of 1977, Bakersfield office, parking site acquisition and improvements

(3) Item 470(c), Budget Act of 1978, Monterey office, working drawings

(4) Item 470(d), Budget Act of 1978, Bakersfield office,

parking site acquisition and improvements

(5) Item 470(e), Budget Act of 1978, Hollywood office, parking site acquisition and improvements

(6) Item 470(g), Budget Act of 1978, Monterey office, site acquisition.

(b) Department of Developmental Services

General Fund:

(1) Item 271(h), Budget Act of 1979, community living continuums

(2) Item 471(a)(5), Budget Act of 1979, Camarillo State Hospital environmental improvements, RTC buildings—preliminary plans and working drawings

(3) Item 471(a)(10), Budget Act of 1979, Lanterman State Hospital fire and life safety and environmental improvements, buildings 1, 2, 3, 14, 15, 17, 18, 23, 24, 25, 26, 28, 30, 31, 32, 33, and 40–41—preliminary plans, working drawings, and construction

(4) Item 471(a)(12), Budget Act of 1979, Lanterman State Hospital environmental improvements, RTC building—preliminary plans and working drawings

(5) Item 471(a)(21), Budget Act of 1979, Sonoma State Hospital fire and life safety and environmental improvements, Regamy, Emparan, Paxton, Parmelle, Cramwell, McDougal, Lux, Smith, Osborne, and Roadruck—working drawings and construction

(6) Item 471(a)(23), Budget Act of 1979, Sonoma State Hospital fire and life safety and environmental improvements, Nelson (C&D), Goddard, King, Finnerty, and Judah—working drawings

(7) Item 471(a)(25), Budget Act of 1979, Sonoma State Hospital fire and life safety and environmental improvements, Ordahl, Johnson, Thompson/Bane, Powers, Poppe, Brent, Bentley, Hill, Bemis, and Stoneman—working drawings

(8) Item 471(a)(26), Budget Act of 1979, Sonoma State Hospital environmental improvements, Fredrickson building—preliminary plans and working drawings

(9) Item 471(a)(30), Budget Act of 1979, Stockton State Hospital Project Management Services

(10) Item 471(b), Budget Act of 1979, Agnews State Hospital—alterations to commissary warehouse—preliminary plans and working drawings

(12) Item 471(o), Budget Act of 1979, Fairview State Hospital—alterations and modifications to laundry—preliminary plans and working drawings

(13) Item 471.1(7), Budget Act of 1979, Stockton State Hospital, fire and life safety and environmental improvements, cottage G—preliminary plans, working drawings, and construction

(c) Department of Social Services General Fund:

(1) Item 274(i), Budget Act of 1978, provided, that only $1,493,640 appropriated by Item 274(i) of the Budget Act of 1978 for Senior Citizen Services Centers and reappropriated by Section 10.08 (c) of the Budget Act of 1979 shall be reappropriated by this section.

(d) Department of Mental Health

General Fund:

(1) Item 472(b), Budget Act of 1979, Atascadero State Hospital—air condition patient-occupied buildings, preliminary plans, and working drawings

(2) Item 472(d), Budget Act of 1979, Metropolitan State Hospital—air condition patient-occupied buildings, preliminary plans, and working drawings

(e) Department of Health Services

General Fund:

(1) Notwithstanding any other provisions of law, $656,040 of the unencumbered balance of Item 257, Budget Act of 1979, is hereby reappropriated for the purposes of contracting for pilot projects and services to test new concepts.

Schedule:

| | |
|---|---|
| (a) Operating Expenses | 1,200,000 |
| (b) Transfer to Health Care Deposit Fund | 656,040 |
| (c) Payable from Health Care Deposit Fund | −1,200,000 |
| (d) Federal funds per Section 8.6 | (543,960) |

SEC. 10.09. EDUCATION

Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1981.

(a) California State University and Colleges:

Capital Outlay Fund for Public Higher Education:

Statewide—Trustees of the California State University and Colleges:

(1) Item 485(7.1), Budget Act of 1979—working drawings for modifications to fume hoods to meet safety code requirements

State University, Los Angeles:

(3) Item 419(37), Budget Act of 1977—working drawings and construct site development

Polytechnic State University, San Luis Obispo:

(4) Item 419(22), Budget Act of 1977—construct faculty office building

(5) Item 419(35), Budget Act of 1977—working drawings and construct library

State University, Fresno:

(6) Item 399(24), Budget Act of 1976—working drawings and construct library III

(b) Department of Education:

General Fund:

(1) Item 320(a), Budget Act of 1979—for demonstration programs in reading and mathematics for the purpose of project evaluation and dissemination activities.

(2) Section 70, Chapter 894, Statutes of 1977—for the independent evaluation of the school improvement program.

(3) Section 10.09(b)(4), Budget Act of 1979—for the independent evaluation of the school improvement program.

(c) University of California:

Capital Outlay Fund for Public Higher Education:

(1) Item 479.1(2), Budget Act of 1979—preliminary plans for Drew/UCLA undergraduate medical education program facilities, completion of unfinished space for clinical sciences (Psychiatric and Clinical Science Building, Martin Luther King, Jr., County General Hospital).

Provided, that the University of California shall require transfer to the university of title or other interest, considered sufficient by the university, in and to facilities presently owned or acquired in the future by Drew, to the extent of the funds appropriated by this item for, and construction of, capital improvements for the Drew/UCLA program.

SEC. 10.11. YOUTH AND ADULT CORRECTIONAL AGENCY

Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purpose provided for in such appropriations and any additional purposes provided in this section, and shall be available for expenditure until June 30, 1981:

Department of Corrections

(1) Item 475(e), Budget Act of 1979
California Institution for Men—remodel sewage plant—preliminary plans and working drawings

(2) Item 475(h), Budget Act of 1979
California Men's Colony—replace water mains—preliminary plans and working drawings

(3) Item 475(i), Budget Act of 1979
San Quentin State Prison—waste water treatment facility; state's share—working drawings

Department of the Youth Authority

(4) Chapter 1241, Statutes of 1977
County Justice System Subvention Program

SEC. 10.13.

Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for transfer by the State Controller to Item 415 of this act, for the purposes of modifying and operating interim departmental systems and implementing the Standard and Institution Accounting System, and shall be available for expenditure until June 30, 1981:

(a) Department of Finance:

General Fund:

(1) Item 349.1(c), Budget Act of 1978, interim departmental system modifications and operation, as reappropriated by Section 10.13 of the Budget Act of 1979.

(2) Item 377(f), Budget Act of 1979, select and begin implementation of standard accounting system.

(3) Item 377(h), Budget Act of 1979, select and begin implementation of institution's systems.

(4) Item 377(i), Budget Act of 1979, install institutional test hardware in Department of Finance.

(5) Item 377.1, Budget Act of 1979, provided that only $300,000 of the funds appropriated by Item 377.1, Budget Act of 1979 shall be reappropriated by this act.

SEC. 10.14. MILITARY DEPARTMENT

Notwithstanding any other provision of law, the unencumbered balance of funds appropriated by Section 15, Chapter 583, Statutes of 1979, is hereby reappropriated for the purposes provided in such appropriation and shall be available for expenditure until June 30, 1981.

SEC. 10.15. GENERAL GOVERNMENT

Notwithstanding any other provisions of law, the unencumbered balances, or a portion thereof as may be specified in this section, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in such appropriations, as amended by this section, and shall be available for expenditure until June 30, 1981.

(a) Public Employment Relations Board:

General Fund:

(1) Item 375, Budget Act of 1979, for support, provided that on the effective date of this act, the unencumbered balance shall be available for transfer to Item 413 of this act.

Provided further, that none of the funds reappropriated by this section for transfer to Item 413 shall be transferred to Item 413 unless and until authorized in writing by the Department of Finance.

SEC. 10.16. DEPARTMENT OF TRANSPORTATION

Notwithstanding any other provisions of law, the undisbursed balance, on the effective date of this act, of the appropriation provided in the following citation, is reappropriated for the purposes provided for in said appropriation and shall be available for expenditure until June 30, 1982. The funds reappropriated by this section shall be available for allocation by the California Transportation Commission to those projects which may or may not be included in an adopted State Transportation Improvement Program:

(a) State Highway Account, State Transportation Fund, Item 453, Budget Act of 1979.

SEC. 10.17.

Notwithstanding any other provision of law, on the effective date of this act, the unencumbered balance of the appropriations provided in the following citations are reappropriated for the purpose of effecting adjustment of Federal and matching funds and, after such adjustments are made, any remaining balance may be used for the purposes provided in such appropriations; provided further, that the amount hereby reappropriated shall be available for encumbrance until June 30, 1983.

Office of Criminal Justice Planning:

General Fund:

(1) Item 360, Budget Act of 1977

(2) Item 361, Budget Act of 1977

(3) Item 386, Budget Act of 1978

(4) Item 411(a), Budget Act of 1979

SEC. 10.18. EDUCATION

Notwithstanding any other provisions of law, the unencumbered balances in categories (a) through (d), inclusive, of Item 360, Budget Act of 1979, are hereby reappropriated for transfer by the State Controller to, and in augmentation of, Item 380, of this act, and shall remain available for encumbrance until June 30, 1981.

SEC. 10.19.

Notwithstanding any other provision of law, the unexpended balance, on the effective date of this act, of the appropriation provided in Item 334, Budget Act of 1979, is reappropriated for transfer by the State Controller to Item 347 of this act for the purposes specified therein.

SEC. 10.20.

As of June 30, 1980, the unexpended balances of the appropriations made by Items 436, 437 and 438, Budget Act of 1979, shall revert to the unappropriated surplus of the General Fund, special funds and nongovernmental cost funds, respectively.

As of July 1, 1980, the amounts reverted as of June 30, 1980, for Items 436, 437 and 438, Budget Act of 1979, are reappropriated and shall be available until June 30, 1981, and may be expended on written authorization of the Department of Finance issued on or before said date, for contingencies and emergencies, within the meaning of said items, occuring during the 1979–80 fiscal year.

SEC. 10.21.

Notwithstanding any other provision of law, up to $323,000 of the undisbursed balances of the appropriations provided in Item 328(h) and Item 328(*l*) of the Budget Act of 1979, shall be reappropriated to the Department of Education for allocation to school districts and other eligible agencies maintaining center-based child development programs pursuant to Chapter 2 (commencing with Section 8200) and Chapter 2.5 (commencing with Section 8400) of Part 6 of the Education Code. These funds shall be allocated for the purpose of providing materials, equipment, staff development, and other types of resources which will enable more effective services to be provided limited-English-speaking/non-English-speaking and handicapped children. Further, it is the intent of the Legislature that all expenditures be one time in nature and not financially obligate the state beyond the 1980–81 fiscal year.

SEC. 10.22.

Notwithstanding any other provision of law, the unexpended balance of Item 275 of the Budget Act of 1979, on the effective date of this act, is reappropriated in an amount not to exceed $7,000,000 for the purpose of establishing and operating local mental health programs. Sixty percent of any funds reappropriated shall be used to establish and operate community residential treatment programs and community support services and 40 percent to fund the types of programs specified by Chapter 1233, Statutes of 1978. All such funds shall be allocated based on the "Woodlake Model" and priority shall be given to programs designed to serve minorities, children and adolescents, patients rights, and jail inmates.

None of the funds reappropriated by this section shall be considered in the Governor's 1981–82 Budget proposal as a part of the Short-Doyle program base. The Department of Mental Health shall report to the Legislature no later than December 15, 1980, on the use of these funds and shall include a description of the types and numbers of clients served and the types and funding levels of

services purchased.

SEC. 11.01.

As of June 30, 1980, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated surplus of the fund from which the appropriation was made:

a. Salaries of superior court judges

General Fund:

(1) Chapter 968, Statutes of 1978—for the state's share of salaries for one superior court judgeship.

SEC. 11.02.

As of June 30, 1980, the unexpended balance of the appropriation provided in Chapter 332, Statutes of 1978, shall revert to the unappropriated surplus of the General Fund.

SEC. 11.05.

As of June 30, 1980, the unexpended balance of the appropriation provided in the following citation shall revert to the unappropriated surplus of the fund from which the appropriation was made:

a. Department of General Services:

(1) Item 446(i), Budget Act of 1979—land acquisition—new state building, Los Angeles

b. General Fund:

(1) Item 441, Budget Act of 1978—construction of state office buildings

SEC. 11.06. BUSINESS AND TRANSPORTATION

As of June 30, 1980, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated surplus of the fund from which the appropriation was made:

(a) Department of Transportation
Transportation Planning and Development Account, State Transportation Fund

(1) Section 71(c)(2)(G), Chapter 161, Statutes of 1979—that amount not encumbered to prepare the report specified in Section 67 of that act.

SEC. 11.07. RESOURCES

As of June 30, 1980, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated surplus of the fund from which the appropriation was made:

(a) Department of Parks and Recreation:

Bagley Conservation Fund:

(0.5) Section 1(m), Chapter 1521, Statutes of 1974 Tomales Bay land acquisition

(1) Section 1(s), Chapter 1521, Statutes of 1974 Salt Point State Park land acquisition.

(1.5) Section 1(ff), Chapter 1521, Statutes of 1974 Las Tunas Beach project land acquisition

(2) Section 5(b)(6), Chapter 1440, Statutes of 1976 Salt Point State Park extension (Kruse Ranch), land acquisition costs.

(2.5) Section 3(b), Chapter 1109, Statutes of 1977 Elk Creek and Greenwood Creek (Mendocino County)—land acquisition

(3) Item 463(a), Budget Act of 1979 Design and construction planning

(4) Item 463(b), Budget Act of 1979 Candlestick Point SRA, day use—working drawings

Collier Park Preservation Fund:

(1) Item 386(e), Budget Act of 1976 Jack London State Historic Park, land acquisition.

(2) Item 386(i), Budget Act of 1976 China Camp, Marin County, land acquisition.

(2.5) Item 386(j), Budget Act of 1976 Monterey State Historic Park—land acquisition

(3) Item 386(*l*), Budget Act of 1976 Acquisition costs

(4) Item 386(m), Budget Act of 1976 Opportunity purchases

(5) Item 402(b), Budget Act of 1977
Ano Nuevo SRA—acquisition of fee title of real property between Route 1 and the coast and acquisition of development rights to real property inland from Route 1.

(5.5) Item 402(e), Budget Act of 1977
La Purisima Mission SHP—acquisition

(5.6) Item 402(h), Budget Act of 1977
Old Sacramento State Historic Park—acquisition

(6) Item 402(i), Budget Act of 1977
Opportunity purchases.

(7) Item 402(j), Budget Act of 1977
Purchase of artifacts for state historic projects.

(8) Section 5(b)(1), Chapter 946, Statutes of 1977
For the acquisition of land for the South Yuba River Trail Project (1978–79).

(9) Section 5(b)(2), Chapter 946, Statutes of 1977
For the acquisition of land for the South Yuba River Trail Project (1979–80).

(10) Item 459(b), Budget Act of 1978
Bolsa Chica SB—sand replenishment.

(10.4) Item 459(c), Budget Act of 1978
Inholding purchases

(10.5) Section 1, Chapter 782, Statutes of 1978 acquisition of Malibu Beach and the adjoining pier

(11) Item 464(d), Budget Act of 1979
Minor capital outlay

(12) Item 464(e), Budget Act of 1979
Irvine Coast—acquisition

Off-Highway Vehicle Fund:

(0.5) Item 403.5(a), Budget Act of 1977
Hungry Valley—acquisition

(1) Section 2(a), Chapter 496, Statutes of 1978
For the acquisition of an interest in real and personal property located in the Counties of Alameda and San Joaquin

(2) Item 228(g), Budget Act of 1977, County of Sacramento, Off-Road Vehicle Park Development phase I

Park and Recreation Revolving Fund:

(0.5) Section 1, Chapter 1077, Statutes of 1975 for the acquisition of no more than 32 acres of the Los Liones Canyon in the Santa Monica Mountains for the state park system

(1) Section 2(b), Chapter 1066, Statutes of 1976
For a study to determine whether there is available a continuous source of water from wells that is sufficient to supply Lake Elsinore.

provided however, that this reversion shall be limited to $235,000 of the unencumbered balance.

(2) Item 457(b), Budget Act of 1978
Jack London SHP—acquisition

(2.5) Section 1, Chapter 511, Statutes of 1978
Antelope Valley Indian Museum—acquisition

(3) Item 462(b), Budget Act of 1979
Irvine Coast—acquisition

State Park Contingent Fund:

(1) Section 1, Chapter 487, Statutes of 1973
For the reconstruction of the Old Eagle Theater in Old Sacramento State Historic Park.

(2) Item 403(b), Budget Act of 1977
Castle Rock SP—acquisition.

(3) Item 403(c), Budget Act of 1977
Portola SP—acquisition.

(4) Item 460(a), Budget Act of 1978
Castle Rock SP—acquisition

(5) Item 460(c), Budget Act of 1978
Petrified forest—acquisition

(b) Division of Exposition and State Fair:

General Fund:

(1) Item 404(b), Budget Act of 1977, Expo Center, working drawings.

(2) Item 462(a), Budget Act of 1978, concession facilities construction subject to the provisions of Section 10.07(b)(2)

(3) Item 462(b), Budget Act of 1978, Expo Center construction

SEC. 11.08. HEALTH AND WELFARE

As of June 30, 1980, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated surplus of the fund from which the appropriation was made:

(a) Department of Health Services

General Fund:

(1) Chapter 1040, Statutes of 1978, as reappropriated by Chapter 331, Statutes of 1979—high risk pregnant women

(b) Department of Mental Health

General Fund:

(1) Chapter 1233, Statutes of 1978, community residential treatment system

(2) Item 471.1(1), Budget Act of 1979—fire and life safety and environmental improvements, buildings 68, 69, 71, 73, and 75, working drawings—Camarillo State Hospital

(c) Department of Developmental Services

General Fund:

(1) Item 471(a)(9), Budget Act of 1979—Fairview State Hospital, fire and life safety and environmental improvements, units D, E, F, J, and R&T building—working drawings

(2) Item 471(a)(13), Budget Act of 1979—Napa State Hospital, fire and life safety and environmental improvements, unit 198—working drawings and construction

(3) Item 471(a)(16), Budget Act of 1979—Patton State Hospital, fire and life safety and environmental improvements, building 20(70)—working drawings and construction

(4) $1,160,149 of the amount appropriated by Item

471(a)(21), Budget Act of 1979—Sonoma State Hospital, fire and life safety and environmental improvements, Regamy, Emparan, Paxton, Parmelle, Cromwell, McDougal, Lux, Smith, Osborne, and Roadruck—working drawings and construction

(5) $92,490 of the amount appropriated by the Item 471(a)(25), Budget Act of 1979—Sonoma State Hospital, fire and life safety and environmental improvements, Ordahl, Johnson, Thompson/Bane, Powers, Poppe, Brent, Bentley, Hill, Bemis, and Stoneman—working drawings

SEC. 11.09. EDUCATION

Notwithstanding any other provisions of law, as of June 30, 1980, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated surplus of the fund from which the appropriation was made:

Department of Education:

General Fund:

(1) Chapter 578, Statutes of 1977—venereal disease education workshops.

(2) Chapter 883, Statutes of 1978—early childhood education programs.

SEC. 11.11. YOUTH AND ADULT CORRECTIONS AGENCY

As of June 30, 1980, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated surplus of the fund from which the appropriation was made:

Department of Corrections:

General Fund:

(1) Item 410(e), Budget Act of 1977
California Medical Facility—join sewage facility with City of Vacaville

(2) Item 410.3b, Budget Act of 1977, as reappropriated by Section 10.08(d)(2), Budget Act of 1978 and Section 10.08(d)(1), Budget Act of 1979, San Quentin Prison—replace laundry equipment

(3) Item 410.3d, Budget Act of 1977, as reappropriated by Section 10.08(d) (3), Budget Act of 1978 and Section 10.08(d) (2), Budget Act of 1979, San Quentin Prison—upgrade internal security and control

(4) Item 410.3f, Budget Act of 1977, as reappropriated by Section 10.08(d) (5), Budget Act of 1978.
San Quentin Prison—upgrade minimum security housing

(5) Item 473e, Budget Act of 1978
California Rehabilitation Center—replace two elevators

(6) Item 475(k), Budget Act of 1979
California Rehabilitation Center—replace two elevators—building 107

SEC. 11.12. GENERAL GOVERNMENT

General Administration

Notwithstanding any other provision of law, as of the operative date of this act, the amount of $16,132,500, less amounts expended or encumbered from appropriations made by the Budget Act of 1979 pursuant to subdivision (b) of Section 19620 of the Business and Professions Code and by Chapter 599, Statutes of 1979, shall be transferred from the Fair and Exposition Fund to the unappropriated surplus of the General Fund.

Notwithstanding any other provision of law, as of the operative date of this act or the date of payment, all funds repaid to the Fair and Exposition Fund for interest and principal payments during the period July 1, 1979, through June 30, 1981, on loans, shall be transferred to the unappropriated surplus of the General Fund.

SEC. 11.13. As of July 1, 1980, $100,000 of the funds appropriated in Section 73 of Chapter 894, Statutes of 1979, for the 1980–81 fiscal year for an independent evaluation of the Master Plan for Special Education, shall revert to the unappropriated surplus of the General Fund. The Department of Education shall allocate $100,000 of Federal P.L. 94-142 funds for this evaluation.

SEC. 11.14. As of June 30, 1980, the funds transferred from the Banking Fund pursuant to Section 2B, Chapter 1064, Statutes of 1977 shall revert to the Banking Fund.

SEC. 12.3. (a) There is hereby appropriated from the General Fund, on the dates specified below, without regard to fiscal years, amounts to be determined as specified in subdivisions (b) and (c) to a contingency reserve for economic uncertainties, which reserve is hereby established within the General Fund, for expenditure upon reappropriation by the Legislature. This reserve represents a reserve fund within the meaning of Section 5 of Article XIII B of the California Constitution. The balance at the end of the 1980–81 fiscal

year of this reserve is limited to an amount not to exceed 5 percent of General Fund appropriations for the 1980–81 fiscal year.

On July 1, 1980 and June 30, 1981, the Controller shall transfer amounts to the reserve fund as determined in subdivisions (b) and (c).

(b) On July 1, 1980, the Legislative Analyst's office and the Department of Finance shall jointly estimate the following amounts:

(1) Three percent of 1980–81 General Fund Budget Act appropriations; and

(2) The difference between the state's "appropriations subject to limitation" and its "appropriations limits," as defined in Section 8 of Article XIII B of the California Constitution.

The lesser of these two amounts, to the extent of available funds, shall be the amount to be transferred by the Controller on July 1, 1980.

(c) On June 30, 1981, the Legislative Analyst's office and and the Department of Finance shall jointly estimate the following amounts:

(1) Five percent of total 1980–81 General Fund appropriations, less any balance existing in the reserve fund on that date; and

(2) The difference between the state's "appropriations subject to limitation" and its "appropriations limit," as defined in Section 8 of Article XIII B of the California Constitution.

The lesser of these two amounts, to the extent of available funds, shall be the amount to be transferred by the Controller on June 30, 1981.

SEC. 12.5. The final repayment date of the loans made to the State Air Resources Board from the Motor Vehicle Account, State Transportation Fund pursuant to Item 245.1, Budget Act of 1974 and Item 223, Budget Act of 1975, for the purposes of initiating and conducting a vehicle inspection program is hereby extended to June 30, 1982.

SEC. 12.7. None of the funds authorized for encumbrance by the Department of Education for research, program development, and evaluation in the education of handicapped or gifted pupils pursuant to Section 56362.2 of the Education Code may be encumbered for that purpose or any other purpose.

SEC. 12.8. Notwithstanding the provisions of Section 100.1 of the Revenue and Taxation Code, no funds shall be transferred pursuant to those provisions to the State School Building Lease-Purchase Fund for the 1980–81 fiscal year.

SEC. 13. The Department of Mental Health shall submit quarterly to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee all of the following information: (1) local mental health expenditures by county, (2) any changes to county mental health allocations, and (3) all requests for new county mental health programs, together with the action taken on such requests by the Department of Mental Health.

SEC. 15. No appropriation made by this act or any other

provision of law may be combined or used in any manner to avoid budgeting the salary or operating expenses of any position or to achieve any purpose which has been denied by any formal action of the Legislature.

SEC. 16. The Supplemental Report of the Committee of Conference on the Budget Bill, which contains agreed language on statements of intent or requests for studies and which was submitted to the Senate and Assembly concurrently with consideration of the Budget Bill for the 1980–81 fiscal year, reflects the intent of the Legislature in enacting the Budget Act of 1980 and should be interpreted as such by the various agencies of state government affected by the statements contained in the report. The Legislative Analyst shall transmit copies of the report to all agencies to which statements of intent and requests for studies are directed in order that each may be fully informed of the intent of the Legislature.

SEC. 18. Notwithstanding any statutes, regulations or state policy to the contrary, all contracts and interagency agreements for consultant or personal services, except such contracts as are expressly excluded below, shall, prior to their approval by the Department of General Services, be routed to the Department of Finance for review and approval. The Director of Finance shall, within 30 days of approving any such contract, so notify the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations.

The following types of contracts are excluded from the provisions of this section:

(a) Contracts that require payment of less than $17,700 per party per 12-month period.

(b) Contracts for hearing reporter services.

(c) Contracts for employer training programs which provide on-the-job training for workers.

(d) Contracts for rehabilitation services entered into by the Department of Rehabilitation.

(e) Contracts for maintenance or service of equipment.

(f) Contracts for electronic data-processing services reported under Section 4 of this act.

(g) Contracts related to any type of construction.

(h) Contracts for community mental health training entered into by the Centers for Training in Community Psychiatry, Department of Mental Health.

(i) Contracts for library services entered into by the Department of Education.

(j) Contracts for family planning contraceptive services entered into by the Department of Health Services.

(k) Contracts with local agencies for administration of the Special Supplemental Food Program for Women, Infants, and Children.

(*l*) Contracts implementing the Welfare Reform Act, 1971, Career Opportunities Development Program, which provide on-the-job training for workers or which provide matching funds for

on-the-job training for workers.

(m) Contracts for the Office of Economic Opportunity Weatherization Program entered into by the Employment Development Department.

(n) Contracts for transportation services for the elderly and handicapped entered into by the Department of Transportation pursuant to Section 16(b) (2) of the Mass Transportation Act of 1964, as amended.

(o) Contracts for childhood immunization services entered into by the Department of Health Services.

SEC. 19. On or before September 30, 1980, the State Controller shall transfer to the General Fund any amount of accumulated surplus in the Service Revolving Fund as of June 30, 1980, as follows: for the Office of State Printing totals in excess of $11,265,214, and for the remainder of the Service Revolving Fund totals in excess of $31,470,408.

No machinery or equipment shall be purchased by or for the Office of State Printing except as provided for in this act and for emergency replacements.

The Director of General Services may authorize expenditures for an emergency replacement not sooner than 30 days after notification in writing of the necessity therefor to the chairmen of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of the committee, or his designee, may, in each instance determine.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Office of State Printing during the 1980–81 fiscal year except as specifically provided for in this act. Any proposed capital addition to the Service Revolving Fund for the benefit of the Office of State Printing for the 1981–82 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation.

Any surplus resulting from legislative printing shall be shown as a reimbursement to Item 12 of this act.

SEC. 19.2. Notwithstanding any other provision of law, no expenditures shall be made during the 1980–81 fiscal year pursuant to Section 85 of Chapter 323, Statutes of 1976.

SEC. 19.7. The Legislature recognizes that child care programs have made valuable contributions towards insuring that public assistance recipients have been able to accept and maintain employment or related training. It is, therefore, the intent of the Legislature that the Department of Education shall insure that the following requirements are met:

(a) That counties shall comply with Section 8384 of the Education Code which requires counties to maintain their 1970–71 level of effort for child care services provided by county funds.

The Department of Education shall insure that each county complies with Section 8384 of the Education Code in one of the two

following manners:

(1) The Department of Education shall not issue funds to a child care contractor within a county until such time as that county certifies in writing to the Department of Education that the county has obligated its 1970–71 child care maintenance of effort funding level, pursuant to Section 8384 of the Education Code, to local county child care contractors. Such sums awarded by a county to a local child care contractor shall not adversely affect an agency's contract reimbursement with the Department of Education pursuant to Section 8380 of the Education Code.

(2) Each county, which has a 1970–71 maintenance of effort funding level for child care, pursuant to Section 8384 of the Education Code, shall transmit such sum to the Department of Education. Funds derived from each county shall be returned to each respective county's child care contractors as a grant award and not within the reimbursement control of Section 8380 of the Education Code.

The Department of Education shall notify all such programs and all such counties which maintained such programs during the 1979–80 fiscal year of the provisions of this section.

SEC. 19.8. Of the funds appropriated by Item 352 of this act, no more than $150,926,000 from this act shall be expended for the purposes of Section 42243.6 of the Education Code, and no payment for a revenue limit adjustment authorized by Section 42243.6 of the Education Code shall be made until the State Controller has reviewed the claims for such adjustments and certifies to the Superintendent of Public Instruction that the amounts claimed are reasonable and not excessive amounts necessary to meet the mandate of the court or federal government. The superintendent shall withhold state school fund apportionments based on Section 42243.6 of the Education Code until the State Controller makes such certification.

SEC. 19.9. No pupil textbooks shall be adopted by the State Board of Education nor shall funds be available to finance contracts for textbooks in which the royalty amount exceeds 55 percent of the completed book bid which is the total cost less sales tax less all freight. Royalty amounts payable shall be adjusted annually in subsequent adoption years in conformance with the Consumer Price Index—All Items, of the Bureau of Labor Statistics of the United States Department of Labor.

SEC. 19.11. Notwithstanding any other provisions of law, the employer's contributions for the 1980–81 fiscal year, which is chargeable to an appropriation made in this act, with respect to each state officer and employee or an annuitant who was in such employment or office, including an academic position with a California State University or College, or is a survivor of such person, or is an annuitant, shall be $49 for basic and related major medical plans with respect to employees or annuitants enrolled for self alone, or $90 for an employee or annuitant so enrolled for self and one

family member, or $117 for an employee or annuitant so enrolled for self and two or more family members, or, if less, the amount necessary to pay the cost of such person's enrollment, including the enrollment of such person's family members, in a health benefits plan or plans.

SEC. 19.15. Notwithstanding the provisions of Section 42050 of the Vehicle Code and subdivision (b) of Section 41304 of the Education Code, the sum of $4,000,000 is appropriated from the Driver Training Penalty Assessment Fund to the Motor Vehicle Account in the State Transportation Fund to support postlicensing control program activities of the Department of Motor Vehicles.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position which was abolished effective September 1, 1980, and which position was vacant continuously during the period between October 1, 1979 and July 1, 1980. The State Controller, no later than August 1, 1980, shall notify in writing the Department of Finance of any authorized state position which was vacant continuously during such period. All such positions, except those exempt from civil service or those instructional and instructional-related positions authorized for the California State University and Colleges, are abolished effective September 1, 1980.

The State Controller, not later than December 1, 1980, shall furnish the Joint Legislative Budget Committee a report on all positions as of July 1, 1980, which were unfilled continuously during the period between October 1, 1979, and July 1, 1980.

SEC. 20.1. Notwithstanding any other provisions of law, expenditures under Item 14 of this act or any appropriation in augmentation of such item shall be exempt from the provisions of Sections 13320 and 13325 of, and Chapter 3 (commencing with Section 14250) of Part 5 of, and Chapter 6 (commencing with Section 14780) of Part 5.5 of, Division 3 of Title 2 of the Government Code, subdivision (a) of Section 713 of Title 2 of the California Administrative Code and Sections 4, 8, 18, and 25 of this act, and may be expended as set forth in the Governor's Budget, or for such other purposes, including expenditures for such number of positions in various classifications, as may be authorized by the Joint Committee on Rules.

SEC. 21.4. Since it is imperative that the maximum amount of time possible be provided the State Board of Education in the selection of instructional materials and for private publishers and manufacturers and the State Printer to produce such materials for the ensuing school year, the Department of Education and the Department of General Services are authorized subject to the provisions of Sections 60000 to 60315, inclusive, of the Education Code, to incur obligations for production of instructional materials in an amount not to exceed $10 million in the aggregate during the 1980–81 fiscal year for delivery by the State Printer and private publishers and manufacturers to the Department of Education and

local educational agencies beginning in the 1981–82 fiscal year.

SEC. 21.5. Because it is necessary to provide adequate time for planning and preparation for the 1981 California State Fair and Exposition, the Division of Exposition and State Fair of the Department of Parks and Recreation is authorized during the 1980–81 fiscal year to incur obligations for entertainment in an amount not to exceed $300,000 for the 1981 fair, and the sum of $300,000 is hereby appropriated from the General Fund to the Division of Exposition and State Fair of the Department of Parks and Recreation for this purpose. The appropriation in this section shall be available for encumbrance only until June 30, 1982.

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of General Services has investigated and established the necessity therefor.

All passenger-type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, or from any appropriation available for the use of the Department of Transportation, except constitutional officers, shall be American-made vehicles of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

No general use mobile equipment having an original purchase price of $25,000 or more shall be rented or leased from a nonstate source and payment therefor made from any appropriation made by this act, including any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Transportation, without the prior approval of the Department of General Services after a determination that comparable state-owned equipment is not available, unless obtaining such approval would endanger life or property, in which case the transaction and the justification for not having sought prior approval shall be reported immediately thereafter to the department. For purposes of this section, "general use mobile equipment" shall be deemed to refer to equipment that is listed in the Mobile Equipment Inventory of the State Equipment Council and which is capable of being used by more than one agency, and shall not be deemed to refer to such equipment having a practical use limited to the controlling agency only. Section 575 of the Vehicle Code shall have no application to this section.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house, mobilehome, or apartment of three or more rooms other than a dormitory which is rented to a state employee. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board

of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the state nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 25. (a) No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers, the President of the University of California, a chancellor of the University of California, the Chancellor of the California State University and Colleges, a president of a state university or college, department heads and for other facilities or areas under the control of the agencies financed by this act in accordance with standards issued by the Director of General Services. The Director of General Services shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state facilities under this section.

Approval of the Director of General Services shall be obtained prior to procurement and installation of such materials. The Director of General Services may authorize the use of carpeting in other specialized facilities not meeting the established standards 30 days after notification in writing of the proposal with justification therefor to the Joint Legislative Budget Committee.

(b) The Director of General Services shall prepare and submit to the Chairman of the Joint Legislative Budget Committee, or his designee, a cost-benefit analysis of open-office landscape proposals in either existing or new buildings 30 days prior to implementing any open-office landscape proposal.

SEC. 25.1. The Director of General Services may not approve an agreement for the leasing of an office copy machine, unless not less than 30 days prior to its approval, the director submits in writing to the Chairman of the Joint Legislative Budget Committee, or his designee, notification of his intent to approve such a lease and an explanation as to why the copier should be leased rather than purchased, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provisions for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever herein an appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the state; including salaries and wages, workers' compensation, compensation paid to employees on approved leave of absence on account of sickness, unemployment compensation benefits, insurance premiums for workers' compensation coverage, industrial disability leave and payments, nonindustrial disability benefits and payments, the state's contributions to the Public Employees' Retirement Fund, the Teachers' Retirement Fund, the University of California Retirement Fund to provide for that portion of retirement costs to be provided for Hastings College of Law in Item 378 of this Budget Act, the Old Age and Survivors' Insurance Revolving Fund, the Public Employees' Contingency Reserve Fund, and the state's cost of health benefits plans; but do not include compensation of independent contractors rendering personal services to the state under contract;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Preliminary plans" are defined as a site plan, architectural floor plans, elevations, outline specifications, and a cost estimate. For each utility, site development, conversion and remodeling project, the drawings shall be sufficiently descriptive to accurately convey the location, scope, cost, and the nature of the improvement being proposed;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings;

(e) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures,

installed equipment, and auxiliary facilities;

(f) "Minor projects" include construction, improvements and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to those documents entitled, "State of California Governor's Budget for 1980–81," submitted by the Governor to the Legislature at the 1980 portion of the 1979–80 Regular Session, the uniform accounting system prescribed by the Department of Finance under the provisions of Section 13300 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to such appropriation from which salaries and wages are paid: worker's compensation, compensation paid to employees on approved leave of absence on account of sickness, unemployment compensation benefits, industrial disability leave and payments, nonindustrial disability benefits and payments, the state's contribution to the Public Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the state's contribution to the Teachers' Retirement Fund as provided by Sections 23000 and 23400 of the Education Code, the state's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the Government Code, the state's contribution to the Public Employees' Contingency Reserve Fund and the state's contribution for the cost of health benefits plans as provided by Sections 22828 and 22829 of the Government Code.

As of the effective date of this act, the state's contributions as provided by Sections 22828 and 22829 of the Government Code for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, by Sections 23000 and 23400 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section. This transfer may be chargeable to such appropriation for a previous fiscal year if there are no funds available from that fiscal year.

The State Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon

certification by the Board of Administration of the Public Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may transfer from the State Payroll Revolving Fund to the Public Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

SEC. 26.7. Each item appropriating funds for salaries and wages includes the additional funds necessary to continue the payment of the amount of salaries in effect on June 30, 1980, for the state officers whose salaries are specified by statute.

SEC. 26.8. No funds appropriated by this act may be encumbered for paying a civil service employee a salary which is above the maximum of the salary range of the employee's present classification for a period of more than 90 calendar days following termination of a career executive assignment (C.E.A.) appointment. The intent of the Legislature in permitting payment above the maximum of the salary range for the 90-day period is to facilitate the employee's adjustment to a lower salary level. The provisions of this section shall not apply with respect to an employee who accepted any C.E.A. appointment on or after June 20, 1976, and before July 1, 1977, and any such employee, who is otherwise eligible, shall receive a salary rate pursuant to the provisions of Rule 548.25, adopted by the State Personnel Board on May 18, 1976, based upon the highest C.E.A. level held by such employee during such period.

SEC. 27. The Department of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Department of Finance shall furnish the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding quarter.

Augmentations of amounts available for expenditure for a category or project designated in any line of any schedule for personal services or operating expenses and equipment set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule shall not exceed, during any fiscal year, 20 percent of the amount so scheduled on that line. The Department of Transportation Highway Program, however, shall be limited to a schedule change of 10 percent.

SEC. 27.1. The provisions of Section 27 of the Budget Act of 1979 shall not apply to any funds appropriated for category (b) of Item 389 of the Budget Act of 1979 which were expended or encumbered on or before June 30, 1980.

SEC. 28. (a) The Director of Finance may authorize the augmentation of the amount available for expenditure for any

category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he/she estimates will be received by an officer, department, division, bureau, or other agency during the 1980–81 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he/she determines has not been taken into consideration in the schedule or is in excess of the amount so taken into consideration.

(b) The director also may authorize expenditure for a new program not identified in the budget as such or for purposes which in his/her judgment constitute an increase in the level of services above that authorized by this act or other existing law not sooner than 30 days after notification in writing of the necessity therefor to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of the committee, or his/her designee, may in each instance determine. Any authorization made pursuant to this subdivision too late for inclusion in the Governor's Budget for the 1981–82 fiscal year shall remain in effect for such period as the director may determine in each instance, but in no event after June 30, 1982.

The Director of Finance may also reduce any category whenever he/she determines that funds to be received will be less than the amount taken into consideration in the schedule.

(c) All authorizations reported or requested under the provisions of this section shall include all of the following:

(1) A description of the proposed expenditure and identification of the statutory authority for the expenditure.

(2) A determination whether the expenditure, if federally funded, is specifically designed to be one-time, a continuing federal obligation, or one that the state is required (or expected) to fund at some future date.

(3) A determination whether the expenditure, if federally funded, supplements or replaces existing state expenditures.

(4) A determination whether the expenditure has previously been considered at some point in the legislative process and has been denied; and, if denied, for what reasons.

(d) All increased expenditures from department indirect cost funds in excess of the amount budgeted in this act or identified in a prior Section 28 notification are subject to the reporting requirements of this section.

SEC. 28.1. The Regents of the University of California may not enter into a lease-purchase agreement with another entity, public or private, which involves building space, unless such agreement is reviewed and approved by the Legislature.

SEC. 28.2. The Director of General Services may not execute a lease agreement between the state and another entity, public or private, in which the state is lessee when the agreement is to be for

the lease of a building or building space or both which will be for the occupancy of any agency or agencies of the state with a firm lease period of five years or longer and an annual rental in excess of $10,000, unless not less than 30 days prior to its execution he notifies the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee or his designee in writing of his intention to execute such an agreement, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine, provided that no funds appropriated in this act may be encumbered or expended for any lease entered into on or after July 1, 1979, for office space in the County of Sacramento unless all solicitations for leases for office space in the County of Sacramento under these conditions shall contain the statement, "The state is anticipating capital construction in the City of Sacramento and intends to eventually reduce the use of space on a leased basis."

The Director of General Services shall not enter into a lease-purchase agreement or a lease with an option to purchase agreement with another entity, public or private, which involves building space, unless or until such agreement is reviewed and approved by the Legislature.

SEC. 28.3. The Department of Social Services shall submit, by September 10 and March 1, to the Department of Finance for its approval, all assumptions underlying all estimates related to the (1) average monthly caseloads for each of the categorical aid programs, (2) average grant for each of the categorical aid programs, (3) total estimated expenditures for each of the categorical aid programs, and (4) savings or costs associated with all regulatory or statutory changes.

The Department of Finance shall approve or modify the assumptions underlying all estimates within 15 working days of their submission. If the Department of Finance does not approve or modify the assumptions by such date, the assumptions, as presented by the submitting department, shall be deemed to be accepted by the Department of Finance as of that date.

The Department of Social Services shall submit an estimate of expenditures for each of the categorical aid programs to the Department of Finance, by November 1 and April 20. The submittal shall include a projection of the fiscal impact of each of the approved assumptions related to a regulatory, statutory or policy change; a detailed explanation of any changes to the base estimate projections from the previous estimate; and a projection of the fiscal impact of such change to the base estimate.

The estimates of average monthly caseload, average monthly grant, total estimated expenditures (including administrative expenditures and savings or costs associated with all regulatory or statutory changes), and a listing of all of the approved assumptions, as well as all supporting data provided by the Department of Social Services or developed independently by the Department of Finance,

shall be made available to the Joint Legislative Budget Committee following approval by the Department of Finance. However, such departmental estimates, assumptions, and other supporting data as have been prepared shall be forwarded to the Joint Legislative Budget Committee not later than January 10 and May 15 by the Department of Social Services in the event this information has not been released earlier by the Department of Finance.

SEC. 28.31. The Departments of Mental Health and Developmental Services shall submit by September 15, January 1, and May 1, to the Department of Finance for its approval (1) all assumptions underlying estimates of state hospital developmentally disabled and mentally disabled populations and (2) a comparison of the actual and estimated population levels for the year to date. If the actual population exceeds the estimated population by 50 or more, the departments shall include in their reports an analysis of the causes of the decreased level of decline. This analysis shall include an assessment of the impact of client characteristics and geographic distribution. The Department of Finance shall approve or modify the assumptions underlining all population estimates within 15 working days of their submission. If the Department of Finance does not approve or modify the assumptions by such date, the assumptions, as presented by the submitting department, shall be deemed to be accepted by the Department of Finance as of that date. The estimates of populations and the comparison of actual versus estimated population levels shall be made available to the Joint Legislative Budget Committee immediately following approval by the Department of Finance. The Department of Finance shall also make available to the Joint Legislative Budget Committee a listing of all of the approved assumptions and the impact of each assumption, as well as all supporting data provided by the Department of Developmental Services and the Department of Mental Health or developed independently by the Department of Finance. However, such departmental estimates, assumptions, and other supporting data as have been prepared, shall be forwarded to the Joint Legislative Budget Committee not later than October 1, January 15, and May 15, by the Department of Developmental Services and the Department of Mental Health in the event this information has not been released earlier.

SEC. 28.35. The State Department of Health Services shall prepare and submit Medi-Cal program assumptions and estimates to the Department of Finance and the Legislature. The purpose of the assumptions and estimates shall be to clearly identify changes within the Medi-Cal program which have policy and/or fiscal implications, and to produce reliable forecasts of Medi-Cal expenditures.

Medi-Cal program assumptions and estimates shall be organized by and correspond to Budget Act and/or Budget Bill item numbers, separately identifying expenditures for (a) purchase of medical care and services, (b) rate increases, (c) county eligibility determinations, (d) fiscal intermediary services, and (e)

departmental support. Such estimates and assumptions shall indicate state and federal as well as total funds expended.

The State Department of Health Services shall submit, by August 1, October 20, and March 1, to the Department of Finance for its approval, all assumptions underlying all Medi-Cal program estimates. The Department of Finance shall approve or modify, in writing, the assumptions underlying all estimates within 10 working days of their receipt. If the Department of Finance does not so approve or modify the assumptions by such date, the assumptions, as presented by the department, shall be deemed to be approved by the Department of Finance as of that date. Assumptions shall be released to the legislative fiscal committees immediately following approval or modification by the Department of Finance.

The Department of Health Services shall submit an estimate of Medi-Cal program expenditures to the Department of Finance within 15 working days from receipt of the approved or modified assumptions. The Department of Finance shall approve or modify the estimate within 15 working days of its submission. If the Department of Finance does not approve or modify the estimate by such date, it shall be deemed to be accepted by the Department of Finance as of that date. All approved estimates and supporting data provided by the Department of Health Services or developed independently by the Department of Finance, shall be made available to the Joint Legislative Budget Committee, Senate Finance and Assembly Ways and Means Committee immediately following approval by the Department of Finance. However, such departmental estimates, and supporting data shall be forwarded to the legislative fiscal committees not later than October 1, January 10, and May 15 in the event this information has not been released earlier.

Each Medi-Cal assumption shall contain a clear narrative description of the statutory, regulatory, or policy change or other change that has occurred or will occur which effects Medi-Cal program expenditures or which is of policy importance. Each assumption shall include a cost estimate which contains relevant workload, caseload, unit cost and other data or information needed to support the estimate.

The assumptions related to purchase of medical care and service shall include a section with a nontechnical description of the major "variables" used to produce a base projection. This section shall further contain an estimate of the fiscal impact of the use of such variables. The estimates related to purchase of medical care and service shall include current and budget year base projections of eligibles, users, expenditures and cost per user by quarter with sufficient past actual data to permit evaluation of such projections. Such projections shall be prepared by service category and aid category. The Department of Finance shall identify a high, mid, and low range of Medi-Cal service expenditures, which shall be accompanied by assumptions, when the estimates are released to the

Legislature.

The assumptions and/or estimates related to fiscal intermediary services shall contain a narrative description of how such forecasts are prepared. Sufficient historical workload by claim type and expenditure data shall accompany the forecasts to permit evaluation. Change orders to the fiscal intermediary contract shall be fully described and costs estimated. In addition, important modifications to the Medi-Cal claims processing system not associated with change orders shall be described and if appropriate cost and/or savings estimated.

Assumptions and/or estimates related to county Medi-Cal eligibility determination costs shall contain a narrative description of how the forecast was prepared. Current and budget year estimates by county shall be prepared. Such estimates shall compare past actual and projected workload and expenditures in a format which will permit evaluation of forecasts. Expenditures for Los Angeles County hospital eligibility work shall be separately identified. Changes in expenditure estimates for individual counties resulting from allocation of funds or other factors shall be identified in subsequent estimates. Unallocated funds and funds for special projects and/or special problems shall be separately identified. The department shall compare budgeted and actual expenditures by county as soon as the information from county quarterly costs reports becomes available.

The estimates shall compare budgeted to implemented rate increases for the current year. Such comparisons shall be by provider category and shall compare budgeted to implemented increases in terms of a) percentage increases, b) date of implementation, and c) revised estimated cost.

SEC. 28.36. No funds appropriated by this act may be encumbered by paying a salary or wage to the director of any department within the Health and Welfare Agency or to the Director of the Department of Transportation for any month during which or after which the director has wilfully and knowingly violated the provisions of Section 28 for the second time, unless waived by the Director of Finance.

SEC. 28.4. No funds appropriated by this act shall be encumbered for the purpose of funding any increased state costs or local governmental costs, or both such costs, arising from the issuance of an executive order as defined in Section 2209 of the Revenue and Taxation Code or subject to the provisions of Section 2231 of the Revenue and Taxation Code, unless (a) such funds to be encumbered are appropriated for such purpose, or (b) notification in writing of the necessity of the encumbrance of funds available to the state agency, department, board, bureau, office, or commission is given by the Department of Finance, at least 30 days before such encumbrance is made, to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or such lesser time as the chairman of the committee, or his designee, determines.

SEC. 28.41. The Director of Finance may authorize the augmentation of the amount available for expenditure for any appropriation made by this act which is for reimbursement pursuant to Section 2229 or Section 2230 of the Revenue and Taxation Code to local taxing authorities for lost revenue or for reimbursement pursuant to subdivision (a) of Section 2231 of that code for costs of any new program or increased level of service mandated by statute or executive order from the unencumbered balance of any other appropriation made by this act for the purpose of providing reimbursement pursuant to those sections of the Revenue and Taxation Code. No authorization for augmentation pursuant to this section may be made sooner than 30 days after notification in writing of the necessity therefor to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairperson or his or her designee may in each instance determine. No authorization for augmentation of Item 484 shall be made pursuant to this section.

SEC. 28.5. Approvals by the Department of Finance to the creation of deficiencies pursuant to Section 11006 of the Government Code and approvals to expend at rates which, in the opinion of the Director of Finance, will require a deficiency appropriation shall be made in writing and filed with the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee. Such notices shall state the reason for and amount of such authorization and shall be filed prior to approval whenever possible and in no case shall they be filed more than 10 days after approval.

SEC. 28.7. The Regents of the University of California shall not undertake any project funded from the Health Sciences Hospital Reserve Fund, which is in excess of $100,000, unless the scope and cost of any such project is approved by the Director of Finance and 30 days' written notification is provided to the Chairman of the Joint Legislative Budget Committee or his designee, or not sooner than such lesser time as the chairman of such committee, or his designee, may in each instance determine. Any project funded from the Health Sciences Hospital Reserve Fund, of less than $100,000, shall be reported to the Chairman of the Joint Legislative Budget Committee by December 1 of each fiscal year. For purposes of this section the definition of a project does not include equipment projects. Any urgent project concerned with patient life or safety may proceed without prior approval or notification but such project shall be identified in the report provided each December 1.

SEC. 28.71. No funds appropriated by this act may be used by the Regents of the University of California or the Trustees of the California State University and Colleges to reclassify instructional capacity space or faculty offices to other uses unless and until any such proposed reclassification is first approved by the Department of Finance and 30 days' written notification is provided to the

Chairman of the Joint Legislative Budget Committee or his designee, or not sooner than such lesser time as the chairman of such committee, or his designee, may in each instance determine.

SEC. 28.9. Since it is the intent of the Legislature in enacting this act that no qualified student be denied admission to the California State University and Colleges or to the University of California because of a budget deficiency caused by unanticipated additional enrollments, the Director of Finance may, following the adoption of a resolution by the Trustees of the California State University and Colleges or the Regents of the University of California declaring an enrollment emergency, authorize the accelerated expenditure of amounts budgeted for the state university and colleges or the university, in the form of an agreement to seek a supplementary appropriation from the General Fund to the extent necessary to ensure that all qualified students can be admitted when he certifies that the systemwide enrollment of the California State University and Colleges or of the University of California exceeds by 2 percent or more the enrollment upon which the budget for the state university and colleges or the university was based; provided, that no increased expenditure may exceed $5,000,000 in the aggregate or be authorized sooner than 30 days after notification in writing of the necessity therefor to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of such committee, or his designee, may in each instance determine.

In the event that the systemwide enrollment of the California State University and Colleges or University of California is under the budgeted enrollment by more than 2 percent, such excess shall be unallocated by the Director of Finance. Unallocated funds may be reallocated to preclude layoffs only after the Director of Finance has approved such action and shall not be authorized sooner than 30 days after notification in writing of the necessity therefor to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of such committee, or his designee, may in each instance determine.

Based upon fall annualized full-time equivalent (FTE) students, all surplus funds withdrawn from any campus consistent with the policy of the California State University and Colleges (CSUC) system due to fluctuations in student enrollments, shall be returned:

(a) To campuses with enrollments in excess of the budgeted level consistent with the CSUC policy and

(b) To all campuses for allocation to the programs of "Instruction" and "Academic Support".

"Surplus" is defined as those funds in excess of that returned to the state pursuant to this section. No exceptions to the above prescribed allocation may be made unless prior approval is given by the Department of Finance and is reported to the Chairman of the Joint

Legislative Budget Committee, and the financial necessity of any such exception shall be identified.

SEC. 28.91. All appropriations for the support of the California State University and Colleges shall be subject to the provisions of Section 13320 of the Government Code and applicable Budget Act restrictions with the following exceptions:

(a) The trustees may transfer excess salary savings funds from the salary savings reserve allotments to expenditure allotments provided such transfers do not exceed 20 percent of salary savings. Excess salary savings funds are those in excess of the amount budgeted.

(b) The trustees may approve transfer of funds between one or more of the programs for which funds are appropriated for the support of the California State University and Colleges.

Any transfer of funds made under the above exceptions shall be reported to the Department of Finance and Joint Legislative Budget Committee within 30 days after the end of each quarter in which such transfer was approved.

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30. Whenever an expenditure is authorized from the reserve for contingencies and emergencies, from price increase funds, from employee benefits or special salary adjustments funds, from total equivalent compensation funds, from the salary increase funds, or from a fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC. 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new position shall be established unless authorized by the Department of Finance on the basis of work program and organization.

The Director of Finance, or his/her authorized designee, shall notify the Chairman of the Joint Legislative Budget Committee within 30 days of authorizing any position not authorized for that fiscal year by the Legislature or any reclassification to a position with a minimum step of $1,800 per month. He/she shall also report all transfers to blanket authorizations and the establishment of any permanent positions out of a blanket authorization.

All positions administratively established pursuant to this section during the 1980–81 fiscal year shall terminate on June 30, 1981, except

that those positions which have been (a) included in the 1981–82 Governor's Budget as proposed new positions, or (b) approved by the Department of Finance and reported to the Legislature after the 1981–82 Governor's Budget submission to the Legislature, may be reestablished by the Department of Finance during the 1981–82 fiscal year, provided such positions are shown in the 1982–83 proposed Governor's Budget submitted to the Legislature, or in subsequent Department of Finance letters to the Legislature, and provided, such positions do not result in establishment of positions deleted by the Legislature through the 1981–82 budget process.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any 1980–81 fiscal year appropriation not appropriated for that purpose may be expended for increases in salary ranges or any other salary action(s) unless the Department of Finance certifies to the salary setting authority prior to the adoption of such action(s) that funds are available to pay the increased salary or wage resulting therefrom. Provided, that prior to certification the Department of Finance shall determine whether such increase in salary range or salary action will require supplemental funding in the 1981–82 fiscal year. If the Department of Finance determines that supplemental funding will be required, no certification shall be issued unless notification in writing is given by the Department of Finance, at least 30 days before certification is made, to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or such lesser time as the chairman of the committee, or his designee, determines.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

Each agency, department, board, commission, and institution, for whose benefit and support appropriations are made in this act, shall

certify to the Director of Finance that its expenditures have been made for the purposes stated in the budget, as implemented by the Budget Act, except as the purposes stated have been revised, in accordance with law, by the Department of Finance subsequent to the enactment of the Budget Act.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

The Department of Finance shall submit copies of certificates approved by it under this section to the Chairman of the Joint Legislative Budget Committee, and the chairman of the committee in each house which considers appropriations, quarterly, and shall indicate in the case of each certificate the code section or section of this act under which the department gave its consent to exceed the particular appropriation.

SEC. 32.2. The Director of Finance may direct the transfer of such unexpended balances of appropriations and of other funds available for use in connection with any function or agency affected by a reorganization plan submitted to the Legislature pursuant to Article 7.5 (commencing with Section 12080) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code when the plan becomes effective pursuant to Section 12080.5 of the Government Code, as he/she deems necessary by reason of the reorganization, for use in connection with the functions affected by the reorganization, or for the use of the agency which has such functions after the reorganization plan is effective; provided that, unexpended balances so transferred shall be used only for the purpose for which the appropriation was originally made.

SEC. 32.3. The Director of Finance may direct the transfer of such unexpended balances of appropriations and of other funds available for use in connection with any function or agency affected by the Governor's Reorganization Plans No. 1 and 2 of 1979, as the director deems necessary by reason of the reorganization, for use in

connection with the functions affected by the reorganization, or for the use of the agency which has such functions after the reorganization becomes operative, provided, however, that the funds and unexpended balances so transferred shall be used only for the purpose for which the appropriation was originally made.

SEC. 32.5. Notwithstanding the provisions of any appropriation of state funds made in the Welfare and Institutions Code for the Child Support Incentive Payment program (pursuant to Sections 15200.1 and 15200.2 of the Welfare and Institutions Code) and the Aid to Families with Dependent Children Program including in-lieu foster care payments pursuant to Welfare and Institutions Code Section 16120, expenditures of state funds for those programs for the fiscal year ending June 30, 1981, shall not exceed, in the aggregate, the sum of $1,153,932,250.

The Department of Social Services shall administer the public assistance programs so that the counties will bear no more than the amount of welfare costs that they would be obligated to bear under the applicable provisions of the Welfare and Institutions Code, without the expenditure limitations set forth in this section, and so that the amount authorized to be expended under this section shall fully cover the state's share of aid payments and for services under such programs for the 1980–81 fiscal year.

There is hereby established for the next quality control review period, a dollar error rate standard of 4 percent, pursuant to Section 15200.4 of the Welfare and Institutions Code. There is hereby established for the quality control review period following the next period, a dollar error rate standard of 3.75 percent, pursuant to Section 15200.4 of the Welfare and Institutions Code.

The limitations on amounts imposed by this section shall apply to any amounts which are determined by the Director of Finance to be necessary to meet increases in costs arising from approvals made by the Department of Finance pursuant to the provisions of Item 309, provided the Legislature is notified pursuant to the provisions of this act. In addition, the Director of Finance is authorized to approve expenditures in those amounts made necessary by changes in either caseload or payments, or any change in a rule or regulation adopted and any all-county letter issued in accordance with the provisions of Item 309 and this section, during the 1980–81 fiscal year which are in excess of amounts appropriated in this act for that year.

If the Director of Finance determines that the estimate of expenditures will exceed the expenditures authorized by this section, the director shall so report to the Legislature. At such time as the report is made, the amount of the limitation shall be increased by the amount of such excess unless and until otherwise provided by law.

Provided further, that in addition to the expenditure of state funds authorized by this section, it is estimated that the federal share of the program costs will be $1,237,833,600. These federal funds will be under the definition provided in Section 8.7 and will not be subject

to the provisions of Section 28.

Provided further, that notwithstanding the provisions of Section 28 and 28.4 the availability of funds contained in this section and Items 310 and 313 for welfare rules, regulations, or all-county letters which add to program or county administrative costs funded from the General Fund in excess of $500,000 on an annual basis, and are not (a) specifically required as a result of the enactment of a federal or state law, or (b) included in the appropriation made by this act, shall not be approved by the Director of Finance sooner than 60 days after notification in writing of the necessity therefor to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or such lesser time as the chairman of the committee, or his or her designee, may in each instance determine.

Provided further, that notwithstanding the provisions of any appropriation of state funds made in the Welfare and Institutions Code for the Aid to Families with Dependent Children Program, no funds shall be expended pursuant to an AFDC budgeting system other than a prior month budgeting system which provides a supplementation no greater than 80 percent.

Provided further, that for the fiscal year 1980–81, the grants provided under the Aid to Families with Dependent Children—Family Group and Unemployed Parent Programs for the period July 1, 1980, to December 31, 1980, inclusive, shall be the grant amounts in effect on June 30, 1980, increased by the average of the percentage change in the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics. The grant amounts for the period January 1, 1981, to June 30, 1981, inclusive, shall be the grant amounts in effect on June 30, 1980, adjusted by 13 percent.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated, or reduced by the Governor under Section 10 of Article IV of the Constitution, while approving portions of this act, such veto, elimination, or reduction shall not affect the other portions of this act, and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act, and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any portion of this act is held unconstitutional, such decision shall not affect the validity of any other portion of this act. The Legislature hereby declares that it would have passed this act, and each portion thereof, irrespective of the fact that any other portion be declared unconstitutional.

SEC. 34.1. Funds from each appropriation made in this act may be expended to pay such salary adjustments as are authorized by salary-fixing authorities to provide an increase in the compensation for officers and employees during the month of July 1980 to provide compensation equivalent to that which they would have otherwise received had this act been operative on July 1, 1980.

SEC. 34.2. Funds from each appropriation made in this act may be expended to pay any obligation incurred between the commencement of the 1980–81 fiscal year and the effective date of this act, which would otherwise have been authorized hereunder had this act been operative July 1, 1980, subject to the same limitations, conditions and requirements.

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 36. 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 makes appropriations for support of state and local government for the 1980–81 fiscal year and provides for capital outlay appropriations, in continuation of existing programs and to promote and sustain the economy of the state. It is imperative that such appropriations be available for expenditure commencing not later than July 1, 1980. It is therefore necessary that this act go into immediate effect.

SEC. 37. INDEX. This section provides a ready reference to item numbers, departmental and budget titles, and the 1980–81 Governor's Budget page numbers. The contents of this section do not affect the scope, meaning or intent of the provisions of this act. Item numbers carry a fund designation as follows:

G = General Fund
S = Special Funds
N = Nongovernmental Funds
B = Selected Bond Funds
F = Federal Funds

## A. INDEX BY BUDGET ACT ITEM NUMBER:


| Item No & Fund Type | Department | Governor's Budget Page |
|---|---|---|
| | LEGISLATIVE/JUDICIAL/EXECUTIVE | LJE |
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| Fabric Care, Board of: | | |
| Support | 110S | SCS 65 |
| Fabric Care Fund | 111S | SCS 65 |

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| Federal Revenue Sharing | 485N | GG 166 |
| Finance, Department of: | | |
| Support | 414G | GG 22 |
| Calif Fiscal Information System | 415G | GG 28 |
| Finance, Commission on State | 439G | GG 101 |
| Financial Assistance to Local Fairs: | | |
| Engineering Services to Local Fairs | 422S | GG 58 |
| Unemployment Benefits for Local Fairs | 423S | GG 58 |
| Fire Marshal, State | 121G | SCS 85 |
| Fish and Game, Department of: | | |
| Support: | | |
| Nongame Species Management and Protection | 236G | R 81 |
| Free Sport Fishing Licenses and Hunting License Stamps | 237G | R 81 |
| Envir Protect Program | 238S | R 81 |
| Envir License Plate Fd | 238.1S | — |
| Fish and Game Support | 239S | R 82 |
| Invest Into Decline of Mkt Crab in St Waters | 240S | R 82 |
| Projects for Protect Migratory Waterfowl | 241S | R 82 |
| Training of Department Employees | 242S | R 82 |
| Native Species Conserv. and Enhancement | 243S | R 82 |
| Envir Review & Evaluation Program | 243.1S | — |
| Capital Outlay: | | |
| Fish and Game Preservation Fund | 522S | R 89 |
| Envir License Plate Fd | 523S | R 89 |
| Energy and Resources Fund | 524S | R 89 |
| Food and Agriculture, Department of: | | |
| Support: | | |
| General Fund | 416G | GG 53 |
| Agriculture Fund | 417S | GG 53 |
| Fair and Exposition Fund | 418S | GG 53 |
| Environmental License Plate Fund | 419S | GG 53 |
| Local Assistance: | | |
| Salaries of County Ag Comm | 420G | GG 54 |
| Subventions to Counties for Pesticides | 421G | GG 54 |
| Capital Outlay: | | |
| Major projects | 569G | GG 57 |
| Minor projects | 569.5G | — |
| Forestry, Department of: | | |
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| Emergency Fire Supp & Det | 225G | R 53 |

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| Forester Registration | 226S | R 53 |
| Environ License Plate Fund | 227S | R 53 |
| Timber Tax Fund | 228N | R 54 |
| Forest Resources Improvement Fund | 229N | R 54 |
| Forest Resources Improvement Fund, Transfer | 230N | R 54 |
| Energy and Resources Fund | 231S | R 54 |
| Capital Outlay: | | |
| Major projects | 521G | R 60 |
| Minor projects | 521.5S | — |
| Franchise Tax Board: | | |
| Support | 122G | SCS 95 |
| Legislative Mandates | 123G | SCS 95 |
| Capital Outlay—Minor | 505G | SCS 96 |
| Funeral Directors and Embalmers, Board of | 112S | SCS 66 |
| General Services, Department of: | | |
| Support: | | |
| General Fund | 124G | SCS 109 |
| Computer Installation Costs | 124.1G | — |
| Art in State Buildings | 125G | SCS 109 |
| Emergency Telephone Number Acct, Gen Fd | 126S | SCS 109 |
| Architecture Public Building Fund | 127S | SCS 109 |
| "High Risk" School Buildings | 127.1G | — |
| Energy Resources Fund | 128S | SCS 109 |
| Architecture Revolving Fund | 129N | SCS 109 |
| Automobile and Reproduction Equipment Purchase Authorization | 130 | SCS — |
| Service Revolving Fund | 131N | SCS 110 |
| Mtr Veh Parking Fac Moneys Acct | 131.1S | — |
| State Printing, Office of | 132N | SCS 110 |
| State School Building Aid Fund | 133N | SCS 110 |
| Deferred Compensation Plan Fund | 134N | SCS 110 |
| State School Deferred Maintenance Fund | 135N | SCS 110 |
| Repayment of loan from the Deferred Maintenance Fd | 136N | SCS 110 |
| Local Assistance: | | |
| Emergency Telephone Number Acct, Gen Fd | 137S | SCS 111 |
| Capital Outlay: | | |
| New State Buildings | 506G | SCS 117 |
| Parking Facilities | 506.1G | — |
| State Building Construction | 507G | SCS 117 |
| Service Revolving Fund | 508N | SCS 118 |
| Energy and Resources Fund | 509S | SCS 118 |

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| Geologists and Geophysicists, Board of Regis for | 101S | SCS 47 |
| Governor: | | |
| Support | 26G | LJE 19 |
| Statewide Legal Services | 26.1G | — |
| Governor's Residence | 27G | LJE 19 |
| Special Contingent Expenses | 28G | LJE 19 |
| Workers' Compensation Appeals Board Award | 29G | LJE 19 |
| Printing of the Governor's Budget | 30G | LJE 19 |
| Governor's Advisory Committee On Child Development Programs | 283G | HW 24 |
| Gov Organ and Economy, Commission on California St | 428G | GG 85 |
| Guardianship/Conserv Proceedings, Sub for | 468G | GG 149 |
| Guide Dogs for the Blind, Board of | 78G | SCS 11 |
| Hastings College of Law: | | |
| Support | 378G | E 121 |
| Capital Outlay: | | |
| Major Projects | 557S | E 123 |
| Land Acquisition | 557.1S | — |
| Health Benefits for Annuitants | 486G | GG 178 |
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| Support | 276G | HW 9 |
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| Health Services, Department of: | | |
| Support: | | |
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| Special Project activities | 286F | HW 54 |
| Local Assistance: | | |
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| Provider Rate Increase | 291G | HW 56 |
| Transfer from Rate Item 291 | 291.1G | — |
| Public Health Services | 292G | HW 56 |
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| Health and Welfare Agency Con Data Cent | 275N | HW 4 |
| Health and Welfare, Secretary for | 35G | LJE 23 |
| Highway Patrol, Department of the California: | | |
| Support, Mtr Veh Acct, St Tran Fd | 186S | BT 115 |
| Traffic Management | 186.1S | — |
| Abandoned Vehicle Trust Fund | 186.2S | — |
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| Advance Authorization—Automotive Equipment | 188S | BT 115 |
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| Homicide Trials, Payment to Counties for | 469G | GG 150 |
| Horse Racing Bd | 450S | GG 129 |
| Housing and Community Development, Department of: | | |
| Support | 163G | BT 32 |
| Energy and Resources Fund | 164S | BT 32 |
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| Local Assistance | 165G | BT 33 |
| Indemnification of Private Citizens: | | |
| General Fund | 472G | GG 155 |
| Indemnity Fund | 473S | GG 155 |
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| Industrial Relations, Department of: | | |
| Support | 424G | GG 76 |
| Legislative Mandates | 425G | GG 77 |
| Institutional Review Board | 410G | GG 48 |
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| Intergovernmental Personnel Act Advisory Council: | | |
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| Interstate Cooperation, Commission on | 429G | GG 86 |
| Judges' Retirement Fund, Contributions to: | | |
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| Justice, Department of: | | |
| Support: | | |
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| Capital Outlay—Minor | 499G | LJE 71 |
| Landscape Architects, Board of | 102S | SCS 49 |
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| Support: | | |
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| Production of Reflectorized License Plates | 190.1S | — |
| Deficiency—Mtr Veh Acct, St Tran Fd | 191S | BT 126 |
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| Museum of Science and Industry: | | |
| Support | 74G | SCS 2 |
| Capital Outlay—Minor: | | |
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| Energy and Resources Fund | 504S | SCS 3 |
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| Native American Heritage Comm | 448G | GG 124 |
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| Local Assistance: | | |
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| Project Review—State Urban and Coastal Park Bond Act | 589B | R 132 |
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| Capital Outlay: | | |
| General Fund | 528G | R 151 |
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| Recreational and Fish and Wildlife Enhancement Bond Act: | | |
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| Reappropriation | 574B | R 154 |
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| State, Urban, and Coastal Park Bond Act—Reappropriations | 587B | R 156 |
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| Peace Officer Standards and Training, Comm on: | | |
| Support | 455S | GG 139 |
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| Personnel Board, State: | | |
| Support: | | |
| General Fund | 140G | SCS 129 |
| Cooperative Per Serv Rev Fd | 141N | SCS 129 |
| Capital Outlay—Minor | 510G | SCS 130 |
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| Pilot Commissioners, Board of | 453S | GG 134 |
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| Professional Engineers, Board of Regis for | 103S | SCS 50 |
| Public Defender, State | 465G | GG 148 |
| Public Broadcasting Commission, California: | | |
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| Calif Public Broadcasting Fund | 437N | GG 99 |
| Public Employees Retirement System: | | |
| Support: | | |
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| Volunteer Firefighter Length of Service Award Fd | 142.1N | — |
| Public Employees' Retirement Fd | 143N | SCS 135 |
| St Employees' Contingency Reserve Fd | 144N | SCS 135 |
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| Support | 308G | HW 143 |
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| Reserve for Contingencies or Emergencies: | | |
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| Resources, Secretary for | 36G | LJE 25 |
| Riot and Civil Disorders Insurance, Cost for | 167G | BT 45 |
| San Francisco Bay Conservation & Development Commission: | | |
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| Secretary of State: | | |
| State Operations: | | |
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| Printing of Constitutional Amend | 65G | LJE 117 |

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| Local Assistance: | | |
| Sign in Lieu of Filing | 70G | LJE 117 |
| Postcard Registration, To Counties | 71G | LJE 117 |
| Subventions for Voter Registration | 71.1G | — |
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| Social Services, Department of: | | |
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| Local Assistance: | | |
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| Special Adult Programs | 311G | HW 165 |
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| Special Social Services Program | 312G | HW 166 |
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| Support | 148N | SCS 139 |
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| Veterans' Home of California | 153G | SCS 148 |
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| County Vet Services Officers | 154G | SCS 148 |
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| Veterans' Home of California—Minor | 511G | SCS 150 |
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| Veterinary Med, Board of Exam in: | | |
| Veterinary Exam Contingent Fund | 89S | SCS 28 |
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| Voc Nurse Exam Fund | 91S | SCS 31 |
| Voc Nurse and Psych Tech Exam Fund | 92S | SCS 32 |
| Voting Machines and Vote Tabulating Devices, Commission on | 72G | LJE 119 |
| Water Resources, Department of: | | |

| Department | Item No & Fund Type | Governor's Budget Page |
|---|---|---|
| Support—Transfer to Water Resources Revolving Fund | 268G | R 184 |
| Energy Resources, Cons and Dev Special Acct | 268.1S | — |
| Cooperative Water Conservation Education Program | 269S | R 184 |
| Energy and Resources Fund | 269.1S | — |
| Energy and Resources Fund | 270S | R 184 |
| Local Assistance: | | |
| Flood Control | 271G | R 185 |
| Capital Outlay: | | |
| Flood Control | 536G | R 195 |
| State Building Program | 537G | R 195 |
| Energy and Resources Fund | 538S | R 195 |
| Water Resources Control Board, State | 272G | R 204 |
| Wildlife Conservation Board: | | |
| Support | 244S | R 91 |
| Capital Outlay: | | |
| State, Urban, and Coastal Park Fund—Reappropriation | 586B | R 91 |
| Worker's Compensation Benefits: | | |
| Subsequent Injury | 426G | GG 83 |
| Disaster Service Workers | 427G | GG 84 |
| Youth and Adult Correctional Agency | 37G | LJE 26 |
| Youth Authority, Department of the: | | |
| Support | 404G | YAC 38 |
| Local Assistance: | | |
| Transportation of Wards | 405G | YAC 39 |
| County Delinquency Prev Comm | 406G | YAC 39 |
| Delinquency Prevention Projects and Research | 407G | YAC 39 |
| Detention of Youth Authority Parolees | 408G | YAC 40 |
| County Justice System Subvention Program | 409G | YAC 40 |
| Capital Outlay, Major projects | 568G | YAC 46 |
| Youthful Offender Parole Board | 403G | YAC 30 |

## CHAPTER 511

An act to add Section 13887.5 to the Government Code, to amend Sections 11450, 11452, 11453, 12200, and 12205 of, to add Section 12201 to, and to repeal Sections 12201, 12205.1, and 12205.2 of, the Welfare and Institutions Code, and Section 6.4 of Chapter 348 of the Statutes of 1976, relating to fiscal affairs.

[Approved by Governor July 16, 1980 Filed with Secretary of State July 16, 1980.]

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

SECTION 1. Section 13887.5 is added to the Government Code, to read:

13887.5. (a) The commission shall study and report to the Governor and Legislature by December 1, 1981, on the manner in which the California Necessities Index is determined pursuant to Sections 11453 and 12201 of the Welfare and Institutions Code. The commission shall recommend any changes, based on its surveys and studies, which are necessary or advisable to more accurately reflect the impact of inflation on low-income families.

(b) The commission shall make the computations required by Sections 11453 and 12201 of the Welfare and Institutions Code on or before March 1 for the following fiscal year except for federal supplemental security income benefit adjustments, which shall be made no later than April 27 of each year.

SEC. 2. Section 11450 of the Welfare and Institutions Code is amended to read:

11450. (a) For each needy family which includes one or more needy children qualified for aid under this chapter, there shall be paid, notwithstanding minimum basic standards of adequate care established by the department under Section 11452, an amount of aid each month which when added to his income, exclusive of any amounts considered exempt as income or paid pursuant to subdivision (d) of this section or Section 11453.1, is equal to the sums specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453:

| *Number of eligible needy persons in the same home* | *Maximum aid* |
|---|---|
| 1 | $227 |
| 2 | 374 |
| 3 | 463 |
| 4 | 550 |
| 5 | 628 |
| 6 | 706 |
| 7 | 775 |

| | |
|---|---|
| 8 | 844 |
| 9 | 912 |
| 10 or more | 981 |

If, when and during such times as the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to such increase or decrease by the United States government, provided that no such increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(b) For children receiving foster care who are qualified for aid under the provisions of this chapter, there shall be paid the sum necessary for the adequate care of each child.

(c) As used in this chapter, "foster care" means care in a foster home, group home, or institution.

(d) (1) In addition to the amounts payable under subdivision (a) of this section and Section 11453.1, a family shall be entitled to receive an allowance for recurring special needs not common to a majority of recipients. Such recurring special needs shall include but not be limited to special diets upon the recommendation of a physician, and unusual costs of transportation, laundry, housekeeping service, telephone, and utilities. The recurring special needs allowance for each family per month shall not exceed that amount resulting from multiplying the sum of ten dollars ($10) by the number of recipients in the family who are eligible for assistance.

(2) A family shall also be entitled to receive an allowance for nonrecurring special needs caused by sudden and unusual circumstances beyond the control of the needy family; provided, however, that such needs shall not be taken into consideration in determining the eligibility of the family for aid.

(3) The department shall establish rules and regulations assuring the uniform application statewide of the provisions of this subdivision.

(e) Except for the purposes of Section 15200, the amounts payable to recipients pursuant to Section 11453.1 shall not constitute part of the payment schedule set forth in subdivision (a) of this section.

The amounts payable to recipients pursuant to Section 11453.1 shall not constitute income to recipients of aid under this section.

SEC. 3. Section 11452 of the Welfare and Institutions Code is amended to read:

11452. Minimum basic standards of adequate care shall be distributed to the counties and shall be binding upon them. Such standards are hereby determined on the basis of the schedule set forth in this section, as adjusted for cost-of-living increases or decreases pursuant to Section 11453, which schedule is designed to insure:

(1) Safe, healthful housing.

(2) Minimum clothing for health and decency.

(3) Low-cost adequate food budget meeting recommended dietary allowances of the National Research Council.

(4) Utilities.

(5) Other items including household operation, education and incidentals, recreation, personal needs, and insurance.

(6) Allowance for essential medical, dental, or other remedial care to the extent not otherwise provided at public expense.

The schedule of minimum basic standards of adequate care is as follows:

| Number of needy persons in the same family | Minimum basic standards of adequate care |
|---|---|
| 1 | $231 |
| 2 | 386 |
| 3 | 470 |
| 4 | 577 |
| 5 | 667 |
| 6 | 751 |
| 7 | 827 |
| 8 | 913 |
| 9 | 1,000 |
| 10 | 1,087 |

plus nine dollars ($9) for each additional needy person.

The department shall establish rules and regulations assuring the uniform application statewide of the provisions of this section.

SEC. 4. Section 11453 of the Welfare and Institutions Code is amended to read:

11453. The amounts set forth in Section 11452 and subdivision (a) of Section 11450 shall be adjusted annually by the department to reflect any increases or decreases in the cost of living occurring after December 1979, so that the first such adjustment becomes effective July 1, 1981 and subsequent adjustments shall take effect each July 1 thereafter. The cost of living adjustment shall be calculated by the Commission on State Finance based on the changes in the California Necessities Index, which as used in this section means the weighted average changes for food, clothing, fuel, utilities, rent, and transportation for low income consumers. The computation of annual adjustments in the California Necessities Index shall be made in accordance with the following steps:

(a) The base period expenditure amounts for each expenditure category within the California Necessities Index used to compute the annual grant adjustment are:

| | |
|---|---|
| Food | $1,832 |
| Clothing (Apparel and Upkeep) | 298 |
| Fuel and other utilities | 264 |
| Rent, residential | 2,303 |

| | |
|---|---|
| Transportation | 1,026 |
| Total | $5,723 |

(b) Based on the appropriate components of the Consumer Price Index for All Urban Consumers, as published by the United States Department of Labor, Bureau of Labor Statistics, the percentage change shall be determined for the twelve-month period ending with the December preceding the year for which the cost-of-living adjustment will take effect, for each expenditure category specified in subdivision (a) within the following geographical areas: Los Angeles-Long Beach-Anaheim, San Francisco-Oakland, San Diego, and, to the extent statistically valid information is available from the Bureau of Labor Statistics, additional geographical areas within the state which include not less than 80 percent of recipients of aid under this chapter.

(c) Calculate a weighted percentage change for each of the expenditure categories specified in subdivision (a) using the applicable weighting factors for each area used by the State Department of Industrial Relations to calculate the California Consumer Price Index (CCPI).

(d) Calculate a category adjustment factor for each expenditure category in subdivision (a) by (1) adding one hundred (100) to the applicable weighted percentage change as determined in subdivision (b) and (2) dividing the sum by one hundred (100).

(e) Determine the expenditure amounts for the current year by multiplying each expenditure amount determined for the prior year by the applicable category adjustment factor determined in subdivision (d).

(f) Determine the overall adjustment factor by dividing (1) the sum of the expenditure amounts as determined in subdivision (d) for the current year by (2) the sum of the expenditure amounts as determined in subdivision (d) for the prior year.

The overall adjustment factor determined by the preceding computation steps shall be multiplied by the schedules established pursuant to Section 11452 and subdivision (a) of Section 11450 as are in effect during the month of June preceding the fiscal year in which the adjustments are to occur and the product rounded to the nearest dollar. The resultant amounts shall constitute the new schedules which shall be filed with the Secretary of State.

SEC. 5. Section 12200 of the Welfare and Institutions Code is amended to read:

12200. An aged, blind or disabled applicant or recipient shall be paid an amount of aid which when added to his federal benefit received under Part A of Title XVI of the Social Security Act and other nonexempt income and resources, equals the following:

(a) For a blind applicant or recipient, the sum of four hundred fifty-one dollars ($451) per month and for a married couple both qualifying for benefits under this chapter as blind, the sum of eight

hundred seventy-seven dollars ($877) per month.

(b) For a married couple, both qualifying for benefits under this chapter, and one of whom is blind, the sum of eight hundred twenty-eight dollars ($828) per month.

(c) For an aged or disabled applicant or recipient, the sum of four hundred two dollars ($402) per month.

(d) For a married couple both qualifying for benefits under this chapter as aged or disabled, the sum of seven hundred forty-six dollars ($746) per month.

(e) For an aged or disabled applicant or recipient under subdivision (c) or for a married couple under subdivision (d) whose living arrangement prevents preparation of his or their meals at home shall be entitled to an allowance of forty-three dollars ($43) per month for an individual and eighty-six dollars ($86) per month for a married couple in addition to any other amount he is entitled to under this chapter.

(f) For a disabled minor under 18 living with a parent or guardian or relative by blood or marriage, the sum of three hundred nineteen dollars ($319) per month.

(g) For a recipient in a nonmedical out-of-home care facility, the sum of four hundred fifty-four dollars ($454) per month.

(h) For the personal and incidental needs of a person receiving care in a medical facility under the Medi-Cal Act, the sum of twenty-five dollars ($25) per month.

(i) In the case of any individual or couple whose federal benefit received under Part A of Title XVI of the Social Security Act is reduced in accordance with Section 1612(a)(2)(A) of Public Law 92-603 because he lives in another person's household and receives support and maintenance-in-kind from such person, the appropriate grant level set forth in subdivision (a), (b), (c), or (d) of this section shall be reduced by the amount of the reduction in the federal benefit, subject to the provisions in Section 12204.

This subdivision shall be operative only during such time that such in-kind support and maintenance, under federal law, is treated as providing the basis for a lower payment standard rather than being treated as the receipt of unearned income.

SEC. 6. Section 12201 of the Welfare and Institutions Code is repealed.

SEC. 7. Section 12201 is added to the Welfare and Institutions Code, to read:

12201. The payment schedules to go into effect July 1, 1981, and on July 1 of each year thereafter, shall be the amounts set forth in Section 12200, as adjusted to reflect any increases or decreases in the cost of living occurring after December 1, 1979. The cost-of-living adjustment shall be based on the changes in the California Necessities Index, which as used in this section shall be the weighted average of changes for food, clothing, fuel, utilities, rent, and transportation for low-income consumers. The computation of annual adjustments in the California Necessities Index shall be made

in accordance with the following steps:

(a) The base period expenditure amounts for each expenditure category within the California Necessity Index used to compute the annual grant adjustment are:

| | |
|---|---|
| Food | $1,832 |
| Clothing (Apparel and Upkeep) | 298 |
| Fuel and other utilities | 264 |
| Rent, residential | 2,303 |
| Transportation | 1,026 |
| Total | $5,723 |

(b) Based on the appropriate components of the Consumer Price Index for All Urban Consumers, as published by the United States Department of Labor, Bureau of Labor Statistics, the percentage change shall be determined for the twelve-month period ending with the December preceding the year for which the cost-of-living adjustment will take effect, for each expenditure category specified in subdivision (a) within the following geographical areas: Los Angeles-Long Beach-Anaheim, San Francisco-Oakland, San Diego, and, to the extent statistically valid information is available from the Bureau of Labor Statistics, additional geographical areas within the state which include not less than 80 percent of recipients of aid under this chapter.

(c) Calculate a weighted percentage change for each of the expenditure categories specified in subdivision (a) using the applicable weighting factors for each area used by the State Department of Industrial Relations to calculate the California Consumer Price Index (CCPI).

(d) Calculate a category adjustment factor for each expenditure category in subdivision (a) by (1) adding one hundred (100) to the applicable weighted percentage change as determined in subdivision (b) and (2) dividing the sum by one hundred (100).

(e) Determine the expenditure amounts for the current year by multiplying each expenditure amount determined for the prior year by the applicable category adjustment factor determined in subdivision (d).

(f) Determine the overall adjustment factor by dividing (1) the sum of the expenditure amounts as determined in subdivision (d) for the current year by (2) the sum of the expenditure amounts as determined in subdivision (d) for the prior year.

The overall adjustment factor determined by the preceding computational steps shall be multiplied by the payment schedules established pursuant to Section 12200 as are in effect during the month of June preceding the fiscal year in which the adjustments are to occur, and the product rounded to the nearest dollar. The resultant amounts shall constitute the new schedules for the categories given under subdivisions (a), (b), (c), (d), (e), (f), and

(g) of Section 12200, and shall be filed with the Secretary of State. The amount as set forth in subdivision (h) of Section 12200 shall be adjusted annually pursuant to this section in the event that the secretary agrees to administer payment under that subdivision. The payment schedule for subdivision (i) of Section 12200 shall be computed as specified, based on the new payment schedules for subdivisions (a), (b), (c), and (d) of Section 12200.

The department shall adjust any amounts of aid under this section to insure that the minimum level required by the Social Security Act in order to maintain eligibility for funds under Title XIX of that act is met.

The repeal and addition of this section at the 1979–80 Regular Session of the Legislature shall not affect, during the 1980–81 fiscal year, the benefits, standards, or other amounts contained in any program for which a cost-of-living increase is incorporated by reference to the provisions of this section. The benefits, standards, or other amounts contained in any of these programs shall, on and after July 1, 1981, be based on the benefits, standards, or other amounts in effect on June 30, 1981, increased by the percentage cost-of-living increase currently provided for by this section.

SEC. 8. Section 12205 of the Welfare and Institutions Code is amended to read:

12205. Increases in federal benefits under Part A of Title XVI of the Social Security Act for reasons other than cost of living which are not accompanied by an increase in federal benefits under Title II of the Social Security Act shall be added to the payment schedules as set forth in Section 12200, excluding subdivision (h), in accordance with the following method: The amount of the increase in the federal monthly benefit level shall be multiplied by the number of recipients who will benefit therefrom and the resultant amount divided by the total number of recipients eligible for assistance under the provisions of this chapter at the time the increases are to go into effect, and the quotient rounded to the nearest dollar. This amount shall determine the increase in the aforementioned payment schedules.

Subsequent to the first increase pursuant to this section, each additional increase in the Title XVI federal benefit levels added to the payment schedules of Section 12200, excepting subdivision (h), shall be based on the difference between the federal benefit levels immediately applicable prior to an increase thereto and the federal benefit levels immediately applicable thereafter.

The director shall notify the Secretary of the United States Department of Health, Education and Welfare of the amount of the increases to be added pursuant to this section to the payment schedules in Section 12200, no later than 15 working days following the date on which the director is notified by the secretary in writing of the amounts of the increases to federal benefits.

SEC. 9. Section 12205.1 of the Welfare and Institutions Code is repealed.

SEC. 10. Section 12205.2 of the Welfare and Institutions Code is

repealed.

SEC. 11. Section 6.4 of Chapter 348 of the Statutes of 1976 is repealed.

SEC. 12. Notwithstanding the provisions of Section 11214 of the Welfare and Institutions Code, no county shall be reimbursed for any percentage increase in payments in effect for June 1980 to any foster home, group home, or institution which exceeds 15.48 percent for the period January 1, 1981, to June 30, 1981.

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## CHAPTER 512

An act to amend Sections 16496.5, 16497.5, 16498, 16499, and 16499.5 of the Government Code, to add Article 14.5 (commencing with Section 33478) to Chapter 4 of Part 1 of Division 24 of the Health and Safety Code, and to amend Section 8 of Chapter 1192 of the Statutes of 1979, relating to local agencies, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 16496.5 of the Government Code is amended to read:

16496.5. It is the purpose of the Local Agency Indebtedness Fund to provide loans, with a maximum term of 20 years, to local agencies for the purpose of protecting the credit of the state and local agencies by preventing a default, technical or actual, in the payment of a bond of a local agency during the 1978–79, 1979–80, and 1980–81 fiscal years while local agencies are reorganizing revenue sources which support payments on such bonds.

SEC. 2. Section 16497.5 of the Government Code is amended to read:

16497.5. There is hereby created in the State Treasury the Local Agency Indebtedness Fund. Loans shall be available to local agencies from such fund for the purpose of making payments due on bonds during the 1978–79, 1979–80, and 1980–81 fiscal years in order to prevent a technical or actual default from occurring in the payments required on such bonds during such fiscal year.

SEC. 3. Section 16498 of the Government Code is amended to read:

16498. Any local agency may apply to the board, by no later than June 30, 1981, for a loan pursuant to this article, after the adoption by the legislative body of the local agency of a resolution containing all of the following:

(a) A statement of the amount of principal and interest required to be paid for the 1980–81 fiscal year on bonds issued and outstanding

by the local agency and the time or times at which such principal and interest are payable;

(b) A statement of the amount of local revenues budgeted and available for the payment of principal and interest due on such bonds;

(c) A statement of the amount required as a loan from the Local Agency Indebtedness Fund to the local agency in order to avoid a technical or actual default in payments due on such bonds; and

(d) Where bonds have been issued which are secured by tax increment, evidence that the taxes allocated under subdivision (b) of Section 33670 of the Health and Safety Code are inadequate to make the principal and interest payments on bonds due during the 1980–81 fiscal year.

SEC. 4. Section 16499 of the Government Code is amended to read:

16499. The board shall make a loan to a local agency applying for such loan in order to prevent an imminent default on the bonds of such local agency. All loans shall bear the same interest rate as loans from the Local Agency Emergency Loan Fund. The interest on such loans shall accrue until final payment. All loans shall have a maximum repayment period of 20 years from the date of approval of the loan. The board may make such loan only after a finding that:

(a) The local agency has insufficient funds to make principal and interest payments during the 1980–81 fiscal year; and

(b) Where bonds have been issued which are secured by tax increment, evidence that the taxes allocated under subdivision (b) of Section 33670 of the Health and Safety Code are inadequate to make the principal and interest payments on bonds due during the 1980–81 fiscal year.

SEC. 5. Section 16499.5 of the Government Code is amended to read:

16499.5. The board may adopt reasonable rules to administer the Local Agency Indebtedness Fund in accordance with the intent of this article, to protect the credit of the state and its local agencies by preventing imminent defaults on bonds on local agencies during the 1980–81 fiscal year and to give local agencies time to reorganize revenue sources for the payments due on such bonds.

SEC. 5.5. The sum of seventy-five thousand dollars ($75,000) is hereby allocated from the Local Agency Indebtedness Fund for administrative costs of the Pooled Money Investment Board.

Such amount may be allocated and expended without regard to fiscal year.

SEC. 6. Article 14.5 (commencing with Section 33478) is added to Chapter 4 of Part 1 of Division 24 of the Health and Safety Code, to read:

## Article 14.5. Merger of Redevelopment Project Areas in the Cities of Richmond and Pittsburg

33478. (a) For the purpose of allocating taxes pursuant to Section 33670 and subject to the provisions of this article, redevelopment project areas under the jurisdiction of the redevelopment agency of the City of Richmond or the City of Pittsburg for which redevelopment plans have been adopted pursuant to Article 5 (commencing with Section 33360), may be merged, without regard to contiguity of such areas, by the amendment of each affected redevelopment plan as provided in Article 12 (commencing with Section 33450). Except as provided in subdivision (b), taxes attributable to each project area merged pursuant to this section which are allocated to the redevelopment agency pursuant to Section 33670 may be allocated, as provided in subdivision (b), to the entire merged project area for the purpose of paying the principal of, and interest on, indebtedness incurred by the redevelopment agency to finance or refinance, in whole or in part, such merged redevelopment project.

(b) If the redevelopment agency has, prior to merger of redevelopment project areas pursuant to subdivision (a), incurred any indebtedness on account of a constituent project area so merged, taxes attributable to that area which are allocated to the agency pursuant to Section 33670 shall be first used to comply with the terms of any bond resolution or other agreement pledging such taxes from the constituent project area.

(c) In connection with any amendment which proposes merger of redevelopment project areas pursuant to subdivision (a), the county or any affected taxing entity may call for the creation of a fiscal review committee as provided for in Article 4 (commencing with Section 33330).

(d) After merger of redevelopment projects pursuant to subdivision (a), the clerk of the legislative body shall transmit a copy of the ordinance amending the plans for projects to be merged to the governing body of each of the taxing agencies which levies taxes upon any property in the project.

33478.1. (a) Subject to the provisions of subdivisions (a) and (b) of Section 33478, not less than 20 percent of all taxes which are allocated to the redevelopment agency pursuant to Section 33670 for redevelopment projects merged pursuant to this article, irrespective of the date of adoption of the final redevelopment plans shall be deposited by the agency in the Low and Moderate Income Housing Fund established pursuant to Section 33334.3, or which shall be established for purposes of this section, except if the agency finds that not less than 4 percent of the housing units within its jurisdiction receive subsidies to make such units affordable to low- or moderate-income households. The agency shall use the moneys in such fund to assist in the construction or rehabilitation of housing units which will be available to, or occupied by, persons and families

of low or moderate income, as defined in Section 50093, and very low income households, as defined in Section 50105, for a period of not less than 30 years. For the purposes of this subdivision, "construction and rehabilitation" shall include acquisition of land, improvements to land; the acquisition, rehabilitation, or construction of structures; or the provision of subsidies necessary to provide housing for persons and families of low or moderate income, as defined in Section 50093, and very low income households, as defined in Section 50105.

(b) The agency may use the funds set aside by subdivision (a) inside or outside the project area. However, the agency may only use these funds outside the project area upon a resolution of the agency and the legislative body that such use will be of benefit to the project. Such determination by the agency and the legislative body shall be final and conclusive as to the issue of benefit to the project area. The Legislature finds and declares that the provision of replacement housing pursuant to Section 33413 is of benefit to a project.

The Legislature finds and declares that expenditures or obligations incurred by the agency pursuant to this section shall constitute an indebtedness of the project.

(c) If moneys deposited in the Low and Moderate Income Housing Fund pursuant to this section have not been committed for the purposes specified in subdivisions (a) and (b) for a period of six years following deposit in that fund, the agency shall offer such moneys to the housing authority which operates within the jurisdiction of the agency, if activated pursuant to Section 34240, for the purpose of constructing or rehabilitating housing as provided in subdivisions (a) and (b).

(d) Notwithstanding subdivision (d) of Section 33413, any agency which merges its redevelopment project areas pursuant to this article shall be subject to the provisions of subdivisions (a) and (c) of Section 33413.

33478.2. Prior to merging project areas pursuant to Section 33478, the redevelopment agency shall notify the department of its intention to merge its project areas, which shall occur no later than 30 days prior to adoption of the ordinance which provides for merger.

33478.3. This article shall be applicable to only those redevelopment projects of the City of Richmond for which a final redevelopment plan was adopted by ordinance on or before July 1, 1975, and amendments thereto adopted on or before June 1, 1980. This article shall be applicable to only those redevelopment projects of the City of Pittsburg for which a final redevelopment plan was adopted by ordinance on or before June 1, 1980, and amendments thereto adopted on or before June 1, 1980. The Legislature finds and declares that conditions unique to the financing of redevelopment in the City of Richmond and the City of Pittsburg require the granting of authority to merge project areas.

SEC. 7. Section 8 of Chapter 1192 of the Statutes of 1979 is amended to read:

Sec. 8. (a) Except as provided in subdivision (b):

(1) Any sales made pursuant to a subdivision public report hereafter issued by the Department of Real Estate for a stock cooperative conversion shall not be deemed invalid under the provisions of this act, if the application for that public report, including payment of an appropriate fee, was made prior to July 1, 1979.

(2) Paragraph (1) shall not apply to stock cooperative conversions which occur in the jurisdiction of governmental agencies which by legislative action regulated such conversions under the provisions of the Subdivision Map Act prior to January 1, 1980. Governmental agency regulation of such conversions under the provisions of the Subdivision Map Act, which was exercised pursuant to a legislative enactment prior to January 1, 1980, shall not be invalidated by this section; provided, that no such regulation enacted after July 1, 1979, shall affect a stock cooperative conversion if the application for that conversion's public report, including payment of an appropriate fee, was made prior to July 1, 1979.

(b) If the application for a subdivision public report for a stock cooperative conversion in a general law city, including payment of an appropriate fee, was made prior to September 30, 1979, and the general law city did not by legislative action regulate the conversion under the provisions of the Subdivision Map Act prior to the application for the subdivision public report, including payment of an appropriate fee, the provisions of this act shall not affect the stock cooperative conversion and the Real Estate Commissioner shall, if the conversion meets all applicable requirements of Chapter 1 (commencing with Section 11000) of Part 2 of Division 4 of the Business and Professions Code, issue the public report for the conversion.

However, a stock cooperative conversion described in this subdivision shall, as a condition of the issuance of the public report, meet the requirements of the provisions of subdivisions (a) and (b) of Section 66427.1 of the Government Code without the requirement of obtaining a final map approval of the stock cooperative conversion.

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

In order to prevent delay of effective redevelopment in the Cities of Richmond and Pittsburg, in order to aid local agencies threatened with default in payment of certain bonds during the 1980–81 fiscal year, it is necessary that this act go into effect immediately, and in order to clarify the application of Section 8 of Chapter 1192 of the Statutes of 1979 to stock cooperative conversions for which applications were filed with the Department of Real Estate prior to January 1, 1980.

# CHAPTER 513

An act to amend Sections 61378 and 61932 of the Food and Agricultural Code, relating to agriculture.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 61378 of the Food and Agricultural Code, as added by Section 1.7 of Chapter 1025 of the Statutes of 1979, is amended to read:

61378. A distributor shall not allow or give any payment of money, credit, compensation, gift, or loan of anything of value to a wholesale customer for advertising or display in connection with the sale of the distributor's dairy products classified as class 1, except yogurts.

When any such payment or loan is permissible, it shall apply only to products sold under a distributor's own registered brand. The cost of any such allowance shall be borne by the handler or distributor.

The director shall report to the Assembly Committee on Agriculture and the Senate Committee on Agriculture and Water Resources on or before January 2, 1982, and on or before January 2, 1983, on whether or not significant market disruptions have occurred since January 1, 1981. This report shall include trends in the production of buttermilk and cottage cheese before and after removal of the advertising allowance prohibition on these products.

SEC. 2. Section 61932 of the Food and Agricultural Code is amended to read:

61932. Class 1 comprises:

(a) Any market milk, market skim milk, half-and-half, or concentrated milk that is supplied to consumers in the fluid state, with the exception of the following:

(1) Any combination of market milk or market skim milk which is sterilized and packaged in hermetically sealed containers.

(2) Any flavored milk product or market half-and-half which is ultra-pasteurized and packaged in hermetically sealed containers.

(3) Any market half-and-half which is packaged in presterilized containers under aseptic conditions to meet the marketing requirements for such products in states other than this state; provided, however, that nothing in this paragraph shall authorize the sale within this state of any milk product as a sterilized product unless such product meets the standards and requirements for sterilized products contained in Division 15 (commencing with Section 32501).

(4) Any market milk, market skim milk, or market cream which is used in the manufacture of yogurts which are directly sold for use in states other than this state.

(b) Any market milk, market skim milk, or market cream which

is used in any other milk product, or products resembling milk products, in which the use of market milk or any components or derivatives of market milk is required by, or pursuant to, the provisions of this code, except any such product defined in Section 61933 as class 2.

(c) Any market milk, market skim milk, market cream, market milk fat, or market milk solids not fat which is used in the standardizing or fortifying of any milk product which is defined in this section as class 1.

(d) Any market milk, market skim milk, or market cream which is used in any product not otherwise classified, which is required by any regulations adopted by the director pursuant to Article 2 (commencing with Section 36631), Chapter 1, Part 3 of Division 15 to be made from market milk or any components or derivatives of market milk.

(e) Any market milk, market skim milk, market cream, market milk fat, or market milk solids not fat used in any filled product or imitation milk product, when the product imitated or resembled, is defined in this section as class 1.

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## CHAPTER 514

An act to amend Sections 44010, 44940, 45304, 87010, 87736, and 88123 of the Education Code, relating to educational personnel.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 44010 of the Education Code is amended to read:

44010. "Sex offense," as used in Sections 44346, 44425, 44436, 44836, 45123, and 45304, means any one or more of the offenses listed below:

(a) Any offense defined in Section 261.5, 266, 267, 285, 286, 288, 288a, 647a, subdivision 3 or 4 of Section 261, or subdivision (a) or (d) of Section 647 of the Penal Code.

(b) Any offense defined in former subdivision 5 of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision 2 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961, if the offense defined in such sections was committed prior to September 15, 1961, to the same extent that such an offense committed prior to such date was a sex offense for the purposes of this section prior to September 15, 1961.

(c) Any offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.

(d) Any offense defined in former subdivision 1 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and prior to September 15, 1961.

(e) Any offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.

(f) Any offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Chapter 1616 of the Statutes of 1961, if such offense was committed prior to September 15, 1961, to the same extent that such an offense committed prior to such date was a sex offense for the purposes of this section prior to September 15, 1961.

(g) Any offense defined in Section 286 or 288a of the Penal Code prior to the effective date of the amendment of either section enacted at the 1975—76 Regular Session of the Legislature committed prior to the effective date of the amendment.

(h) Any attempt to commit any of the above-mentioned offenses.

(i) Any offense committed or attempted in any other state which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses.

SEC. 2. Section 44940 of the Education Code is amended to read:

44940. Whenever any certificated employee of a school district is charged with the commission of any sex offense, as defined in Section 44010, 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 or her regular salary during the period of his or her compulsory leave of absence, if and during such time as the employee 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 the employee 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 the employee are dismissed, the school district shall reimburse the employee for the cost of the bond upon his or her 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 the employee are dismissed, the school district shall pay to the employee his or her full compensation for the period of the compulsory leave of absence upon his or her 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 Section 261.5 of the Penal Code, Sections 11357 to 11361, inclusive, and Sections 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 45304 of the Education Code is amended to read:

45304. 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 or her 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 44010, or any narcotics offense, as defined in Section 44011, Sections 11357 to 11361, inclusive, and Sections 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. However, 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 the employee demands a hearing. An employee so suspended shall continue to be paid his or her regular salary during the period of the suspension if and during such time as he or she 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 or her during the period of the

suspension in case the employee is convicted of such charges, or the employee 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 or her full compensation during the period of the suspension; provided the employee returns to service after such period of suspension.

SEC. 4. Section 87010 of the Education Code is amended to read:

87010. "Sex offense," as used in Sections 87290, 87335, 87346, 87405, 88022, and 88123, means any one or more of the offenses listed below:

(a) Any offense defined in Sections 261.5, 266, 267, 285, 286, 288, 288a, 647a, subdivision 3 or 4 of Section 261, or subdivision (a) or (d) of Section 647 of the Penal Code.

(b) Any offense defined in former subdivision 5 of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision 2 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961, if the offense defined in such sections was committed prior to September 15, 1961, to the same extent that such an offense committed prior to such date was a sex offense for the purposes of this section prior to September 15, 1961.

(c) Any offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.

(d) Any offense defined in former subdivision 1 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and prior to September 15, 1961.

(e) Any offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.

(f) Any offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Chapter 1616 of the Statutes of 1961, if such offense was committed prior to September 15, 1961, to the same extent that such an offense committed prior to such date was a sex offense for the purposes of this section prior to September 15, 1961.

(g) Any offense defined in Section 286 or 288a of the Penal Code prior to the effective date of the amendment of either section enacted at the 1975—76 Regular Session of the Legislature committed prior to the effective date of the amendment.

(h) Any attempt to commit any of the above-mentioned offenses.

(i) Any offense committed or attempted in any other state which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses.

SEC. 5. Section 87736 of the Education Code is amended to read:

87736. Whenever any certificated employee of a community

college district is charged with the commission of any sex offense, as defined in Section 87010, by complaint, information, or indictment filed in a court of competent jurisdiction, the governing board of the 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 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 or her regular salary during the period of his or her compulsory leave of absence, if and during such time as the employee furnishes to the community college district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the district the amount of salary so paid to the employee 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 the employee are dismissed, the district shall reimburse the employee for the cost of the bond upon his or her return to service in the 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 the employee are dismissed, the district shall pay to the employee his or her full compensation for the period of the compulsory leave of absence upon his or her return to service in the district.

Whenever any certificated employee of a community college district is charged with the commission of any narcotics offense as defined, in Section 87011 of the Education Code, or a violation of Section 261.5 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 district may immediately place the employee upon compulsory leave in accordance with the procedure in this section.

SEC. 6. Section 88123 of the Education Code is amended to read:

88123. 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 or her last known place of address, a copy of the charges.

Whenever an employee of a community college district is charged with the commission of any sex offense, defined in Section 87010, or any narcotics offense, as defined in Section 87011, or a violation of 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 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. However, 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 the employee demands a hearing. An employee so suspended shall continue to be paid his or her regular salary during the period of the suspension if and during such time as he or she furnishes to the district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the district the amount of salary so paid to him or her during the period of the suspension in case the employee is convicted of such charges, or the employee 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 district shall reimburse the employee for the cost of the bond; or, if the employee has not elected to furnish such bond, the district shall pay to the employee his or her full compensation during the period of the suspension; provided the employee returns to service after such period of suspension.

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## CHAPTER 515

An act to amend Section 11121 of the Government Code, relating to meetings.

[Approved by Governor July 16, 1980 Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Section 11121 of the Government Code is amended to read:

11121. As used in this article "state agency" means every state board, or commission, or similar multimember body of the state which is required by law to conduct official meetings and every commission created by executive order, but does not include state agencies provided for in Article VI of the California Constitution nor districts or other local agencies whose meetings are required to be open to the public pursuant to the provisions of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of this code.

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## CHAPTER 516

An act to add Article 3.5 (commencing with Section 53715) to Chapter 4 of Division 2 of Title 5 of the Government Code, relating to expenditure limitations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1980 Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Article 3.5 (commencing with Section 53715) is added to Chapter 4 of Division 2 of Title 5 of the Government Code, to read:

### Article 3.5. Proceeds of Taxes

53715. As used in Article XIII B of the California Constitution, the term "proceeds of taxes" does not include the proceeds from the sale of bonds, notes, warrants or other obligations required for the purpose of financing or refinancing the acquisition, construction, or completion of public improvements or projects or any rents, charges, assessments, or levies, other than tax levies, made pursuant to law, the proceeds of which are required for the payment of principal and interest, or to otherwise secure such obligations, and to pay the costs and expenses associated therewith.

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:

Article XIII B was added to the California Constitution at the special election held November 6, 1979, and will become effective July 1, 1980. In order that this act, which would clarify the meaning of certain provisions of Article XIII B and thereby enable entities of local government to plan and act in accordance with the

constitutional requirements of this article, may be effective as soon as possible, it is necessary that this act take effect immediately.

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## CHAPTER 517

An act to amend Section 24001 of the Government Code, relating to county health officers.

[Approved by Governor July 16, 1980 Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 24001 of the Government Code is amended to read:

24001. Except as otherwise provided in Sections 27550.1 and 27641.1 of this code or in this section, or in Section 21123 or 34711 of the Water Code, a person is not eligible to a county or district office, unless at the time of his or her election or appointment he or she is of the age of 18 years or over, a citizen of the state, and an elector of the county or district in which the duties of the office are to be exercised. However, if a duly qualified health officer is not available within a county or district, then it shall not be necessary that any person appointed to any such position be a citizen of the state or an elector of the county or district at the time of his or her appointment.

The board of supervisors of any county may, if it finds that the best interests of the county will be served, waive the requirement that the administrative officer or county health officer be an elector of the county.

The board of supervisors or any other legally constituted appointing authority in a county that is consolidated with a city may, if it finds that the best interests of the county will be served, waive the requirements of this section for an appointment to the office of chief juvenile probation officer or chief adult probation officer that the appointee be a citizen of the state and an elector of the county.

SEC. 2. Section 24001 of the Government Code is amended to read:

24001. Except as otherwise provided in Sections 27550.1 and 27641.1 of this code or in this section, or in Section 21123 or 34711 of the Water Code, a person is not eligible to a county or district office, unless he or she is a registered voter of the county or district in which the duties of the office are to be exercised at the time that nomination papers are issued to the person or at the time of the person's appointment. However, if a duly qualified health officer is not available within a county or district, then it shall not be necessary that any person apppointed to any such position be a citizen of the state or an elector of the county or district at the time of his or her appointment.

The board of supervisors of any county may, if it finds that the best interests of the county will be served, waive the requirement that the administrative officer or county health officer be an elector of the county.

The board of supervisors or any other legally constituted appointing authority in a county that is consolidated with a city may, if it finds that the best interests of the county will be served, waive the requirements of this section for an appointment to the office of chief juvenile probation officer or chief adult probation officer that the appointee be a citizen of the state and an elector of the county.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1449 are both chaptered and amend Section 24001 of the Government Code, and this bill is chaptered after Senate Bill No. 1449, that the amendments to Section 24001 proposed by both bills be given effect and incorporated in Section 24001 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. 1449 are both chaptered, both amend Section 24001, and Senate Bill No. 1449 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

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## CHAPTER 518

An act to amend Section 19620 of, and to add Sections 19621.2 and 19621.3 to, the Business and Professions Code, relating to fairs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 19620 of the Business and Professions Code is amended to read:

19620. (a) From the total revenue received by the board, exclusive of money received pursuant to Sections 19640 and 19641, the sum of two hundred sixty-five thousand dollars ($265,000) plus an amount equal to $^{63}/_{100}$ of 1 percent of the gross amount of money handled in the annual parimutuel pool shall be paid into the State Treasury to the credit of the Fair and Exposition Fund.

(b) From the total revenue received by the board, exclusive of money received pursuant to Sections 19640 and 19641, and in addition to the funds paid into the State Treasury to the credit of the Fair and Exposition Fund as specified in subdivision (a), the Legislature shall annually appropriate and the board shall deposit to the credit of the Fair and Exposition Fund such sums as it deems necessary for the following purposes:

(1) For the support of the board, including any costs and expenses incurred by the Attorney General in the enforcement of this chapter as shall be authorized by the board.

(2) To the Department of Food and Agriculture for the supervision of all fairs, including citrus fruit fairs and district agricultural associations receiving money from the fund.

(3) To the Department of Food and Agriculture for the contributions, or the cost of benefits in lieu of contributions, payable to the Unemployment Fund by all entities conducting fairs, including county, district, combined county and district, and citrus fruit fairs receiving funds pursuant to this article, as a result of unemployment insurance coverage pursuant to Section 605 of the Unemployment Insurance Code.

(4) To the Department of Finance for the auditing of all fairs, including citrus fruit fairs and district agricultural associations receiving money from the fund.

SEC. 2. Section 19621.2 is added to the Business and Professions Code, to read:

19621.2. The Division of Fairs and Expositions of the Department of Food and Agriculture may enter into an agreement with the State Personnel Board for the board to provide an increased level of personnel services to the division on a reimbursement basis for the personnel needs of district agricultural associations. The Director of Food and Agriculture shall reimburse the State Personnel Board for such services from any unexpended moneys appropriated to the Department of Food and Agriculture from the Fair and Exposition Fund.

SEC. 3. Section 19621.3 is added to the Business and Professions Code, to read:

19621.3. The Director of Food and Agriculture shall prepare and submit to the Department of Finance an estimate of revenue to be deposited in the fund and allocations to be made from the fund pursuant to Sections 19622, 19627, and 19627.3 for each fiscal year.

The Director of Finance may authorize short-term, cash flow loans from the unappropriated surplus of the General Fund to the Fair and Exposition Fund if all of the following conditions are met:

(a) The loan will be repaid during the same fiscal year in which it is made.

(b) No loan exceeds the amount remaining to be allocated in any fiscal year under Sections 19622, 19627, and 19627.3, or 75 percent of the revenue estimated to be deposited in the Fair and Exposition Fund during the remainder of the fiscal year.

The Director of Food and Agriculture shall notify the State Controller when loans under this section are no longer required and any unnecessary loan funds shall be returned to the General Fund.

SEC. 4. Notwithstanding the provisions of Chapter 952 of the Statutes of 1979, as of the effective date of this act, all funds repaid to the Fair and Exposition Fund for interest and principal payments on loans made pursuant to Item 91 of the Budget Act of 1973

(Chapter 129 of the Statutes of 1973), Item 117 of the Budget Act of 1974 (Chapter 375 of the Statutes of 1974), or Section 19630.1 of the Business and Professions Code shall be transferred to and be deposited in the General Fund.

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 order to provide needed personnel services to the Division of Fairs and Expositions of the Department of Food and Agriculture and to provide financial flexibility to carry out programs at the earliest opportunity, it is necessary that this act take effect immediately.

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## CHAPTER 519

An act to amend Section 6254 of the Government Code, relating to public records.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 6254 of the Government Code is amended to read:

6254. Except as provided in Section 6254.7, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda which are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure.

(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled.

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(d) Contained in or related to:

(1) Applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies.

(2) Examination, operating, or condition reports prepared by, on

behalf of, or for the use of any state agency referred to in subdivision (1).

(3) Preliminary drafts, notes, or interagency or intra-agency communications prepared by, on behalf of, or for the use of any state agency referred to in subdivision (1).

(4) Information received in confidence by any state agency referred to in subdivision (1).

(e) Geological and geophysical data, plant production data and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any person.

(f) Records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local police agency, or any such investigatory or security files compiled by any other state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement or licensing purposes, except that local police agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the persons involved in an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage as the result of the incident caused by arson, burglary, fire, explosion, robbery, vandalism, or a crime of violence as defined by subdivision (b) of Section 13960, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, disclosure would endanger the successful completion of the investigation or a related investigation.

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of the Education Code.

(h) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision.

(i) Information required from any taxpayer in connection with the collection of local taxes which is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying such information.

(j) Library circulation records kept for the purpose of identifying

the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for reference or exhibition purposes. The exemption in this subdivision shall not apply to records of fines imposed on such borrowers.

(k) Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

(*l*) Correspondence of and to the Governor or employees of the Governor's office or in the custody of or maintained by the Governor's legal affairs secretary, provided public records shall not be transferred to the custody of the Governor's legal affairs secretary to evade the disclosure provisions of this chapter.

(m) In the custody or maintained by the Legislative Counsel.

(n) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish his personal qualification for the license, certificate, or permit applied for.

(o) Financial data contained in applications for financing under Division 27 (commencing with Section 44500) of the Health and Safety Code, where an authorized officer of the California Pollution Control Financing Authority determines that disclosure of such financial data would be competitively injurious to the applicant and such data is required in order to obtain guarantees from the United States Small Business Administration. The California Pollution Control Financing Authority shall adopt rules for review of individual requests for confidentiality under this section and for making available to the public those portions of an application which are subject to disclosure under this chapter.

(p) Records of the University of California, Hastings College of the Law, and the California State University and Colleges prepared for or during collective bargaining sessions, or minutes of such sessions.

Nothing in this section is to be construed as preventing any agency from opening its records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law.

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## CHAPTER 520

An act to amend Sections 15323, 15325, 15327, 15331, 15333, 15334, 15335.1, and 15350 of, and to add Section 15328 to, the Government Code, relating to state government and making an appropriation therefor.

[Approved by Governor July 16, 1980 Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 15323 of the Government Code is amended to read:

15323. The director shall:

(a) Perform all duties, exercise all powers, discharge all responsibility, and administer and enforce all laws, rules, and regulations under the jurisdiction of the department.

(b) Keep all books and records necessary for proper and efficient administration of the department.

(c) Serve as the Governor's principal staff adviser on economic development.

(d) Serve as executive director of the state economic development regional commission as designated by the Secretary of the United States Department of Commerce pursuant to Title V of the Public Works and Economic Development Act of 1965, as amended.

(e) Report annually to the Governor, the Legislature, and the Secretary of the Business and Transportation Agency regarding the efforts and activities of the department.

(f) Advise the Governor, the Legislature, and the Secretary of the Business and Transportation Agency on the problems, recommendations, and concerns of the business community, including the impact of governmental policies and regulations and the expected impact of proposed policies and regulations which may adversely affect beneficial economic development.

SEC. 2. Section 15325 of the Government Code is amended to read:

15325. The work of the department shall be divided into the following five offices:

(a) The Office of Economic Planning, Policy, and Research Development.

(b) The Office of Local Economic Development.

(c) The Office of Business and Industrial Development.

(d) The Office of Tourism.

(e) The Office of International Trade.

SEC. 2.4. Section 15327 of the Government Code is amended to read:

15327. In order to carry out the provisions of this chapter, there is hereby created in the State Treasury the California Economic Development Grant and Loan Fund.

The California Economic Development Grant and Loan Fund is created only for the purpose of (a) receiving federal, state, and local money for subsequent allocation by the department in the form of grants or loans to public and private agencies pursuant to P.L. 89-136, Section 304 of the Public Works and Economic Development Act of 1965, as amended; and (b) receiving repayments of loans or grants and interest on those loans or grants for subsequent reallocation as grants or loans without regard to a federal matching share so long as

the proceeds are used for economic development in a manner consistent with P.L. 89-136, Section 304. These conditions shall apply retroactively to all federal, state, and local moneys, including interest received by, allocated by, and returned to the Department of Economic and Business Development under the Section 304 program since its inception in 1975.

State funds allocated to the fund in excess of the actual 25 percent needed to match the federal funds, pursuant to P.L. 89-136, Section 304, shall be available for economic development grants or loans, or both, without regard to a federal matching share.

All money deposited in the California Economic Development Grant and Loan Fund shall remain available, as is continuously appropriated, until expended or obligated without regard to fiscal year for purposes of this chapter.

At the request of the director, the State Treasurer shall invest existing moneys in the fund pursuant to Sections 16470 through 16475 and to the extent and under the conditions specified by present law.

The department may advance to the recipient up to 50 percent of the state's share of any loan or grant awarded once final approvals have been made by the state and federal government.

SEC. 2.6. Section 15328 is added to the Government Code, to read:

15328. In order to defray costs to the department for administration of the Section 304 program, the department may impose reasonable charges on all applications, approved grants, and approved loans. The department may use these fees or other charges to defray any budgetary costs related to the administration of the Section 304 program. These fees or other charges shall be deposited in the Special Deposit Fund.

SEC. 3. Section 15331 of the Government Code is amended to read:

15331. The Office of Economic Planning, Policy and Research Development shall perform the following functions and activities:

(a) Gather, analyze, and interpret pertinent information on the economy developed by itself, other governmental and private agencies and publish and disseminate statistics and other information useful to industry, commerce, and agriculture. A fee may be charged for such publications to cover the cost of publication and dissemination.

(b) Provide assistance to other state agencies in the development of information or other pertinent data on the economy and the economic development of the state.

(c) Prepare or sponsor studies on the economic potential of various types of business, commercial, or industrial development in improving the economy of the state, the creation of job opportunities and the effect on resources and environment of the state.

(d) Study, recommend, and report to the director on the impact of governmental policies and regulations and the expected impact of proposed policies and regulations which do or may unduly restrict

beneficial economic development.

(e) Respond to inquiries by persons in industry, business, commerce, or other governmental units concerning the economy and economic conditions in the state.

SEC. 4. Section 15333 of the Government Code is amended to read:

15333. The Office of Business and Industrial Development shall perform the following functions and activities:

(a) Represent the Secretary of the Business and Transportation Agency in establishing clear lines of communication with California business.

(b) Advise the director on the problems and concerns of the business community, particularly those unique to California's small businesses.

(c) Review recommendations from the business community and advise the director on proposals affecting business conditions in California.

(d) Act as liaison between the business community and all departments of state government on issues affecting business development and insure that the findings and recommendations of each department are reported to the director.

(e) Cooperate with public and private agencies engaged in promoting and encouraging the location and development of new businesses in the state as well as the maintaining and expanding of existing businesses.

(f) Aid business concerns in their relationships with appropriate federal and state agencies such as procurement and lending agencies and the Small Business Administration.

SEC. 5. Section 15334 of the Government Code is amended to read:

15334. The Office of Tourism shall perform the following functions and activities:

(a) Develop data on numbers of visitors, expenditures by visitors, points of origin and destination, and other relevant information on tourism and visitors.

(b) Provide advice and technical assistance to regional, county and city tourism development organizations and to similar private organizations in planning programs to attract visitors and develop literature for distribution to visitors and potential visitors to this state.

(c) Prepare literature suitable for distribution by the department and by regional, county and city tourism development organizations to persons requesting such literature. It shall provide information which will enable visitors to contact tourism organizations in areas which they plan to visit. A fee may be charged for such publications to cover the cost of publication and dissemination.

(d) Prepare material for distribution to other countries through the United States Travel Service.

(e) Assist and submit recommendations to other state departments and agencies in providing facilities and services which

will promote and facilitate the travel of visitors throughout the state.

SEC. 6. Section 15335.1 of the Government Code is amended to read:

15335.1. In addition to the duties required of the Office of International Trade by Section 15335, the office shall:

(a) Have responsibility over all of the following:

(1) Forecasting domestic and foreign demand for agricultural products.

(2) Provide special assistance to California's agricultural producers and firms engaged in the marketing of agricultural products produced in California to develop overseas markets.

(3) Collection, evaluation, interpretation, and dissemination of market information for buyers and sellers.

(4) Communication with foreign, national, state, and local agencies, and public and private persons, associations, and corporations regarding marketing of agricultural products produced in California in international trade.

(b) Report annually to the director regarding the efforts and activities of the office.

(c) Utilize statistical information from the Marketing Services Division of the Department of Food and Agriculture in performing its duties under this section.

SEC. 6.1. Section 15350 of the Government Code is amended to read:

15350. An advisory council not to exceed 21 persons shall be created to advise the Director of Economic Development in carrying out the functions of the department. One member of the council shall be appointed by the chairman of the Commission for Economic Development. The other members of the advisory council shall be appointed by the Governor upon the nomination of the director. The terms of any members appointed prior to January 1, 1981, shall expire on that date, and thereafter, the terms of all future appointees shall expire two years after the expiration date of the previous appointment to that position. The chairman of the advisory council shall be designated by the Governor from the members appointed by him.

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## CHAPTER 521

An act to repeal Section 40488 of the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 40488 of the Health and Safety Code is repealed.

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 provide management sufficient flexibility with respect to negotiating salary and employee benefits at the earliest opportunity, it is necessary that this act take immediate effect.

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## CHAPTER 522

An act to add and repeal Article 1.8 (commencing with Section 1274) of Chapter 5 of Part 1 of Division 1 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 16, 1980 Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Article 1.8 (commencing with Section 1274) is added to Chapter 5 of Part 1 of Division 1 of the Unemployment Insurance Code, to read:

### Article 1.8. Demonstration Project Training or Retraining Benefits

1274. The Legislature finds that many individuals in California are lacking in skills which would make them competitive in the labor market. They are in need of training or retraining in skills required in demand occupations. It is the purpose of this article to test, by means of a demonstration project, the effectiveness of providing unemployment compensation benefits, extended duration benefits, or federal-state extended benefits to individuals during a period of training or retraining to fit them for new jobs in demand occupations and thus avoid long-term unemployment.

1274.1. Notwithstanding any other provision of this division, with respect to an unemployed individual otherwise eligible for benefits, such benefits shall not be denied to an individual for any week because he or she is in training or retraining with the approval of the director, or because of the application to any such week in training or retraining of any provisions of the law of this state relating to availability for work, active search for work, refusal to accept work, or for leaving his or her most recent work if continuing the most recent work would require the individual to terminate his or her

training or retraining course of instruction. The individual is considered to be in training or retraining during regularly scheduled vacation or recess periods, such as Christmas and Thanksgiving holidays, or semester breaks, but not during a summer vacation period. As used in this article, "individual" includes an exhaustee as defined in Section 3503, and any individual claiming federal-state extended benefits under Part 4 (commencing with Section 4001) of this division.

1274.2. An unemployed individual who files a claim for unemployment compensation benefits or extended duration benefits, or an application for federal-state extended benefits, may apply to the department for a determination of potential eligibility for benefits during a period of training or retraining.

1274.3. A determination of potential eligibility for benefits under this article shall be issued to an unemployed individual if the director finds that:

(a) The individual has been unemployed for four or more continuous weeks, or the individual is unemployed because work opportunities in the individual's job classification are impaired by advancement in technological improvements and the effects of automation and relocation in the economy.

(b) One of the substantial causes of the individual's continuous unemployment is a lack of sufficient demand in the individual's labor market area for the occupational skills for which the individual is fitted by training and experience and that the lack of employment opportunities is expected to continue for an extended period of time, or, if the individual's occupation is one for which there is a seasonable variation in demand in the labor market, that the lack of demand for the individual's skills is the result of a decline in demand, expected to continue for an extended period of time and is not the result of a seasonal fluctuation.

(c) The training or retraining course of instruction relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities in the labor market area in this state in which the individual intends to seek work and there is not a substantial surplus of workers with requisite skills in the occupation in that area.

(d) The training or retraining course of instruction is one approved by the director and can be completed within one year.

(e) The training or retraining course is prescribed for the primary purpose of training the applicant in skills that will allow him or her to obtain immediate employment in a demand occupation and is not primarily intended to meet the requirements of any degree from a college, community college, or university.

(f) The individual can be reasonably expected to complete the training or retraining successfully.

1274.4. As used in this article:

(a) "Demand occupation" means an occupation in a labor market area in which the director determines work opportunities are

available and there is not a surplus of qualified applicants.

(b) "Labor market area" means a county, or aggregation of counties designated by the department that meets criteria of population, population density, commute patterns, and social and economic integration specified by the department.

1274.5. The director may publish a list of high demand occupations in each labor market area of this state. If a demand occupation is limited to a particular industry, the director may identify the industry of the demand occupation.

1274.6. Notwithstanding the provisions of subdivision (c) of Section 1253, an unemployed individual who is able to work is eligible to receive benefits under this article with respect to any week during a period of training or retraining only if the director finds that:

(a) He or she has been determined potentially eligible under Section 1274.3.

(b) He or she submits with each claim a written certification executed by a responsible person connected with the training or retraining program certifying that he or she is enrolled in and satisfactorily pursuing the training or retraining course of instruction.

1274.7. If an individual fails to submit for any week during a period of training or retraining the certification required by Section 1274.6, he or she shall be ineligible to receive any benefits for that week. This section shall not render an individual ineligible for benefits for any week during the period of training or retraining if on or before Monday of that week he or she notifies the department that his or her training or retraining course of instruction has been or is being discontinued or terminated prior to that week.

1274.8. Notwithstanding any other provision of this article, no payment of benefits during a period of training or retraining as described in this article shall be made to any individual for any week or part of any week with respect to which he or she is entitled to receive training or retraining benefits, allowances or stipends pursuant to the provisions of any federal law, including, but not limited to, the Comprehensive Employment and Training Act of 1973, as amended, providing for the payment of such benefits.

1274.9. The department shall evaluate the effectiveness of the training or retraining benefits demonstration project and shall report the results of this evaluation to the Legislature no later than January 1, 1984. The department shall, by February 1, 1981, submit a research design to the Joint Legislative Budget Committee, for their review and comment, which describes the proposed procedure, scope, content, and methodology of the evaluation. In addition, the director shall submit to the Legislature an annual report on the department's progress in implementing the provisions of this article on January 31, 1982, and January 1, 1983.

1274.10. This article 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 such date, deletes or extends such date.

SEC. 2. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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## CHAPTER 523

An act to amend Section 23661 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 23661 of the Business and Professions Code is amended to read:

23661. Except as otherwise provided in this section, alcoholic beverages may be brought into this state from without this state for delivery or use within the state only by common carriers and only when the alcoholic beverages are consigned to a licensed importer, and only when consigned to the premises of the licensed importer or to a licensed importer or customs broker at the premises of a public warehouse licensed under this division.

The provisions of this chapter are not applicable in the case of alcoholic beverages which are sold and delivered by a licensee in this state to another licensee in this state, and which in the course of delivery are taken without this state through another state without any storage thereof in such other state.

The provisions of this section are not applicable in the case of a reasonable amount of alcoholic beverages brought into this state by an adult from without the United States for personal or household use; except that a California resident returning to the United States by a vehicle which is not a common carrier, or any adult entering the United States as a pedestrian, shall be restricted to the amount of alcoholic beverages which are exempt from the payment of duty in accordance with existing provisions of federal law. Such alcoholic beverages shall be exempt from state licensing restrictions.

The provisions of this section are not applicable in the case of alcoholic beverages shipped into this state from without the United States by an adult member of the armed forces of the United States, serving outside the confines of the United States, for his personal or household use within the state in such quantity of alcoholic beverages as is exempt from the payment of duty under existing provisions of the Federal Tariff Act or regulations. Such alcoholic beverages may be brought into this state only by common carrier and

consigned to the premises of a licensed importer or customs broker, or to a licensed importer or customs broker at the premises of a public warehouse licensed under this division. Notwithstanding any other provisions of this division, the holder of an importer's license, a customs broker's license, or a public warehouse license, may make delivery of such alcoholic beverages as may be brought into this state under the provisions of this paragraph directly to the owner thereof upon satisfactory proof of identity. Such delivery shall not be deemed to constitute a sale in this state.

A manufacturer of distilled spirits may transport such distilled spirits into this state in motor vehicles owned by or leased to the manufacturer, and operated by employees of the manufacturer, if:

(a) Such distilled spirits are transported into this state from a place of manufacture within the United States; and

(b) The manufacturer holds a California distilled spirits manufacturer's license; and

(c) Delivery is made to the licensed premises of such distilled spirits manufacturer.

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## CHAPTER 524

An act to amend Section 1157.5 of the Evidence Code, relating to health care review.

[Approved by Governor July 16, 1980 Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 1157.5 of the Evidence Code is amended to read:

1157.5. Except in actions involving a claim of a provider of health care services for payment for such services, the prohibition relating to discovery or testimony provided by Section 1157 shall be applicable to the proceedings or records of an organized committee of any nonprofit medical care foundation or professional standards review organization which is organized in a manner which makes available professional competence to review health care services with respect to medical necessity, quality of care, or economic justification of charges or level of care.

## CHAPTER 525

An act to amend Section 13009 of the Health and Safety Code, and to amend Sections 4104, 4462, 4464, 4475, 4476, 4491, 4493, and 4494 of, to add Sections 4475.5 and 4478 to, and to repeal Section 4478 of, the Public Resources Code, relating to prescribed burning.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 13009 of the Health and Safety Code is amended to read:

13009. (a) Any person who negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by him to escape onto any forest, range, or nonresidential grass-covered land is liable for the expense of fighting the fire, and such expense shall be a charge against that person. Such charge shall constitute a debt of such person, and is collectable by the person, or by the federal, state, county, public, or private agency, incurring such expenses in the same manner as in the case of an obligation under a contract, expressed or implied.

(b) Whenever the requirements of Article 1 (commencing with Section 4461) of Chapter 7 of Part 2 of Division 4 of the Public Resources Code have been fully complied with in the conduct of prescribed burning operations pursuant to a permit issued pursuant to Article 3 (commencing with Section 4491) of such chapter, and reasonable judgment is exercised and action is taken to maintain control of the fire should events occur that were not considered and addressed in the terms of the burning permit, and the fire nonetheless escapes, fire suppression costs incurred by any public agency shall not constitute a debt of the holder of the permit, his or her agents, employees, or volunteer assistants, and shall not be collectable as provided in subdivision (a).

SEC. 2. Section 4104 of the Public Resources Code is amended to read:

4104. The term "uncontrolled fire," as used in this division, means any fire which threatens to destroy life, property, or resources and either: (1) is unattended by any person; (2) is attended by persons unable to prevent its unrestricted spread; or (3) is burning with such velocity or intensity that it could not be readily controlled with those ordinary tools available to private persons at the fire scene.

SEC. 3. Section 4462 of the Public Resources Code is amended to read:

4462. The Legislature hereby finds and declares as follows:

(a) There has been an increase in the number of uncontrolled fires on the wildlands of this state, resulting in destruction of valuable

timber and other vegetation, loss of recreational opportunities and wildlife habitat, erosion and damage to streamflow and watersheds, extremely adverse effects on water quality through sedimentation, destruction of soil and loss of nutrients, degradation of air quality, invasions into burned areas of less desirable plant species, and an unacceptable level of hazards to public safety. Further, the increased cost of fire suppression implies the need for alternative methods of fire prevention.

(b) The prevention of high-intensity wildland fires may be achieved partly through the reduction of the volume and continuity of flammable vegetation in wildlands by a program of fuel management.

(c) Wildland resources management planning and the provision of prescribed burn crews pursuant to this article serves a public purpose and will benefit all the citizens of the state.

SEC. 4. Section 4464 of the Public Resources Code is amended to read:

4464. Unless the context clearly requires otherwise, the following definitions govern the construction of this chapter:

(a) "Wildland" means any land that is classified as a state responsibility area pursuant to Article 3 (commencing with Section 4125) of Chapter 1 of this part and includes any such land having a plant cover consisting principally of grasses, forbs, or shrubs that are valuable for forage.

(b) "Wildland fuel" means any timber, brush, grass, or other flammable vegetation, living or dead, standing or down.

(c) "Wildland fire" means any uncontrolled fire burning on wildland.

(d) "Prescribed burning" means the planned application and confinement of fire to wildland fuels on wildland selected in advance of such application to achieve any specific objective.

(e) "Prescribed burn crew" means personnel and firefighting equipment of the department that are prepared to contain fire set in a prescribed burning operation and to suppress any fire that escapes during a prescribed burning operation.

(f) "Person" means any natural person, firm, association, partnership, business trust, corporation, company, or combination thereof, or any public agency other than an agency of the federal government.

SEC. 5. Section 4475 of the Public Resources Code is amended to read:

4475. The director, with the approval of the Director of General Services, may enter into a contract for prescribed burning with the owner or any other person who has legal control of any property which is included within any wildland for any of the following purposes, or any combination thereof:

(a) Prevention of high-intensity wildland fires through reduction of the volume and continuity of wildland fuels or removal of unwanted, unused, or deteriorated structures that are fire hazards by

burning such fuels or structures.

(b) Watershed management.

(c) Range improvement.

(d) Vegetation management.

(e) Forest improvement.

(f) Wildlife habitat improvement.

No contract may be entered into pursuant to this section unless the director determines that the public benefits estimated to be derived from the prescribed burning pursuant to the contract in preventing high-intensity wildland fires or reducing the costs of suppression of any future wildland fire in the area subject to the contract will be equal to or greater than the foreseeable damage that could result from the prescribed burning.

SEC. 6. Section 4475.5 is added to the Public Resources Code, to read:

4475.5. (a) The state may assume a proportionate share of the costs of site preparation and prescribed burning conducted pursuant to this article. The state's share of such costs shall bear the same ratio to the total costs of the operation as the public benefits bear to all public and private benefits to be derived from the operation, as estimated and determined by the director. In no event may the state's share of such costs exceed 90 percent of the total costs of the operation.

(b) The board shall adopt regulations establishing standards to be used by the director in determining the state's share of such costs and in determining whether, pursuant to Section 4475, the public benefits of a prescribed burning operation will equal or exceed the foreseeable damage therefrom.

(c) The determination of public and private benefits pursuant to this section shall reflect any substantial benefit to be derived from accomplishing any of the purposes specified in Section 4475 and the prevention of degradation of air quality.

(d) All or part of such costs to be borne by the person contracting with the department may be met by the value of materials, services, or equipment furnished by such person that are determined by the department to be suitable for the preparation for, and the conduct of, the prescribed burning operation.

SEC. 7. Section 4476 of the Public Resources Code is amended to read:

4476. Any contract which is entered into pursuant to this article shall do all of the following:

(a) Vest in the director the final authority to determine the time during which wildland fuel and structural fire hazards may be burned to minimize the risk of escape of a fire set in a prescribed burning operation and to facilitate maintenance of air quality.

(b) Clearly state the obligation of each party to such contract to provide, maintain, and repair equipment and indicate the number of each type of equipment to be provided and the duration of its availability.

(c) Designate an officer of the department as the fire boss with final authority to approve and amend the plan and formula applicable to the prescribed burning operation, to determine that the site has been prepared and the crew and equipment are ready to commence the operation, and to supervise the work assignments of departmental employees and all persons furnished by the person contracting with the department until the prescribed burning is completed and all fire is declared to be out.

(d) Provide that any person furnished by the personnel contracting with the department to assist in any aspect of site preparation or prescribed burning shall be agents of the person contracting with the department for all purposes of worker compensation. However, any volunteer recruited or used by the department to suppress a wildland fire originating or spreading from a prescribed burning operation shall be an employee of the department for all purposes of worker compensation.

(e) Specify the value assigned to the materials, services, or equipment furnished by the person contracting with the department in lieu of payment of all or part of such person's share of the actual costs.

(f) Specify the director's estimate of total actual costs and the share of such costs of each party to the contract. The person contracting with the department shall, prior to the commencement of any work by the department, place on deposit in an interest-bearing escrow or trust account with a California-licensed financial institution an amount equal to the depositor's estimated share of the actual costs, less the value of materials, services, or equipment specified pursuant to subdivision (e). Such deposit shall be subject to an escrow or trust instruction that final disbursement of the principal amount on deposit may only be made upon the signatures of both the depositor and the director or by court order; however, interest earned on such account shall accrue to the depositor and may be separately disbursed from the principal amount upon request of the depositor. Upon completion of the contract, the director shall determine the actual costs incurred by the state in the performance of the contract, excluding any costs to the department for suppressing any wildland fire originating or spreading from the prescribed burning operation. Such costs shall be certified by the director and approved by the depositor, then submitted to the trustee for disbursement. Funds on deposit in excess of the depositor's share of actual costs shall be returned by the trustee to the depositor. If the amount of the depositor's share of actual costs is more than the amount on deposit, the director shall submit an itemized statement showing the balance due, and the person contracting with the department shall, within 90 days of the submittal of the statement, make payment to the director of the balance due.

(g) Provide that the department shall purchase a third party liability policy of insurance which provides coverage against loss

resulting from a wildland fire sustained by any person or public agency, including the federal government. The amount of the policy shall be determined by the director. The policy shall name the person contracting with the department and the department as joint policy holders. The policy premium shall be included as an actual cost incurred by the state in the performance of the contract. A certificate of insurance covering each policy shall be attached to and become a part of the contract.

SEC. 8. Section 4478 of the Public Resources Code is repealed.

SEC. 9. Section 4478 is added to the Public Resources Code, to read:

4478. All moneys received by the department pursuant to this article shall be credited to the department's current support appropriation as a reimbursement.

SEC. 10. Section 4491 of the Public Resources Code is amended to read:

4491. The cooperation by the state, as provided in this article, with the persons desiring to use prescribed burning as a means of converting brush-covered lands into forage lands, which has as its objective fire prevention and protection, watershed protection and conservation, or range and forage improvement, is declared to be for a public purpose.

This article shall be administered by the director or, if responsibility therefor is delegated by the director, by the chief of a county fire department in a county contracting with the department pursuant to the provisions of Section 4142.

In furtherance of the provisions of this article, the department shall provide advisory service to applicants for permits as to precautions to be taken by the applicant to prevent damage to the property of others by reason of such burning, and shall provide standby fire protection, to such extent as personnel, fire crews, and firefighting equipment are available.

SEC. 11. Section 4493 of the Public Resources Code is amended to read:

4493. Upon receipt of an application, the department shall inspect such land in company with the applicant to determine whether a permit shall be granted, shall prescribe the manner in which the site for the prescribed burning shall be prepared, and shall require such precautions to be taken by the applicant as may be considered reasonable to prevent damage to the property of others by reason of such burning. The precautions shall, if deemed necessary, include the advance preparation of firebreaks and the firefighting equipment and personnel desirable to conduct the prescribed burning.

SEC. 12. Section 4494 of the Public Resources Code is amended to read:

4494. Upon the conclusion of the examination provided for in Section 4493, the department may issue to the applicant a burning permit which shall specify the site preparation requirements and

required precautions to be exercised prior to and during the burning. The issuance of a permit by the department does not relieve the holder of the permit from the duty of exercising due diligence to avoid damage to property of others in conducting the burning of vegetation as authorized by the permit.

SEC. 13. This act shall become operative on July 1, 1981.

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## CHAPTER 526

An act to amend Section 21080 of the Public Resources Code, relating to transportation.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 21080 of the Public Resources Code is amended to read:

21080. (a) Except as otherwise provided in this division, this division shall apply to discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits and the approval of tentative subdivision maps (except where such a project is exempt from the preparation of an environmental impact report pursuant to Section 21166).

(b) This division shall not apply to the following:

(1) Ministerial projects proposed to be carried out or approved by public agencies.

(2) Emergency repairs to public service facilities necessary to maintain service.

(3) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(4) Specific actions, necessary to prevent or mitigate an emergency.

(5) Projects which a public agency rejects or disapproves.

(6) Actions undertaken by a public agency relating to any thermal powerplant site or facility, including the expenditure, obligation, or encumbrance of funds by a public agency for planning, engineering, or design purposes, or for the conditional sale or purchase of equipment, fuel, water (except ground water), steam, or power for such a thermal powerplant, if the powerplant site and related facility will be the subject of an environmental impact report or negative

declaration or other document, or documents, prepared pursuant to a regulatory program certified pursuant to Section 21080.5, which will be prepared by the State Energy Resources Conservation and Development Commission, by the Public Utilities Commission, or by the city or county in which the powerplant and related facility would be located; provided that such environmental impact report, negative declaration or other document, or documents, shall include the environmental impact, if any, of the action described in this paragraph.

(7) Activities or approvals necessary to the bidding for, hosting or staging of, and funding or carrying out of, an Olympic games under the authority of the International Olympic Committee, except for the construction of facilities necessary for such Olympic games.

(8) The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by public agencies which the public agency finds are for the purpose of (1) meeting operating expenses, including employee wage rates and fringe benefits, (2) purchasing or leasing supplies, equipment or materials, (3) meeting financial reserve needs and requirements, (4) obtaining funds for capital projects, necessary to maintain service within existing service areas, or (5) obtaining funds necessary to maintain such intra-city transfers as are authorized by city charter. The public agency shall incorporate written findings in the record of any proceeding in which an exemption under this paragraph is claimed setting forth with specificity the basis for the claim of exemption.

(9) Actions taken prior to January 1, 1982, by a public agency to implement the transition from the property taxation system in effect prior to June 1, 1978, to the system provided for by Article XIII A of the California Constitution. Such actions shall be limited to projects defined in subdivision (a) or (b) of Section 21065 which initiate or increase fees, rates, or charges charged for any existing public service, program, or activity; reduce or eliminate the availability of an existing public service, program, or activity; close publicly owned or operated facilities; or reduce or eliminate the availability of an existing publicly owned transit service, program, or activity.

(10) All classes of projects designated pursuant to Section 21084.

(11) A project for the institution or increase of passenger or commuter service on rail lines already in use, including the modernization of existing stations and parking facilities.

(12) A project for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.

(13) Facility extensions not to exceed four miles in length which are required for transfer of passengers from or to exclusive public mass transit guideway or busway public transit services.

(14) A project for the development of a regional transportation improvement program or the state transportation improvement

program.

(15) Any project or portion thereof located in another state which will be subject to environmental impact review pursuant to the National Environmental Policy Act of 1969 or similar state laws of that state. Any emissions or discharges that would have a significant effect on the environment in the State of California are subject to this division.

(c) In the event that a lead agency determines that a proposed project, not otherwise exempt from the provisions of this division, does not have a significant effect on the environment, such lead agency shall adopt a negative declaration to that effect.

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## CHAPTER 527

An act to amend Section 15 of Chapter 1160 of the Statutes of 1979, relating to mobilehomes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Section 15 of Chapter 1160 of the Statutes of 1979 is amended to read:

Sec. 15. No appropriation is made and no reimbursement is required by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the Legislature finds and declares that there are savings as well as costs in this act which, in the aggregate, do not result in additional net costs.

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:

Chapter 1160 of the Statutes of 1979 inadvertently contains an appropriation instead of the appropriate disclaimer included in Section 1 of this act. In order to clarify the confusion surrounding this appropriation and properly reflect the Legislature's intent regarding Chapter 1160 of the Statutes of 1979, it is necessary for this act to take effect immediately.

## CHAPTER 528

An act to amend the heading of Part 2 (commencing with Section 18000) of Division 13 of, to amend and renumber Section 18000 of, and to add Section 18000 to, the Health and Safety Code, relating to housing.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. The heading of Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code is amended to read:

PART 2. MOBILEHOMES-MANUFACTURED HOUSING

SEC. 2. Section 18000 of the Health and Safety Code is amended and renumbered to read:

18000.5. The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments

SEC. 3. Section 18000 is added to the Health and Safety Code, to read:

18000. This part shall be known and may be cited as the Mobilehomes-Manufactured Housing Act of 1980.

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## CHAPTER 529

An act to add Section 2941.7 to the Civil Code, relating to mortgages and deeds of trust.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 2941.7 is added to the Civil Code, to read:

2941.7. Whenever the obligation secured by a mortgage or deed of trust has been fully satisfied and the present mortgagee or beneficiary of record cannot be located after diligent search, or refuses to execute and deliver a proper certificate of discharge or request for reconveyance, or whenever a specified balance, including principal and interest, remains due and the mortgagor or trustor or the mortgagor's or trustor's successor in interest cannot, after diligent search, locate the then mortgagee or beneficiary of

record, the lien of any mortgage or deed of trust shall be released when the mortgagor or trustor or the mortgagor's or trustor's successor in interest records or causes to be recorded, in the office of the county recorder of the county in which the encumbered property is located, a corporate bond accompanied by a declaration, as specified in subdivision (b), and with respect to a deed of trust, a reconveyance as hereinafter provided.

(a) The bond shall be acceptable to the trustee and shall be issued by a corporation lawfully authorized to issue surety bonds in the State of California in a sum equal to the greater of either (1) two times the amount of the original obligation secured by the mortgage or deed of trust and any additional principal amounts, including advances, shown in any recorded amendment thereto, or (2) one-half of the total amount computed pursuant to (1) and any accrued interest on such amount, and shall be conditioned for payment of any sum which the mortgagee or beneficiary may recover in an action on the obligation secured by the mortgage or deed of trust, with costs of suit and reasonable attorneys' fees. The obligees under the bond shall be the mortgagee or mortgagee's successor in interest or the trustee who executes a reconveyance under this section and the beneficiary or beneficiary's successor in interest.

The bond recorded by the mortgagor or trustor or mortgagor's or trustor's successor in interest shall contain the following information describing the mortgage or deed of trust:

(1) Recording date and instrument number or book and page number of the recorded instrument.

(2) Names of original mortgagor and mortgagee or trustor and beneficiary.

(3) Amount shown as original principal sum secured thereby.

(4) The recording information and new principal amount shown in any recorded amendment thereto.

(b) The declaration accompanying the corporate bond recorded by the mortgagor or trustor or the mortgagor's or trustor's successor in interest shall state:

(1) That it is recorded pursuant to Section 2941.7.

(2) The name of the original mortgagor or trustor and mortgagee or beneficiary.

(3) The name and address of the person making the declaration.

(4) That either the obligation secured by the mortgage or deed of trust has been fully satisfied and the present mortgagee or beneficiary of record cannot be located after diligent search, or refuses to execute and deliver a proper certificate of discharge or request for reconveyance as required under Section 2941; or that a specified balance, including principal and interest, remains due and the mortgagor or trustor or mortgagor's or trustor's successor in interest cannot, after diligent search, locate the then mortgagee or beneficiary.

(5) That the declarant has mailed by certified mail, return receipt requested, to the last address of the person to whom payments under

the mortgage or deed of trust were made and to the last mortgagee or beneficiary of record at the address for such mortgagee or beneficiary shown on the instrument creating, assigning, or conveying the interest, a notice of recording a declaration and bond under this section and informing the recipient of the name and address of the mortgagor or trustee, if any, and of the right to record a written objection with respect to the release of the lien of the mortgage or, with respect to a deed of trust, notify the trustee in writing of any objection to the reconveyance of the deed of trust. The declaration shall state the date any notices were mailed pursuant to this section and the names and addresses of all persons to whom mailed.

The declaration provided for in this section shall be signed by the mortgagor or trustor under penalty of perjury.

(c) With respect to a deed of trust, after the expiration of 30 days following the recording of the corporate bond and accompanying declaration provided in subdivisions (a) and (b), and delivery to the trustee of the usual reconveyance fees plus costs and a demand for reconveyance under this section, the trustee shall execute and record, or otherwise deliver as provided in Section 2941, a reconveyance in the same form as if the beneficiary had delivered to the trustee a proper request for reconveyance, provided that the trustee has not received a written objection to the reconveyance from the beneficiary of record. No trustee shall have any liability to any person by reason of its execution of a reconveyance in reliance upon a trustor's or trustor's successor's in interest substantial compliance with this section. The sole remedy of any person damaged by reason of the reconveyance shall be against the trustor, the affiant, or the bond. With respect to a mortgage, a mortgage shall be satisfied of record when 30 days have expired following recordation of the corporate bond and accompanying declaration, provided no objection to satisfaction has been recorded by the mortgagee within that period. A bona fide purchaser or encumbrancer for value shall take the interest conveyed free of such mortgage, provided there has been compliance with subdivisions (a) and (b) and the deed to the purchaser recites that no objections by the mortgagee have been recorded.

Upon recording of a reconveyance under this section, or, in the case of a mortgage the expiration of 30 days following recordation of the corporate bond and accompanying declaration without objection thereto having been recorded, interest shall no longer accrue as to any balance remaining due to the extent the balance due has been alleged in the declaration recorded under subdivision (b).

The sum of any specified balance, including principal and interest, which remains due and which is remitted to any issuer of a corporate bond in conjunction with the issuance of a bond pursuant to this section shall, if unclaimed, escheat to the state after seven years pursuant to the Unclaimed Property Law. From the date of escheat the issuer of the bond shall be relieved of any liability to pay to the

beneficiary or his heirs or other successors in interest the escheated funds and the sole remedy shall be a claim for property paid or delivered to the Controller pursuant to the Unclaimed Property Law.

(d) The term "diligent search," as used in this section, shall mean all of the following:

(1) The mailing of notices as provided in paragraph (5) of subdivision (b), and to any other address that the declarant has used to correspond with or contact the mortgagee or beneficiary.

(2) A check of the telephone directory in the city where the mortgagee or beneficiary maintained the mortgagee's or beneficiary's last known address or place of business.

(3) In the event the mortgagee or beneficiary or the mortgagee's or beneficiary's successor in interest is a corporation, a check of the records of the California Secretary of State and the secretary of state in the state of incorporation, if known.

(4) In the event the mortgagee or beneficiary is a state or national bank or a state or federal savings and loan association, an inquiry of the regulatory authority of such bank or savings and loan association.

(e) This section shall not be deemed to create an exclusive procedure for the issuance of reconveyances and the issuance of bonds and declarations to release the lien of a mortgage and shall not affect any other procedures, whether or not such procedures are set forth in statute, for the issuance of reconveyances and the issuance of bonds and declarations to release the lien of a mortgage.

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## CHAPTER 530

An act to repeal and add Sections 12018 and 12019 of the Fish and Game Code, to amend and repeal Section 13967 of the Government Code, as amended by Section 1 and added by Section 2 of Chapter 713 of the Statutes of 1979, to add Section 13967 to the Government Code, and to add and repeal Section 1464 to, and to repeal and add Section 13521 of, the Penal Code, to repeal and add Sections 42050, 42051, 42052, and 42053 of the Vehicle Code, and to amend, repeal, and add Section 258 of the Welfare and Institutions Code, relating to courts, and making an appropriation therefor.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Section 12018 of the Fish and Game Code is repealed.

SEC. 1.5. Section 12018 is added to the Fish and Game Code, to read:

12018. On and after the effective date of this section, there shall

be levied a penalty assessment in an amount of five dollars ($5) for every twenty dollars ($20), or fraction thereof, imposed and collected by the courts as fine or forfeiture of bail for any violation of any provision of this code or of any rule, regulation, or order made or adopted under this code. Where multiple violations are involved, the penalty assessment shall be based upon the total fine or bail forfeited for all the offenses. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

If bail is forfeited, the court shall collect the appropriate amount of the penalty assessment from the person forfeiting such bail and the total amount of such assessment shall be transmitted to the state in the same manner as the state's share of moneys collected as fines by a county for violations of this code.

After a determination by the court of the amount of the fine and assessment, the court shall collect and transmit the total amount of such assessment to the state in the same manner as the state's share of moneys collected as fines by a county for violations of this code.

SEC. 2. Section 12019 of the Fish and Game Code is repealed.

SEC. 2.5. Section 12019 is added to the Fish and Game Code, to read:

12019. All the moneys collected pursuant to Section 12018 shall be deposited in the Fish and Game Preservation Fund. Such moneys shall be deposited in a special account to be used for the education or training of department employees which fulfills a need consistent with the objectives of the department.

SEC. 3. Section 13967 of the Government Code as amended by Section 1 of Chapter 713 of the Statutes of 1979 is amended to read:

13967. (a) Upon a person being convicted of a crime of violence committed in the State of California resulting in the injury or death of another person, if the court finds that the defendant has the present ability to pay a fine and finds that the economic impact of the fine upon the defendant's dependents will not cause such dependents to be dependent on public welfare the court shall, in addition to any other penalty, order the defendant to pay a fine commensurate with the offense committed, and with the probable economic impact upon the victim, of at least ten dollars ($10), but not to exceed ten thousand dollars ($10,000).

(b) The fine imposed pursuant to this section shall be deposited in the Indemnity Fund in the State Treasury, the proceeds of which shall be available for appropriation by the Legislature to be divided equally to indemnify persons filing claims pursuant to this article and to provide assistance to established local comprehensive programs for victims and witnesses, including but not limited to, pilot local assistance centers for victims and witnesses established pursuant to the provisions of Article 2 (commencing with Section 13835) of Chapter 4 of Title 6 of Part 4 of the Penal Code.

(c) It is the intent of the Legislature that funds appropriated pursuant to this section for local assistance centers for victims and

witnesses shall be in addition to any funds appropriated as provided in Section 13835.8 of the Penal Code.

(d) Funds appropriated pursuant to this section shall be made available through the Office of Criminal Justice Planning to those public or private nonprofit programs for the assistance of victims and witnesses which:

(1) Provide comprehensive services to victims and witnesses of all types of crime. It is the intent of the Legislature to make funds available only to programs which do not restrict services to victims and witnesses of a particular type or types of crimes.

(2) Are recognized by the county board of supervisors as the major provider of comprehensive services to such victims and witnesses.

(3) Are selected by the county board of supervisors as the eligible program to receive such funds.

(4) Assist victims of violent crimes in the preparation and presentation of their claims to the State Board of Control for indemnification pursuant to this article.

(5) Cooperate with the State Board of Control in obtaining and verifying data required by this article.

This section shall remain in effect only until January 1, 1982, and as of that date is repealed.

SEC. 3.1. Section 13967, as added to the Government Code by Section 2 of Chapter 713 of the Statutes of 1979, is amended to read:

13967. Upon a person being convicted of a crime of violence committed in the State of California resulting in the injury or death of another person, if the court finds that the defendant has the present ability to pay a fine and finds that the economic impact of the fine upon the defendant's dependents will not cause such dependents to be dependent on public welfare the court shall, in addition to any other penalty, order the defendant to pay a fine commensurate with the offense committed, and with the probable economic impact upon the victim, of at least ten dollars ($10), but not to exceed ten thousand dollars ($10,000). The fine imposed pursuant to this section shall be deposited in the Indemnity Fund in the State Treasury, hereby continued in existence, and the proceeds of which shall be available for appropriation by the Legislature to indemnify persons filing claims pursuant to this article.

This section shall become operative on January 1, 1982, and shall remain in effect only until January 1, 1983, and as of that date is repealed.

SEC. 3.5. Section 13967 is added to the Government Code, to read:

13967. Upon a person being convicted of a crime of violence committed in the State of California resulting in the injury or death of another person, if the court finds that the defendant has the present ability to pay a fine and finds that the economic impact of the fine upon the defendant's dependents will not cause such dependents to be dependent on public welfare the court shall, in

addition to any other penalty, order the defendant to pay a fine commensurate with the offense committed, and with the probable economic impact upon the victim, of at least ten dollars ($10), but not to exceed ten thousand dollars ($10,000). In addition to any other penalty, upon a person being convicted of any other felony or misdemeanor there shall be levied a penalty assessment of ten dollars ($10) for each felony conviction and five dollars ($5) for each misdemeanor conviction upon every fine, penalty, and forfeiture imposed and collected by the courts. Any fine or penalty assessment imposed pursuant to this section shall not be subject to any penalty assessment imposed pursuant to Section 13521 of the Penal Code. The fine or penalty assessment imposed pursuant to this section shall be deposited in the Indemnity Fund in the State Treasury, hereby continued in existence, and the proceeds of which shall be available for appropriation by the Legislature to indemnify persons filing claims pursuant to this article.

SEC. 4. Section 1464 is added to the Penal Code, to read:

1464. There shall be levied an assessment in an amount equal to three dollars ($3) for every ten dollars ($10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle 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 the county pursuant to paragraph (iii) of subdivision (3) of Section 258 of the Welfare and Institutions Code.

Where multiple offenses are involved, the assessment shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the assessment shall be reduced in proportion to the suspension.

When any deposit of bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed by this section for forfeited bail. If bail is returned, the assessment made thereon pursuant to this section, shall also be returned.

In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the assessment, the payment of which would work a hardship on the person convicted or his immediate family.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Assessment Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the Fish and

Game Preservation Fund an amount equal to 0.55 percent of the funds deposited in the Assessment Fund during the preceding month, but in no event shall the amount be less than the assessment levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. Such moneys are to be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(b) Once a month there shall be transferred into the Indemnity Fund an amount equal to 9.38 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be available for appropriation by the Legislature to be divided equally until January 1, 1982, to indemnify persons filing claims pursuant to Chapter 5 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code, and to provide assistance to established local comprehensive programs for victims and witnesses in accordance with the provisions of Section 13967 of the Government Code.

(c) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 28.96 percent of the funds deposited in the Assessment Fund during the preceding month.

(d) Once a month there shall be transferred into the Driver Training Fund an amount equal to 48.88 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be transferred to the General Fund in reimbursement for amounts appropriated therefrom for the laboratory phases of driver education pursuant to Section 17305 of the Education Code.

(e) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 12.23 percent of the funds deposited in the Assessment Fund during the preceding month.

This section shall remain in effect only until July 1, 1982, and as of that date is repealed.

SEC. 4.1. Section 1464 is added to the Penal Code, to read:

1464. There shall be levied an assessment in an amount equal to three dollars ($3) for every ten dollars ($10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle 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 the county pursuant to paragraph (iii) of subdivision (3) of Section 258 of the Welfare and Institutions Code.

Where multiple offenses are involved, the assessment shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the assessment shall be reduced in proportion to the suspension.

When any deposited bail is made for an offense to which this

section applies, and for which a court appearance is not mandatory, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed by this section for forfeited bail. If bail is returned, the assessment made thereon pursuant to this section, shall also be returned.

In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the assessment, the payment of which would work a hardship on the person convicted or his immediate family.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Assessment Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.55 percent of the funds deposited in the Assessment Fund during the preceding month, but in no event shall the amount be less than the assessment levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. Such moneys are to be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(b) Once a month there shall be transferred into the Indemnity Fund an amount equal to 9.38 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be available for appropriation by the Legislature to indemnify persons filing claims pursuant to Chapter 5 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code.

(c) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 28.96 percent of the funds deposited in the Assessment Fund during the preceding month.

(d) Once a month there shall be transferred into the Driver Training Fund an amount equal to 61.11 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be transferred to the General Fund in reimbursement for amounts appropriated therefrom for the laboratory phases of driver education pursuant to Section 17305 of the Education Code.

This section shall become operative on July 1, 1982, shall remain in effect only until January 1, 1983, and as of that date is repealed.

SEC. 5. Section 13521 of the Penal Code is repealed.

SEC. 5.5. Section 13521 is added to the Penal Code, to read:

13521. On and after September 18, 1959, there shall be levied a penalty assessment in an amount equal to five dollars ($5) for every twenty dollars ($20), or fraction thereof, of every fine, penalty, and forfeiture imposed and collected by the courts for criminal offenses,

other than a fine, penalty, or forfeiture for an offense included within the penalty assessment provisions of Section 42050 of the Vehicle Code, an offense expressly exempted from the penalty assessment provisions of Section 42050 of the Vehicle Code, or a violation of the Fish and Game Code. Where multiple offenses are involved, the penalty assessment shall be based upon the total fine or bail for all offenses. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

When any deposit of bail is made for an offense to which this section applies, 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 and thence to the State Treasury pursuant to this section. If bail is returned, the assessment made thereon pursuant to this section shall also be returned.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Peace Officers' Training Fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or his immediate family.

SEC. 6. Section 42050 of the Vehicle Code, as amended by Section 5 of Chapter 1148 of the Statutes of 1979, is repealed.

SEC. 7. Section 42050 of the Vehicle Code, as amended by Section 8 of Chapter 1148 the Statutes of 1979, is repealed.

SEC. 7.5. Section 42050 is added to the Vehicle Code, 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. 8. Section 42051 of the Vehicle Code is repealed.

SEC. 8.5. Section 42051 is added to the Vehicle Code, to read:

42051. When any deposit of bail is made for an offense to which Section 42050 applies, the person making the deposit shall also deposit a sufficient amount to include the penalty assessment for forfeited bail. If bail is forfeited, the amount of the penalty assessment shall be transmitted by the clerk of the court to the county treasury and thence to the State Treasury.

SEC. 9. Section 42052 of the Vehicle Code is repealed.

SEC. 10. Section 42052 of the Vehicle Code, as amended by Section 9 of Chapter 1148 of the Statutes of 1979, is repealed.

SEC. 10.5. Section 42052 is added to the Vehicle Code, to read:

42052. After a determination by the court of the amount due under Section 42050, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury in the same manner as fines collected for the state by a county. Upon order of the State Controller, the money shall be deposited in the State Treasury as follows:

(a) Seventy-five percent of each such penalty assessment shall be deposited in the Driver Training Penalty Assessment Fund, which fund is continued in existence, to be used exclusively to reimburse the General Fund as provided in Section 42050.

(b) Twenty-five percent of each such penalty assessment shall be deposited in the Peace Officers' Training Fund.

SEC. 11. Section 42053 of the Vehicle Code is repealed.

SEC. 11.5. Section 42053 is added to the Vehicle Code, to read:

42053. In any case where a person convicted of any violation of this code punishable by fine and the levy of the driver training penalty assessment is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or his immediate family.

SEC. 12. Section 258 of the Welfare and Institutions Code is amended to read:

258. (a) Upon a hearing conducted in accordance with Section 257, 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 8 (commencing with Section 325); or

(3) Make any or all of the following orders:

(i) 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.

(ii) That the minor attend traffic school over a period not to exceed 60 days.

(iii) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars ($50), and to the Assessment Fund an assessment in the amount provided in Section 1464 of the Penal Code. Any judge, referee, or traffic hearing officer may waive an assessment if the amount the minor is ordered to pay to the general fund of the county is less than ten dollars ($10).

(iv) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(v) 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.

(vi) 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.

This section shall remain in effect only until January 1, 1983, and on that date is repealed.

SEC. 12.5. Section 258 is added to the Welfare and Institutions Code, to read:

258. (a) Upon a hearing conducted in accordance with Section 257, upon the admission by a 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 8 (commencing with Section 325); or

(3) Make any or all of the following orders:

(i) 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.

(ii) That the minor attend traffic school over a period not to exceed 60 days.

(iii) 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. Any judge, referee, or traffic hearing officer may waive a penalty assessment if the amount the minor is ordered to pay to the general fund of the county is less than ten dollars ($10).

(iv) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(v) 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.

(vi) 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. 13. Sections 1.5, 2.5, 3.5, 5.5, 7.5, 8.5, 10.5, 11.5, and 12.5 shall become operative on January 1, 1983.

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## CHAPTER 531

An act to amend Sections 7314 and 7721 of, and to repeal Sections 7722 and 7724 of, the Labor Code, relating to occupational safety and health.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 7314 of the Labor Code is amended to read:

7314. The division may fix and collect such fees for the inspection of elevators as it deems necessary. The charge for the first inspection of each new elevator installation, major alteration of an existing installation, or onsite consultation shall not exceed fifty dollars ($50)

per hour. Fees for reinspections of existing elevators shall not exceed seventy-five dollars ($75). An additional fee not to exceed fifty dollars ($50) per hour may be charged for necessary subsequent inspections to determine if applicable safety orders have been complied with.

The division may charge a fee of not more than fifteen dollars ($15) to cover the cost of processing a permit.

SEC. 2. Section 7721 of the Labor Code is amended to read:

7721. The division may fix and collect fees for the shop, field, and resale inspection of tanks and boilers. Fees shall not exceed thirty-five dollars ($35) per hour for shop inspections and thirty dollars ($30) per hour for field and resale inspections.

The division also may fix and collect fees of not more than forty dollars ($40) per hour for consultations, surveys, audits, and other activities required or related to national standards concerning the design or construction of boilers or pressure vessels or for evaluating fabricator's plant facilities when such services are requested of the division by entities desiring such services.

SEC. 3. Section 7722 of the Labor Code is repealed.

SEC. 4. Section 7724 of the Labor Code is repealed.

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## CHAPTER 532

An act to amend Sections 248 and 250 of, the Welfare and Institutions Code, relating to juvenile court law.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Section 248 of the Welfare and Institutions Code is amended to read:

248. A referee shall hear such cases as are assigned to him or her by the presiding judge of the juvenile court, with the same powers as a judge of the juvenile court, except that a referee shall not conduct any hearing to which the state or federal constitutional prohibitions against double jeopardy apply unless all of the parties thereto stipulate in writing that the referee may act in the capacity of a temporary judge. A referee shall promptly furnish to the presiding judge of the juvenile court and the minor, if the minor is 14 or more years of age or if younger has so requested, and shall serve upon the minor's attorney of record and the minor's parent or guardian or adult relative and the attorney of record for the minor's parent or guardian or adult relative a written copy of his or her findings and order and shall also furnish to the minor, if the minor is 14 or more years of age or if younger has so requested, and to the parent or guardian or adult relative, with the findings and order, a

written explanation of the right of such persons to seek review of the order by the juvenile court. Service, as provided in this section, shall be by mail to the last known address of such persons or to the address designated by such persons appearing at the hearing before the referee.

SEC. 2. Section 250 of the Welfare and Institutions Code is amended to read:

250. Except as provided in Section 251, all orders of a referee other than those specified in Section 249 shall become immediately effective, subject also to the right of review as hereinafter provided, and shall continue in full force and effect until vacated or modified upon rehearing by order of the judge of the juvenile court. In a case in which an order of a referee becomes effective without approval of a judge of the juvenile court, it becomes final on the expiration of the time allowed by Section 252 for application for rehearing, if application therefor is not made within such time and if the judge of the juvenile court has not within such time ordered a rehearing pursuant to Section 253.

Where a referee sits as a temporary judge, his or her orders become final in the same manner as orders made by a judge.

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## CHAPTER 533

An act to amend Section 6 of Chapter 1037 of the Statutes of 1977, relating to health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1980 Filed with Secretary of State July 17, 1980]

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

SECTION 1. Section 6 of Chapter 1037 of the Statutes of 1977, is amended to read:

Sec. 6. Upon the request of the Director of Health, the Director of Finance may until June 30, 1982, provide a loan from the General Fund to the Genetic Disease Testing Fund. The amount of any such loan shall be approved by the Director of Finance. Any loans made pursuant to this section prior to or after the effective date of the amendment to this section enacted by the Statutes of 1980, shall be repaid under such terms and conditions as prescribed by the Director of Finance, but shall, in any event, be entirely repaid no later than June 30, 1986.

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 ensure that genetic disease testing programs will

continue to operate effectively to protect the public health and safety, it is essential that this act go into effect immediately.

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## CHAPTER 534

An act to amend Sections 31008, 31115, and 31300 of the Corporations Code, relating to franchises.

[Approved by Governor July 16, 1980 Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Section 31008 of the Corporations Code is amended to read:

31008. "Area franchise" means any contract or agreement between a franchisor and a subfranchisor whereby the subfranchisor is granted the right, for consideration given in whole or in part for such right, to sell or negotiate the sale of franchises in the name or on behalf of the franchisor. A contract or agreement which is a franchise does not become an area franchise merely because under its terms a person is granted the right to receive compensation for referrals to a franchisor or subfranchisor or to receive compensation for acting as a salesperson on their behalf.

SEC. 2. Section 31115 of the Corporations Code is amended to read:

31115. The commissioner may summarily issue a stop order denying the effectiveness of or suspending or revoking effectiveness of any registration if he finds:

(a) That there has been a failure to comply with any of the provisions of this law or the rules of the commissioner pertaining thereto.

(b) That the offer or sale of the franchise would constitute misrepresentation to, or deceit or fraud of the purchasers, or that, in the case of a franchise other than an area franchise, a major inducement to prospective franchisees is fees or other compensation from participation in the sale of additional franchises.

(c) That the applicant has failed to comply with any rule or order of the commissioner issued pursuant to Section 31113.

(d) That any person identified in the application has been convicted of an offense under subdivision (e) of Section 31111, or is subject to an order, or has had a civil judgment entered against him as described in subdivision (e) of Section 31111, and the involvement of such person in the sale or management of the franchise creates an unreasonable risk to prospective franchisees.

SEC. 3. Section 31300 of the Corporations Code is amended to read:

31300. Any person who offers or sells, a franchise in violation of

Section 31101, 31110, 31119, 31200, or 31202, shall be liable to the franchisee or subfranchisor, who may sue for damages caused thereby, and if such violation is willful, the franchisee may also sue for rescission, unless, in the case of a violation of Section 31200 or 31202, the defendant proves that the plaintiff knew the facts concerning the untruth or omission, or that the defendant exercised reasonable care and did not know, or, if he had exercised reasonable care, would not have known, of the untruth or omission.

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## CHAPTER 535

An act to amend Section 6253.5 of the Government Code, relating to public records.

[Approved by Governor July 16, 1980 Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Section 6253.5 of the Government Code is amended 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 and, if the petition is found to be insufficient, by the proponents of the petition and such representatives of the proponents as may be designated by the proponents in writing in order to determine which signatures were disqualified and the reasons therefor; provided, however, that the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, and a city attorney shall be permitted to examine such material upon approval of the appropriate superior court.

If the proponents of a petition are permitted to examine the petition and memoranda, such examination shall commence not later than 21 days after certification of insufficiency.

As used in this section "proponents of the petition" means the following:

(a) For statewide initiative and referendum measures, the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he prepare a title and summary of the chief purpose and points of the proposed measure.

(b) For other initiative and referenda on measures, the person or

persons who publish a notice of intention to circulate petitions, or, where publication is not required, who file petitions with the clerk.

(c) For recall measures, the person or persons defined in Section 29711 of the Elections Code.

SEC. 2. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act pursuant to these sections 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. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

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## CHAPTER 536

An act to amend Section 116.8 of the Code of Civil Procedure, relating to small claims court.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Section 116.8 of the Code of Civil Procedure is amended to read:

116.8. (a) No formal pleading other than the claim and order are necessary. The defendant may file a claim in the same proceeding in an amount not to exceed the jurisdictional limit of the court. In the event the defendant files such a claim in the court, he shall serve a copy of his claim on the plaintiff at least five days before the hearing date, unless the plaintiff has served him 10 days or less before the hearing date in which case he shall serve a copy of his claim at least one day before the hearing date. Defendant shall file and serve his claim in the manner provided for filing and serving a claim under Section 116.4.

(b) If defendant has a claim against plaintiff in an amount over the jurisdiction of the small claims court as set forth in Section 116.2, but of a nature which would be the subject of a cross-complaint under the rules of pleading and practice governing the superior court, then defendant may commence an action against plaintiff in a court of competent jurisdiction and file with the small claims court wherein plaintiff has commenced his action, at or before the time set for the trial of the small claims action, an affidavit setting forth the facts of the commencement of such action by such defendant. He shall attach to such affidavit a true copy of the complaint so filed by defendant against plaintiff, and pay to the clerk of the small claims court the sum of one dollar ($1) for a transmittal fee, and shall deliver to plaintiff in person a copy of the affidavit and complaint at or before

the time above stated. The small claims court shall not transfer the small claims court action to the court set forth in the affidavit until a judgment is rendered in the small claims court action unless the ends of justice would be served by such a prejudgment transfer of the proceedings. When the small claims court orders the small claims court action transferred to the court set forth in the affidavit, it shall transmit all files and papers in the small claims actions to such other court.

The plaintiff in the small claims action shall not be required to pay to the clerk of the court to which the action is so transferred any transmittal, appearance, or filing fee in the action, but shall be required to pay the filing and any other fee required of a defendant if he appears in the action filed against him. However, if the court sets forth in the affidavit rules against the plaintiff in the action filed in that court, the court may award to the defendant in that action the costs incurred as a consequence of the transfer, including attorney's fees and filing fees.

If the small claims matter is transferred prior to judgment, both actions shall be tried together in the transferee court.

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## CHAPTER 537

An act to amend Section 2205 of the Commercial Code, relating to sales.

[Approved by Governor July 16, 1980 Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Section 2205 of the Commercial Code is amended to read:

2205. (a) An offer by a merchant to buy or sell goods in a signed writing which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed three months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

(b) Notwithstanding subdivision (a), when a merchant renders an offer, oral or written, to supply goods to a contractor licensed pursuant to the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code or a similar contractor's licensing law of another state, and the merchant has actual or imputed knowledge that the contractor is so licensed, and that the offer will be relied upon by the contractor in the submission of its bid for a construction contract with a third party, the offer relied upon shall be irrevocable, notwithstanding lack of

consideration, for 10 days after the awarding of the contract to the prime contractor, but in no event for more than 90 days after the date the bid or offer was rendered by the merchant; except that an oral bid or offer, when for a price of two thousand five hundred dollars ($2,500) or more, shall be confirmed in writing by the contractor or his or her agent within 48 hours after it is rendered. Failure by the contractor to confirm such offer in writing shall release the merchant from his or her offer. Nothing in this subdivision shall prevent a merchant from providing that the bid or offer will be held open for less than the time provided for herein.

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## CHAPTER 538

An act to amend Section 18293 of, and to add Sections 18306 and 18307 to the Welfare and Institutions Code, relating to domestic violence, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Section 18293 of the Welfare and Institutions Code is amended to read:

18293. In order to be eligible for funding pursuant to this chapter, the programs shall demonstrate their ability to receive and make use of any funds available from governmental, voluntary, philanthropic, or other sources which may be used to augment any state or county funds appropriated for the purposes of this chapter. Each program shall make every attempt to qualify the program for any available federal funding.

No provision of this section is intended to prohibit programs receiving funds pursuant to this chapter, from receiving additional funds from any other public or private source. Funds provided pursuant to this chapter shall not be used to reduce the financial support from other public or private sources.

Proposed or existing programs which meet the requirements set forth in Section 18294, shall receive funding pursuant to this chapter upon the approval of the local board of supervisors. Priority for funding shall be given to agencies and organizations whose primary function is to administer domestic violence programs. Prior to approving a program or programs for such funding, the board shall consult with individuals and groups which have expertise in the problems of domestic violence and in the operation of domestic violence programs including operations of existing domestic violence programs. Upon approving one or more programs for funding, the board shall direct the county treasurer to disburse

moneys from the county's domestic violence program special fund and for funding, the board shall designate a local agency to monitor the program or programs. Such monitoring shall include information regarding the number of persons requesting services; the number of persons receiving services according to the type of services provided; and the need, if any, for additional services or staffing.

Programs which receive funding from the provisions of this chapter shall, to the extent feasible, provide services to physically handicapped victims of domestic violence. If the program cannot provide the services, then the program's staff, to the extent feasible, shall assist in referring the handicapped person to other programs and services in the community where assistance may be obtained.

SEC. 2. Section 18306 is added to the Welfare and Institutions Code, to read:

18306. In the event that a county does not have sufficient funds in the county domestic violence program special fund to finance all the basic services specified in Section 18294 and community resources are not available to finance such basic services, the county may finance one or more of such basic services.

SEC. 3. Section 18307 is added to the Welfare and Institutions Code, to read:

18307. Notwithstanding Section 18305, a county may carry over funds deposited in a county domestic violence program special fund for a period of no more than three years if the county board of supervisors has adopted a plan to implement a domestic violence program which requires the accumulation of such funds.

SEC. 4. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because self-financing authority is provided in this act to cover costs that may be incurred in carrying on any program or performing any service required to be carried on or performed by this act.

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:

This act supplements the provisions of Chapter 146 of the Statutes of 1980, an urgency statute. In order that the clarifying and supplementary provisions of this act can be operative as soon as possible, it is necessary that this act take effect immediately.

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## CHAPTER 539

An act to amend Sections 326, 333, and 440 of, and to add Section 334 to, the Probate Code, relating to decedents' estates.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Section 326 of the Probate Code is amended to read:

326. A petition for the probate of the will must state:

(1) The jurisdictional facts;

(2) Whether the person named as executor consents to act or renounces his or her right to letters testamentary;

(3) The street number, street, city, and county of the decedent's residence at the time of his or her death;

(4) The names, ages, residences, and relation to decedent of the heirs, devisees and legatees of the decedent, so far as known to the petitioner;

(5) The character and estimated value of the property of the estate;

(6) The name of the person for whom letters testamentary are prayed.

Where the necessary jurisdictional facts actually exist but through defect of form or error, they or any of them are incorrectly stated in any petition or pleading, the court has and retains jurisdiction to correct the defect or error at any time. No such defect or error shall make the order admitting the will to probate or any subsequent proceeding void.

SEC. 2. Section 333 of the Probate Code is amended to read:

333. (a) Publication of notice pursuant to this section shall be for at least 10 days. Three publications in a newspaper published once a week or more often, with at least five days intervening between the first and last publication dates, not counting such publication dates, are sufficient. Notice shall be published in a newspaper of general circulation in the city where the decedent resided at time of death, or where the decedent's property is located if the court has jurisdiction over the estate pursuant to subdivision (3) of Section 301. If there is no such newspaper, the decedent did not reside in a city, or the property is not located in a city, then notice shall be published in a newspaper of general circulation in the county which is circulated within the community in which the decedent resided or the property is located. If there is no such newspaper, notice shall be given in written or printed form, posted at three of the most public places within such community. For purposes of this section, "city" means a charter city as defined in Section 34101 of the Government Code or a general law city as defined in Section 34102 of the Government Code.

(b) Whether published or posted, the caption of such notice and decedent's name shall be in at least 8-point type, the text of the notice shall be in at least 7-point type, and the notice shall state:

"NOTICE OF DEATH OF

_____

AND OF PETITION TO ADMINISTER ESTATE NO._____

To all heirs, beneficiaries, creditors and contingent creditors of _____ and persons who may be otherwise interested in the will and/or estate:

A petition has been filed by _____ in the Superior Court of _____ County requesting that _____ be appointed as personal representative to administer the estate of _____ [under the Independent Administration of Estates Act]. The petition is set for hearing in Dept. No. _____ at _____ _____ on

(Address)

_____ at _____ .

(Date of hearing) (Time of hearing)

IF YOU OBJECT to the granting of the petition, you should either appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court or present it to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Section 700 of the Probate Code of California. The time for filing claims will not expire prior to four months from the date of the hearing noticed above.

YOU MAY EXAMINE the file kept by the court. If you are interested in the estate you may file a request with the court to receive special notice of the inventory of estate assets and of the petitions, accounts and reports described in Section 1200 of the California Probate Code.

_____

(Name and address of petitioner, or his or her attorney)"

(c) No petition filed pursuant to Section 326 or 440 may be heard by the court unless an affidavit showing due publication of notice has been filed with the clerk upon completion of the publication. Such affidavit shall contain a copy of the notice, and state the date of its first publication.

SEC. 3. Section 333 of the Probate Code is amended to read:

333. (a) Publication of notice pursuant to this section shall be for at least 10 days. Three publications in a newspaper published once a week or more often, with at least five days intervening between the first and last publication dates, not counting such publication dates, are sufficient. Notice shall be published in a newspaper of general circulation in the city where the decedent resided at time of death, or where the decedent's property is located. If there is no such

newspaper, the decedent did not reside in a city, or the property is not located in a city, then notice shall be published in a newspaper of general circulation in the county which is circulated within the community in which the decedent resided or the property is located. If there is no such newspaper, notice shall be given in written or printed form, posted at three of the most public places within such community. For purposes of this section, "city" means a charter city as defined in Section 34101 of the Government Code or a general law city as defined in Section 34102 of the Government Code.

(b) Whether published or posted, the caption of such notice and decedent's name shall be in at least 8-point type, the text of the notice shall be in at least 7-point type, and the notice shall state:

"NOTICE OF DEATH OF

_____

AND OF PETITION TO ADMINISTER ESTATE NO._____

To all heirs, beneficiaries, creditors and contingent creditors of _____ and persons who may be otherwise interested in the will and/or estate:

A petition has been filed by _____ in the Superior Court of _____ County requesting that _____ be appointed as personal representative to administer the estate of _____ [under the Independent Administration of Estates Act]. The petition is set for hearing in Dept. No. _____ at _____ on _____ at _____ .

(Address) (Date of hearing) (Time of hearing)

IF YOU OBJECT to the granting of the petition, you should either appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court or present it to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Section 700 of the Probate Code of California. The time for filing claims will not expire prior to four months from the date of the hearing noticed above.

YOU MAY EXAMINE the file kept by the court. If you are interested in the estate, you may file a request with the court to receive special notice of the inventory of estate assets and of the petitions, accounts and reports described in Section 1200.1 of the California Probate Code.

_____

(Name and address of petitioner, or his or her attorney)"

(c) No petition filed pursuant to Section 326 or 440 may be heard by the court unless an affidavit showing due publication of notice has been filed with the clerk upon completion of the publication. Such affidavit shall contain a copy of the notice, and state the date of its first publication.

SEC. 4. Section 334 is added to the Probate Code, to read:

334. The Legislature finds and declares that to be most effective notice to heirs, beneficiaries, creditors, and other interested parties should be published in compliance with the procedures specified in Section 333. However, the Legislature recognizes the possibility that in unusual cases due to confusion over jurisdictional boundaries or oversight such notice may inadvertently be published in a newspaper which does not meet these requirements.

Therefore, to prevent a minor error in publication from totally invalidating what would otherwise be a proper proceeding, the Legislature further finds and declares that notice published in a good faith attempt to comply with Section 333 shall be sufficient to provide notice to heirs, beneficiaries, creditors, and other interested parties and establish jurisdiction if the court expressly finds that such notice was published in a newspaper of general circulation published within the county and widely circulated within a true cross section of the community in which the decedent resided or the property was located in substantial compliance with Section 333.

SEC. 5. Section 440 of the Probate Code is amended to read:

440. A petition for letters of administration must be in writing, signed by the applicant or his counsel, and filed with the clerk of the court, and must state:

(1) The jurisdictional facts;

(2) The street number, street, city, and county of the decedent's residence at the time of his or her death;

(3) The names, ages, residences, and relation to the decedent of the heirs of the decedent, so far as known to the applicant;

(4) The character and estimated value of the property of the estate.

Where the necessary jurisdictional facts actually exist but, through defect of form or error, they or any of them are incorrectly stated in any petition or pleading, the court has and retains jurisdiction to correct the defect or error at any time. No such defect or error shall make an order appointing an administrator or any subsequent proceeding void.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill 2985 are both chaptered and become effective January 1, 1981, both bills amend Section 333 of the Probate Code, and this bill is chaptered after Assembly Bill 2985, that the amendments to Section 333 proposed by both bills be given effect and incorporated in Section 333 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 2985 are both chaptered and become effective January 1, 1981, both amend Section 333, and this bill is chaptered after

Assembly Bill 2985, in which case Section 2 of this act shall not become operative.

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## CHAPTER 540

An act to amend Section 859a of the Penal Code, relating to criminal procedure.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980 ]

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

SECTION 1. Section 859a of the Penal Code is amended to read:

859a. (a) If the public offense charged is a felony not punishable with death, the magistrate shall immediately upon the appearance of counsel for the defendant read the complaint to the defendant and ask him whether he pleads guilty or not guilty to the offense charged therein and to a previous conviction or convictions of crime if charged; thereupon, or at any time thereafter, while the charge remains pending before the magistrate and when his counsel is present, the defendant may plead guilty to the offense charged, or, with the consent of the magistrate and the district attorney or other counsel for the people, plead nolo contendere to the offense charged or plead guilty or nolo contendere to any other offense the commission of which is necessarily included in that with which he is charged, or to an attempt to commit the offense charged and to the previous conviction or convictions of crime if charged; and upon such plea of guilty or nolo contendere, the magistrate may then fix a reasonable bail as provided by this code, and upon failure to deposit such bail or surety, shall immediately commit the defendant to the sheriff and certify the case, including a copy of all proceedings therein and such testimony as in his discretion he may require to be taken, to the superior court, and thereupon such proceedings shall be had as if such defendant had pleaded guilty in such court. The foregoing provisions of this section shall not be construed to authorize the receiving of a plea of guilty or nolo contendere from any defendant not represented by counsel. If the defendant subsequently files a written motion to withdraw the plea under Section 1018, the motion shall be heard and determined by the court before which the plea was entered.

(b) Notwithstanding Section 1191 or 1203, if authorized by local rule of the superior court, the magistrate shall, upon the receipt of a plea of guilty or nolo contendere and upon the performance of the other duties of the magistrate under this section, immediately appoint a time for pronouncing judgment in the superior court, and refer the case to the probation officer if eligible for probation, as prescribed in Section 1191. The case shall in all other respects

proceed in the superior court, as if the initial appointment of a time for pronouncing sentence and referral to the probation officer had occurred in such court.

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## CHAPTER 541

An act to amend Section 52301 of the Education Code, relating to vocational education.

[Approved by Governor July 16, 1980 Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 52301 of the Education Code is amended to read:

52301. The county superintendent of schools of each county, with the consent of the State Board of Education, may establish and maintain, or with one or more counties may establish and maintain, at least one regional occupational center, or regional occupational program, in the county to provide education and training in vocational courses. The governing boards of any school districts maintaining high schools in the county may, with the consent of the State Board of Education and of the county superintendent of schools, cooperate in the establishment and maintenance of a regional occupational center, or regional occupational program, except that if such a school district also maintains 500 or more schools its governing board may establish and maintain one or more regional occupational centers, or regional occupational programs, without such restrictions. A regional occupation center or regional occupation program may be established by two or more school districts maintaining high schools through the use of the staff and facilities of a community college or community colleges serving the same geographic area as the school districts maintaining the high schools, with the consent of the State Board of Education and the county superintendent of schools. The establishment and maintenance of a regional occupational center, or regional occupational program, by two or more school districts may be undertaken pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code. In such a regional occupational center or program, the functions of the county auditor undertaken pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code shall be performed by the county superintendent of schools in a county in which the board of supervisors has transferred educational functions from the county auditor to the county superintendent of schools pursuant to Sections 42649, as added by Chapter 533 of the Statutes of 1977, and 85265.5. If a school district

or school districts establish and maintain such a regional occupational center, or regional occupational program, pursuant to this chapter, the county superintendent of schools may, with the consent of the State Board of Education, establish and maintain a separate regional occupational center or centers, or regional occupational program or programs.

Notwithstanding other provisions of this section, a single school district located in a class 1 county, as defined in Section 1206, and having an average daily attendance of 50,000 or more, or a single school district located in a class 2 county, as defined in Section 1206, and having an average daily attendance of 100,000 or more, may apply to the State Board of Education through the county superintendent of schools for permission to establish a regional occupational center or program. The State Board of Education shall, within 90 days of receipt of an application, prescribe a procedure whereby the district may establish a center or program in accordance with its application and in compliance with the provisions of the State Plan for Vocational Education. The county superintendent of schools may supervise establishment of the center or program.

SEC. 2. The Legislature finds and declares that all counties, except Orange County, have determined that the county superintendent of schools shall perform the functions of the county auditor respecting regional occupational centers and programs pursuant to Section 42649 of the Education Code, as added by Chapter 533 of the Statutes of 1977.

The Legislature further finds and declares that existing law is somewhat ambiguous as to whether the county superintendent shall perform these functions of the county auditor. The purpose of this act is to resolve this ambiguity and so clarify that the county superintendent of schools shall perform such functions under the provisions of that section.

SEC. 3. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Furthermore, this act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of this act.

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## CHAPTER 542

An act to amend Section 308 of the Penal Code, relating to smoking.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 308 of the Penal Code is amended to read:

308. (a) Every person, firm or corporation which knowingly sells or gives or in any way furnishes to another person who is under the age of 18 years any tobacco, cigarette, or cigarette papers, or any other preparation of tobacco, or any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco, products prepared from tobacco, or any controlled substance, is guilty of a misdemeanor.

(b) Every person, firm or corporation which sells, or deals in tobacco or any preparation thereof, shall post conspicuously and keep so posted in his or their place of business a copy of this act, and any such person failing to do so shall upon conviction be punished by a fine of five dollars ($5) for the first offense and twenty-five dollars ($25) for each succeeding violation of this provision, or by imprisonment for not more than 30 days.

The Secretary of State is hereby authorized to have printed sufficient copies of this act to enable him to furnish dealers in tobacco with copies thereof upon their request for the same.

(c) Nothing in this section or any other provision of law shall invalidate an ordinance of, or be construed to prohibit the adoption of an ordinance by, a city or county or a city and county regulating the sale or display to persons under the age of 18 years of items described in this section.

SEC. 2. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be because this act creates a new crime or infraction, changes the definition of a crime or infraction, or eliminates a crime or infraction. Furthermore, this act does not create any present or future obligation to reimburse any local agency or school district for any costs incurred because of this act.

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## CHAPTER 543

An act to amend Section 933 of the Penal Code, relating to grand juries.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. 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, 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 fiscal matters of county government during the fiscal year of the county.

(c) No later than 90 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 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 544

An act to amend Section 1808 of, to amend the heading of Article 2 (commencing with Section 40150) of Chapter 1 of Division 17 of, to add Section 40152 to, and to add and repeal Section 1808.6 of, the Vehicle Code, relating to vehicles.

[Approved by Governor July 16, 1980. Filed with Secretary of State July 17, 1980.]

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

SECTION 1. Section 1808 of the Vehicle Code is amended to read:

1808. Notwithstanding Section 16005 and 20012, and except as provided in Sections 1808.4, 1808.5, and 1808.6, 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. 2. Section 1808.6 is added to the Vehicle Code, to read:

1808.6. (a) The department may establish a demonstration program to evaluate the effect on traffic safety of withholding from

public inspection one conviction on the driving records of selected persons meeting both of the following requirements:

(1) Participated in any of the department's traffic safety programs, reexaminations, or hearings.

(2) Driven for a period of six months thereafter without becoming involved in a traffic accident or receiving a citation which results in a conviction or a violation of Section 40508.

(b) From persons meeting the requirements of paragraphs (1) and (2) of subdivision (a) and whose most recent conviction has a value of one point pursuant to Section 12810, the department shall randomly select not more than 17,000 persons whose driving records shall be subject to subdivision (c).

(c) The department shall not disclose to the public the record of the most recent conviction of persons selected pursuant to subdivision (b); however, the record of such conviction shall be disclosed to any court, law enforcement agency, traffic adjudication board, or peace officer.

(d) As used in this section, "conviction" has the same meaning as in Section 13103.

(e) On or before January 2, 1984, the department shall evaluate the effect of the program authorized under this section, including the safety implications of the program and shall submit its findings to the Legislature.

(f) This section shall remain in effect only until July 1, 1984, and as of such date is repealed, unless a later enacted statute which is chaptered before July 1, 1984, deletes or extends such date.

SEC. 3. The heading of Article 2 (commencing with Section 40150) of Chapter 1 of Division 17 of the Vehicle Code is amended to read:

Article 2. Procedure on Equipment and Registration Violations

SEC. 4. Section 40152 is added to the Vehicle Code, to read:

40152. Whenever any vehicle or combination of vehicles is found to be not registered as required by this code, and a notice to appear is issued or a complaint filed for such violation, the person to whom the notice to appear is issued or against whom the complaint is filed shall produce in court satisfactory evidence that the vehicle or combination of vehicles is registered, had appropriate fees paid, or is reduced to junk, to conform with the requirements of this code.

SEC. 5. No appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be because this act creates a new crime or infraction, changes the definition of a crime or infraction, or eliminates a crime or infraction. Furthermore, this act does not create any present or future obligation to reimburse any local agency or school district for any costs incurred because of this act.